OREGON DEPARTMENT OF Human Services

Oregon Vocational Rehabilitation Policy Manual

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Introduction

Intended use:

The Oregon Vocational Rehabilitation (VR) Policy Manual has been developed to comply with Federal and State laws, regulations, rules, statutes, and guidance while allowing for the use of professional judgment and sensitivity in administering the VR program to meet the individual needs of VR participants.

This manual is intended to help ensure VR participants receive quality service to assist them in achieving successful competitive integrated employment outcomes because of their participation in vocational rehabilitation services.

VR staff must be familiar with the policies, procedures, rules, and regulations outlined in this manual and apply them in all decision making. Please note that this manual includes links to various sources of information that are intended to provide additional decision-making support to VR staff.

Youth Considerations:

Throughout this policy manual, the reader will notice “Youth Considerations.” These call attention to how service provision may differ in Oregon for individuals aged 14 to 25. Youth services include Pre-ETS, Transition Services, and Employment Services.

All students with disabilities are youth. But not all youth with disabilities are students.

- Pre-Employment Transition Services (Pre-ETS) are only for students with disabilities, aged 14 to 21. Five required services make up Pre-ETS. These services do not directly result in employment. Instead, they raise students’ awareness and preparation to enter the workforce.
    - Transition Services for youth or students who have gone through the VR eligibility process and Pre-ETS to access the full array of vocational rehabilitation services.

- Youth and students access employment services once they are ready to enter the workforce and are aligned with VR employment services. VR services are defined in the “Vocational Rehabilitation services” section of this manual.

Youth services are VR services, and all VR staff share the responsibility to help students and youth with disabilities access these services.

For more information on Youth Services, refer to the Youth Services section of this manual.

Policy adoption process:

Policy may be created or changed for a variety of reasons and with varying priorities.

Generally, policy amendments in Vocational Rehabilitation take place for one of these reasons:

- Federal, state, or local rules or law change or via executive order.
- Suggestion by staff or via a Continuous Improvement Sheet submission.
- An impending change in the business process.
- Reinterpretation or clarification of existing guidance.
- Need for change identified through the quality assurance (QA) process.

When policy change is required, if the change is considered routine or due to something other than a federal or state directive, the change and evaluation goes through a policy change workflow.

VR policy may also occasionally require an immediate change due to a federal or state directive, legal guidance, or a change of interpretation occurring within published sub-regulatory guidance.

- When a requirement exists for an immediate change, the policy workflow process may be abbreviated or amended as necessary.

Policy Change workflow steps:

The policy change workflow occurs in the following order.

Step 1: Any routine change to policy is evaluated internally by the policy team to determine the impact and feasibility of the change.

- The policy team develops a summary of the change and expected impact for executive leadership.

Step 2: The policy concept is discussed by the VR executive staff.

- The need for policy change is accepted, denied, or returned to the policy team for further study.

Step 3: Policy first draft is completed by the policy team and submitted to executive leadership.

- The first policy draft is presented to executive leadership with a recommendation to consider adoption or rejection.

Step 4: If selected to move forward by executive leadership, policy draft is shared simultaneously with:

- Branch managers
- Subject matter experts
- Policy advisory committee

Step 5: Following the review period, the policy team reviews feedback and incorporates changes as appropriate.

Step 6: A second draft of the policy is then created by the policy team for leadership consideration.

- As appropriate, the second draft of policy is shared with:
- VR Executive Team
- Branch Managers
- Subject Matter Experts
- Policy Advisory Committee

- State Rehabilitation Council Members

Step 7: Once the second review period is completed, the policy is finalized by the policy team.

- Training for policy is developed in conjunction with the VR training unit.

Step 8: The announcement is prepared for publication in conjunction with VR Communications Officer.

Step 9: Transmittal is prepared for public facing website.

- Internal Policy Manual is updated and prepared for publication.
- External Policy Manual is updated and prepared for publication.
- Announcement and training are provided to all staff as appropriate.

Step 10: Policy is published.

Note: the terms, “participant,” “client” and “individual,” are used interchangeably throughout this manual.

If you have any questions about VR Policy Manual content, please contact the VR Policy Team at vr.policy@odhsoha.oregon.gov.

Foundations of the Vocational Rehabilitation Program:

Guiding principles of Vocational Rehabilitation:

Vocational Rehabilitation is "designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency." (34 CFR § 361.1(b))

VR provides basic counseling and guidance to each participant throughout the rehabilitation process. The act of counseling and guidance includes providing information and support services to assist individuals in exercising informed choice. The counselor facilitates this process through their knowledge of rehabilitation and the VR process, an understanding of informed choice, information regarding rehabilitation resources and current labor market trends.

Ethics:

A code of ethics helps define accepted or acceptable behaviors, promotes high standards of practice, provides a benchmark for self-evaluation, and establishes a framework for professional behavior and responsibilities.

VR relies on the Commission on Rehabilitation Counselor Certification (CRCC) Code of Ethics to provide guidance for rehabilitation counselors' ethical practice in day-to-day operations.

Rehabilitation counselor values and principles:

The CRCC Code of Professional Ethics states the following:

> CRCs/CCRCs are committed to facilitating the personal, economic, and social independence of individuals with disabilities. CRCs/CCRCs recognize diversity and embrace a culturally relevant and responsive approach to support of the worth, dignity, potential, and uniqueness of individuals with

disabilities within their social and cultural context and bracket their personal values and beliefs when working with clients.

The values that serve as a foundation for this Code include a commitment to:

- Ensuring the integrity of all professional relationships.
- Acting to alleviate personal distress and suffering.
- Enhancing the quality of professional knowledge and its application to increase professional and personal effectiveness.
- Promoting empowerment through self-advocacy and self-determination.
- Respecting and understanding the diversity of human experience and appreciating culture.
- Emphasizing client strengths versus deficits.
- Serving individuals holistically.
- Advocating for equitable and appropriate provision of services.

These values represent an important way of expressing an ethical commitment that becomes more precisely defined and action-oriented when expressed as a principle. The fundamental spirit of caring and respect with which the Code is written is based upon six principles of ethical behavior:

Autonomy: To respect the rights of clients to be self-governing within their social and cultural framework.

Beneficence: To do good to others; to promote the well-being of clients.

Fidelity: To be faithful; to keep promises and honor the trust placed in rehabilitation counselors. This includes public trust and the correct use of funds.

Justice: To be fair in the treatment of all clients; to provide appropriate services to all.

Nonmaleficence: To do no harm to others.

Veracity: To be honest.

Non-Delegable Responsibilities

VR must demonstrate control over certain functions and cannot delegate any of these responsibilities. These non-delegable functions relate to decisions affecting:

- Eligibility: decisions affecting eligibility for vocational rehabilitation services, the nature, scope, and provision of services (34 CFR 361.13(c)(1)(i))
- Determination: close an individual's record of services who has achieved an employment outcome (34 CFR 361.13(c)(1)(ii))
- Policies: formulate and implement (34 CFR 361.13(c)(1)(iii))
- Allocate and expend VR funds (34 CFR 361.13(c)(1)(iv))
- Participate as a partner in the one-stop service delivery system established under title I of the Workforce Innovation and Opportunity Act, in accordance with 20 CFR part 678 (34 CFR 361.13(c)(1)(v))

References:

Federal Regulations 62- 2/11/1997

Federal Regulations Department of Education, 34 C.F.R. § 361 (2016).

34 CFR 361.13 State agency for administration.

Technical Assistance Circular RSA-TAC-12-03. Organizational Structure and Non-Delegable Responsibilities of the Designated State Unit for the Vocational Rehabilitation Program. 4/16/2012

Technical Assistance Circular RSA-TAC-13-02. Reorganization of the Designated State Agency and the Designated State Unit for the Vocational Rehabilitation Program. 7/9/2013

Mandatory reporting:

All Department of Human Services (ODHS) employees are considered mandatory reporters. All employees are required to report abuse of children, adults with mental illness or developmental disabilities, adults with physical disabilities, the elderly, and individuals in nursing facilities.

ODHS staff having reasonable cause to believe that an individual has suffered abuse or that any person has abused an individual may disclose protected information to the proper authority.

VR staff shall request assistance from the branch manager if they have any questions regarding proper reporting protocol.

Privacy and security:

Document Classification (or sensitivity):

Information assets (documents, reports, and dashboards, in either digital and analog forms) must be identified and assigned a classification level based on the contents.

These documents must be classified Level 1 - 4, based on the information they contain. Program staff are required to identify, classify, and protect state data and information in accordance with the following guidance.

Level 1 - Published:

Low-sensitive information that is not protected from disclosure and will not jeopardize the privacy or security of program employees, clients, and partners. This includes information regularly made available to the public via electronic, verbal, or hard copy media.

Examples include press releases, brochures, pamphlets, public access webpages, and other materials created for public consumption.

Level 2 - Limited:

Potentially sensitive information that may not be protected from public disclosure, but if made easily and readily available, may jeopardize the privacy and security of agency employees, clients, or partners. The program will follow disclosure policies before providing this information to external partners.

For user account credentials (e.g. usernames and/or passwords) for state-owned or controlled information systems, agencies shall classify “personal information” such as a user name or other means of identifying a consumer for the purposes of permitting access to the consumer’s account, together with any other method necessary to authenticate the user name or means of identification, at a minimum as Level 2 information, unless criteria for a Level 3 or Level 4 for the related account or system also applies. If the related account or system contains Level 3 or Level 4 information, the user account information should be similarly classified.

Examples include statewide risk management planning documents, published internal audit reports, email (may be Level 3 based on content), names and addresses that are not protected from disclosure.

Level 3 - Restricted:

Sensitive information or regulated data intended for limited business use that may be exempt from public disclosure as such disclosure jeopardizes the privacy or security of agency employees, clients, partners, or individuals who otherwise qualify for an exemption.

Information in this category may be accessed and used by internal parties only when specifically authorized to do so in the performance of their duties. External partners requesting this information for authorized agency business must be under contractual obligation of confidentiality with the program prior to receiving it.

A Notice of Proposed Action (NOPA) shall be labeled Level 3.

The program considers “personal information” described below as minimum Level 3 information, though it may be considered Level 4 if it meets the conditions described below.

Security threats at this level include unauthorized disclosure, alteration of destruction of data as well as any violation of privacy practices, statutes, or regulations. Information accessed by unauthorized individuals could result in financial loss or identity theft. Security efforts at this level are rigorously focused on confidentiality, integrity, and availability.

A consumer's first name or first initial and last name in combination with any one or more of the following data elements, if encryption, redaction, or other methods have not rendered the data elements unusable or if the data elements are encrypted and the encryption key has been acquired:

- Client's social security number
- Client's driver license number or state ID issued by the Department of Transportation
- Client's passport number or other identification number issued by the United States
- A client's health insurance policy number or health insurance subscriber ID number in combination with any other unique identifier that health insurer uses to identify the client.
- Any information about a client's medical history or mental or physical condition or about a health care professional's medical diagnosis or treatment of the client

Examples include network diagrams, personally identifiable information (credit card information, Social Security numbers, regulated data), other information exempt from public records disclosure, and Notice of Proposed Actions (NOPAs).

Level 4 – Critical:

Level 4 information is deemed extremely sensitive and intended for use by named individual(s) only. This information is typically exempt from public disclosure because, among other reasons, such disclosure would potentially cause major damage or injury up to and including death to named individual(s), agency employees, clients, partners, or cause major harm to the program, or regulated information with significant penalties for unauthorized disclosure.

Information life cycle changes:

Note: Information may have different classifications during its life cycle or need to be reclassified based on business impact, changing business priorities and/or new laws, regulations, and security standards. Information received from another agency must be maintained according to the classification assigned by the custodian agency.

References:

Oregon Department of Administrative Services. Statewide policy. Information Asset Classification Policy. Number 107-004-050. (Effective 7/12/2023)

ODHS/OHA 090-003 Access Control Policy. (02/01/2024).

What are Sensitivity Labels (ODHS, OWL)

Political activities

VR staff are public employees and must limit political activities while working.

Public employees who are on the job during working hours or acting in their official capacity may not promote or oppose election petitions, appointments, nomination or election of candidates, political committees, or ballot measures (ORS 260.432).

Prohibited Activities During Working Hours

During working hours, employees may not:

- Prepare or distribute written material, post website information, transmit emails, or make a presentation that advocates a campaign-related position.
- Produce or distribute a news release or letter announcing an elected official's candidacy.
- Make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee.
- Direct other public employees to participate in political activities, when in the role of a supervisor.

- Prepare or give recommendations to a governing body urging which way to vote on a resolution that advocates a political position.

Allowable Activities During Working Hours

During working hours, employees may:

- Prepare and distribute impartial written material or make an impartial presentation that discusses election subjects.
- Impartially advise employees about possible impacts of a measure.
- Address election-related issues, in a factual and impartial manner, if such activity is legitimately within the scope of the employee's normal duties.
- Prepare neutral, factual, information for a governing body to use in determining what position to take on an issue.

As a public employee, on your own off-duty time, you may participate in any lawful political activity. However, you cannot use state-owned equipment during participation.

During business hours and while representing Oregon state government, we are accountable to the citizens of Oregon. We must remain impartial on all ballot measures and other campaign-related issues. If you have any questions, contact your manager or the policy team.

For a full list of prohibited and allowable activities during work hours, review the Secretary of State's ORS 260.432 Quick Reference and its manual on Restrictions on Political Campaigning by Public Employees.

References:

ORS 260.432 Solicitation of public employees

ORS 260.432 Quick Reference:
https://sos.oregon.gov/elections/Documents/flyer-restrictions-on-political-activities.pdf

Restrictions on Political Campaigning by Public Employees:
https://sos.oregon.gov/elections/Documents/restrictions.pdf

Restrictions on Political Advocacy by Public Employees (5/2024): https://sos.oregon.gov/elections/Documents/restrictions.pdf?utm_medium=email&utm_source=govdelivery

Conflict of interest

Both state and federal regulations discuss conflict of interest requirements.

All Vocational Rehabilitation (VR) employees, volunteers, trainees, and interns must ensure that program business, the use of program resources, and roles outside the agency do not present a conflict of interest. The Oregon Government Ethics law prohibits public officials (defined in part as employees or agents) from using or attempting to use their position or office to obtain a financial benefit for themselves, relatives, or businesses with which they are associated.

Therefore, all VR employees, volunteers, trainees, and interns must not use information or resources obtained through employment for personal gain and not engage in personal activities or roles that could reflect negatively on Oregon Department of Human Services (ODHS) and the VR Program.

The VR program is a recipient of a federal grant. VR personnel may not participate in the selection, award, or administration of a contract supported by the Rehabilitation Services Administration (RSA) Federal award if they have a real or apparent conflict of interest. (See 2 CFR 200.318(c)(1) General Procurement Standards. Conflicts of interest. This administrative rule is part of the Uniform Grant Guidance or 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. This set of rules or regulations describe guidance for federal grant management.) See 2 CFR 200.318(c)(1) Uniform Grant Guidance Conflict of Interest.

Procedure

The VR Program must assure staff are trained about their responsibilities regarding conflict of interest and know when to report it.

Required conflict of interest training

New employees must complete ODHS Addressing Conflict of Interest training within 30 days of hire.

All new hires and current employees must complete the ODHS Overview of Oregon Ethics Law training annually.

These requirements are tracked and monitored by ODHS for completion.

Required contract administration training

VR policy also requires the completion of the DAS Contract Administration Training Certificate by all VR employees prior to engaging in any procurement activity.

Staff must complete the level of procurement training required to fulfill the duties assigned to them.

The employee provides a copy of the training certificate to their immediate supervisory. This required certificate training includes Procurement Ethics specific to compliance with Oregon Revised Statute 244.010 and aligns with ODHS Conflict of Interest Policy.

Employees must notify immediate supervisor of possible conflict of interest

If there is a potential conflict of interest, the VR employee (including volunteers, trainees, and interns) shall request a conflict-of-interest review and determination and notify their immediate supervisor and the Business Operations Manager. The individual completes and submits form MSC 0104 to their immediate supervisor for review. Upon review, the immediate supervisor signs and routes the form to the Office of Human Resources (HR) where the matter proceeds through the process established by ODHS Conflict of Interest Guidelines and OAR 582-080-0040 Conflict of Interest Regarding Vendor Selection.

HR evaluates the request and determines if there is a conflict of interest from any outside relationships or opportunities that involve the VR employee (volunteers, trainees, and interns as applicable). A written notification of the outcome is provided to the individual and supervisor and may include restrictions or conditions. The immediate supervisor is responsible for monitoring the outcome.

The Business Operations Manager must promptly provide written notification to the Rehabilitation Services Administration of any conflict of interest, fraud, bribery, or gratuity violations affecting the Federal award in writing.

References:

2 CFR 200.112 Conflict of Interest

2 CFR 200.113 Mandatory Disclosures

2 CFR 200.318 (c)(1) General Procurement Standards

ORS 244.010 Government Ethics

ODHS Policy 060-002 Conflict of Interest Policy

ODHS Guidelines 060-002-01 Conflict of Interest Guidelines

ODHS Policy 020-005 Contract Administration Policy

Equity, diversity, and inclusion:

Federal legislation:

There are many pieces of Federal legislation that draw attention to the need for equity and inclusion. The Americans with Disabilities Act, The Rehabilitation Act of 1973 and Section 188 of The Workforce Innovation and Opportunity Act (WIOA) are the most likely pieces of legislation a VR Program will encounter.

The Americans with Disabilities Act (ADA)

The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the public.

The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities like those provided to individuals because of race, color, sex, national origin, age, and religion.

It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

The Rehabilitation Act of 1973:

The Rehab Act prohibits discrimination based on disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment and in the employment practices of federal contractors.

Section 188 of WIOA:

This section of WIOA prohibits discrimination based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief based on citizenship status or participation in a WIOA Title I-financially assisted program or activity.

Non-discrimination policy:

In accordance with Title VI of the Civil Rights Act of 1964, VR does not exclude, deny benefits, limit participation, or otherwise discriminate against any individual who is otherwise qualified in the administration of services based on:

- Race
- Color
- Sex
- National Origin
- Age
- Disability
- Religion

Advancing service equity:

In summer of 2020, the VR program committed to establish racial equity in the program and ensure it is an anti-racist organization. This work coincides with the Oregon Department of Human Services' commitment to advance service equity.

In July 2020, the Vocational Rehabilitation Program began conversations with staff about racial equity. These conversations are ongoing and take place on a regular basis.

Providing necessary accommodation to access services:

It is the VR Program's responsibility to ensure that any needed accommodations are provided for all individuals throughout the VR process.

Language access:

Language accommodations and accessibility resources may include:

- Translation and alternate format resources
- OEMS Service Guide for language access
- Zoom – Spoken Language Interpreters
- Zoom – ASL Interpreters
- Zoom – Text Communication Support
- CART and Transcripts
- Tips to Host Accessible Online
- Meetings with Deaf Participants

Use the ODHS Form Server to determine if the required intake documents are currently available in the person's preferred language or alternate format. If a specific translation or alternate format is not available on the ODHS Form Server, follow the instructions in the Office of Equity and Multicultural Services Language Access Service Guide for submitting a translation request.

If additional support is needed to set up accommodations, please contact your Branch Manager.

Names and pronouns preferences:

VR staff must always refer to everyone by the name and the gender-specific pronoun the individual prefers. If staff members do not know an individual's pronoun preference, they may ask tactfully and respectfully.

Continued intentional misuse of an individual’s name and pronouns may breach the individual's privacy, put the individual at risk of harm, and - in some circumstances - constitute harassment.

Participant rights:

All individuals have the right to apply for vocational rehabilitation services, exercise informed choice, use representation, and be informed about their rights and services.

VR shall treat all persons applying for rehabilitation services with dignity and respect. All VR participants shall receive reasonable accommodations and information regarding their rights and responsibilities. VR helps participant understand their rights.

Participants exercise informed choice to establish goals and select services and service providers. VR will help participants understand services and the scope of available assistance.

Participants have the right to representation at any point during services. VR shall provide participants with adequate notice of dispute resolution and mediation rights, and extent and limits of confidentiality.

Appropriate modes of communication:

Individuals applying for rehabilitation services have the right access to documents and forms in the clearest and most effective mode of communication (for example, translator or interpreter services, or an alternate format).

Informed choice:

Individuals participating in rehabilitation services exercise informed choice to decide vocational goals and select services and service providers.

VR shall provide all individuals applying for rehabilitation services with the ability to participate in planning and providing their rehabilitation services.

VR shall ensure the individual is a full participant in the decisions made concerning their vocational rehabilitation.

Dispute resolution rights:

Participants shall have their rights clearly defined and communicated as to how these rights relate to the rehabilitation process.

VR shall advise each participant, in writing, and at the following times, of the participant's rights and the availability of the Client Assistance Program (CAP):

- When the participant applies for services.
- When VR determines if the participant is not eligible for services or does not meet. the requirements of an open order of selection category.
- When the participant's plan for employment is prepared or amended.
- When services are denied, terminated, reduced, or suspended.
- When a decision to close the case is made.
- At any time during the rehabilitation process when the participant requests it.

Client Assistance Program (CAP):

VR will inform participants in writing of the availability and purpose of CAP services whenever participant rights, responsibilities or remedies are discussed.

Client representatives:

All participants may choose to involve family members, advocates, and other authorized representatives throughout the rehabilitation process. The participant may choose to select a representative or to request assistance from CAP.

Participant representatives must conduct themselves in a professional and ethical manner. VR has the authority to maintain order in all interactions with participants or authorized representatives.

VR or an independent hearing officer shall exclude any representative or witness from any proceeding if the individual's continued participation will prevent or seriously impede progress of the proceeding.

Roles and responsibilities:

Participant responsibilities:

Successful outcomes are only attainable when everyone works together with the respect and courtesy appropriate for the workplace.

Clients are expected to participate and cooperate with the vocational rehabilitation process in a mutually respectful manner.

Participant expectations:

- Provide information, any required documentation and be available to complete the assessment process for the determination of eligibility.
- Be on time and keep appointments with VR staff, doctors, service providers, and others. Call or email in advance, or as soon as possible, if unable to attend an appointment.
- Cooperate with medical, psychological and recovery professionals to address their medical and mental health needs.
- Participate in vocational assessment activities such as person-centered planning, a vocational profile and/or community assessment that give a detailed portrait of the

individual's skills, contributions, labor market analysis, career exploration and support needs to determine appropriate employment goals for plan development.

- Participate with the counselor in developing the individualized plan for employment (IPE), including participating in assessments needed to determine needs and strengths.
- Review the IPE with the counselor at least once a year to assess progress and participate in revising the plan when needed.
- Accomplish the benchmarks as identified within the participant's IPE, including maintaining regular contact with their counselor as agreed upon in the participant's IPE.
- Keep VR informed of changes to contact information or other situations that may change the participant's ability to complete the rehabilitation process.
- When eligible, apply for and make appropriate use of any comparable benefits and services.
- Work with VR to obtain or keep employment consistent with the individual's strengths, resources, priorities, concerns, abilities, and capabilities.
- Follow through with all job leads that match the agreed upon vocational goal and meet the participant's required services as outlined in the IPE.
- Provide at least monthly updates to VR regarding job search progress, delays, or challenges, and let VR know immediately if anything changes regarding readiness for job placement services.

Prohibited conduct:

Inappropriate, hostile, or threatening behavior will not be tolerated. Language, conduct, aggressive or threatening communication not in alignment with what is reasonably expected in a community workplace setting will result in a meeting being rescheduled.

Clients who continue to use hostile, threatening or unreasonable language; or conduct themselves inappropriately, may result in the termination of client services.

Actions that may restrict access to or termination of program services include but are not limited to:

- Use of profanity.
- Raised voice or excessively loud speaking.
- Disruptive conduct that interrupts or causes damage to the workspace.
- Use of derogatory or discriminatory slurs.
- Attacking, bullying, intimidating, harassing, or threatening others.

Note: This includes excessive, repeated telephone/video calls, emails, texts, or visitations directed at the VR counselor or VR staff.

- Conduct that may cause VR staff to experience undue stress or concern for their health or safety.
- Engaging in harassing conduct as defined in ORS 166.065.
- Engaging in telephonic harassment as defined in ORS 166.090.

Client rights:

Participants who believe or observe staff behavior or conduct is unprofessional are encouraged to participate in the dispute resolution process. Please contact the VR dispute resolution coordinator.

The individual is encouraged to use this process in situations where they believe a VR staff member, or members, have been unprofessional or inappropriate.

Applicants and participants are provided with a copy of the VR Dispute Resolution Rights (ODHS 2872) during application, at eligibility, at plan, when services are denied, reduced, suspended, or ended, and at closure.

- Complaints may be filed using an electronic form or downloading a pdf or Word document to complete.

Individuals may also use forms found on the Vocational Rehabilitation Client Forms website to file a complaint.

- File a Complaint of Discrimination Due to Disability (PDF)
- File a Complaint of Discrimination Due to Disability (Word)
- Mediation and Hearing Request (PDF)
- Mediation and Hearing Request (Word)
- Vocational Rehabilitation Complaints Form (PDF)

Individuals may also file a complaint with ODHS.

- Filing Customer Service or Privacy Complaints or a Report of Discrimination, ODHS 0170 (PDF, Word)

References:

ORS 166.065 Harassment

ORS 166.090 Telephonic Harassment

Chapter 407 Division 12; Restricting Access to ODHS Premises and Employees

Oregon Department of Human Services. Policy number 50.010.03 Maintaining a Professional Workplace (effective 11/22/2019)

ODHS|OHA 010-005 Non-Discrimination on the Basis of Disability

Privacy complaints and dispute resolution

ODHS 100-003 Access to records states that programs have the responsibility to create and monitor a process of collecting and keeping sensitive, confidential, and protected information to provide services while maintaining reasonable safeguards to protect individual privacy.

Individuals have the right to submit a complaint to VR if there are concerns about improper use of disclosure of their information or compliance with ODHS privacy policies. A copy of the Vocational Rehabilitation Conflict Resolution flyer (form DHS 9876, available in additional languages) provides information about resolving disputes and options for this if a complaint is made.

Filing a complaint:

Individuals may file a complaint with VR in these ways:

Option 1:

- Complete the online Complaint form.
- Complaint form

Option 2:

- Download and submit the Complaint form (Word).
- Complaint form (Translations in languages other than English are also available.)
- You can give it to the local branch manager or send it by mail or by fax. If you want help filling out the form, you can ask VR staff to help you.

  Mail: VR Dispute Resolution Coordinator
  500 Summer St NE, E-87
  Salem, OR 97301-1120
  Fax: 503-947-5025

Get help making a complaint:

If applicants or participants need help filing a complaint or have questions about the process, contact the VR Dispute Resolution Coordinator or the Disability Right Oregon Client Assistance Program.

If staff have questions about the process for applicants or participants to make a complaint, contact the VR Dispute Resolution Coordinator for help.

- Email: vr.resolution@odhsoha.oregon.gov
- Phone: 503-945-6253

Information disclosure or information and security policy questions:

The VR Dispute Resolution Coordinator must promptly inform the ODHS Security and Privacy Services Office (SPSO) of any complaints relating to the use or disclosure of information or information and security policy compliance received from individuals.

VR staff may contact ODHS Security and Privacy Services Office (SPSO) if they have questions about use or disclosure of information or compliance with ODHS privacy policies.

VR staff are required to report privacy or security incidents immediately to a supervisor and to the Information Security and Privacy Office (ISPO).

- ISPO by phone at 503-945-5780 or by email

References:

ODHS|OHA 100-001 Privacy Policy

ODHS 100-003 Access to records

ODHS 100-004 Minimum Necessary Standard for Releasing Confidential, Sensitive, and Protected Information

Report a privacy or security incident to ODHS Security and Privacy Services Office (SPSO)

Oregon Vocational Rehabilitation Complaints or Problems website

Counselor responsibilities:

The purpose of this policy is to assure delivery of exceptional rehabilitation services to eligible individuals, resulting in quality outcomes, efficient and appropriate use of program resources and compliance with VR policy as well as state and federal regulations.

Secure appropriate evaluative data for eligibility decisions:

- The counselor's referral letters clearly outline what assessment data is necessary.
- The counselor secures sufficient data to make sound eligibility decisions.

- The counselor consistently secures only the data necessary for eligibility, making maximal use of existing information.

Make eligibility determinations consistent with file documentation:

- The counselor shall make eligibility determinations promptly when receiving the application; determining eligibility shall not exceed 60 calendar days unless circumstances dictate an extension of eligibility determination time.
- Eligibility determination extensions should only be used in unforeseen circumstances beyond the control of the VR Program.
- Clients receiving SSI or SSDI are presumptively eligible for VR services.
- Presumptively eligible clients should be determined “eligible” upon verification of their SSI/SSDI status and are determined to be significantly disabled.
- Counselors must still collect sufficient documentation to determine an individual’s barriers to employment and appropriate disability service level.
- The counselor’s case file documents the analysis of the file data as well as medical, educational, and psychological records.
- The case file includes a determination by a qualified VR counselor that substantiates the applicant’s medical or psychological condition(s) that results in impediments to employment.
- The VR counselor documents the reason they followed or did not follow the recommendations made by consultants.
- Eligibility determinations are consistent with the legal requirements for eligibility.
- The case file supports the eligibility determination.
- The counselor clearly conveys the eligibility determination to the individual.

Agree to an employment outcome consistent with the participant's strengths, resources, priorities, concerns, abilities, capabilities, and interests:

- The case file shall reflect the individual's active participation in choosing the employment outcome.
- The chosen employment outcome shall be consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests.
- The chosen employment outcome shall be consistent with current labor market data.
- The case file shall adequately record the rationale for the employment outcome.
- The counselor shall build the employment outcome on transferable skills to the greatest degree possible.

Develop and implement the IPE consistent with the vocational goal, providing evidence of informed choice in plan development and services, as appropriate:

- The IPE must be completed as soon as possible, but no later than 90 days after the individual has been determined eligible for VR services.
- Services provided shall be consistent with the participant's actual documented need as addressed in the eligibility determination (in other words, based on the impediments to employment listed in eligibility).
- The IPE documents the selection of the most appropriate qualified vendor.
- Identify and secure comparable benefits. If benefits are not used, the counselor shall document an explanation in the file.
- The IPE clearly documents participant and counselor responsibilities, timeframes and measurable benchmarks reflecting the individual's informed choice.
- Both the counselor and client must sign the IPE.

- The client should be provided information about the Client Assistance Program (CAP) at the time the IPE is signed.
- The counselor provides a signed copy of the IPE to the participant.
- The counselor addresses when the participant does not meet their responsibilities, timeframes, or benchmarks appropriately and in a timely manner.
- The counselor shall maintain regular, meaningful, and substantive contact with the participant every 30 days. The results of these contacts and activities must be documented and captured in the participant's file in the ORCA system.

Note: Individuals actively enrolled in either secondary or post-secondary education funded by the program are exempt from the 30-day check in requirement. Counselors must:

- Maintain contact with the individual frequently enough to identify and mitigate problems that can impede satisfactory school progress (such as missing classes or accommodation needs are not met).
- Establish a regularly scheduled check in with all individuals participating in an education program on a schedule that best serves the individual's specific needs.
- Consult with the client at the completion of each term or semester to review attendance, grades and progress toward training program completion, financial status, and future plans.
- At a minimum, the counselor must have meaningful and substantive contact with the individual at the end of each term to obtain:
    - The grade report and
    - Final transcript and certificate of completion or diploma.
    - More frequent contact may be required by their manager if deemed necessary.
- VR documents the participant's need for services.
- The case file documents any necessary prior approval.
- The case file shows that there are adequate vendor and participant contacts to ascertain that plan implementation occurred.

Provide follow-up services to ensure timely participant movement through plan services:

- The case file documents regular VR contact with the participant, as needed by the participant but not to exceed 30 days.
- The case file demonstrates that attention was paid to participant needs in a timely manner.
- Plan revisions and amendments shall be developed according to VR procedures.
- Case files shall document continued case management when the counselor assigns the file to paraprofessionals for follow-up.

Develop, implement, and monitor placement services to ensure that participants are being provided timely planned services to achieve employment outcome:

The counselor shall:

- Document placement planning prior to the completion of a training program.
- Be knowledgeable of placement resources within the community.
- Provide self-placement services when available and necessary.
- Provide and coordinate all necessary placement services in a timely manner.
- Identify all cases ready for closure and secure necessary closure data.
- Ensure the case file reflects VR's timely and appropriate closure decisions.

Case closure:

Collect sufficient data to justify closure.

- Provide notice to the participant of case closure consistent with the closure policy.
- Complete closure documents consistent with the closure policy:

- "Closure Successful Rehabilitated" should include discussions between the VR Counselor and the participant, providing full consultation opportunity to address satisfaction with placement and whether the placement is consistent with the agreed upon vocational goal.
    - "Closed Other" should also be addressed with appropriate pre- closure consultation and documentation.
- Notify referral services when a case is closed.
- Exercise fiscal responsibility:
- Follow purchasing procedures set by ODHS business services.
- Expenditures shall conform to the constraints of VR policy.
- Exercise fiscal responsibility over non-expendable items purchased including repossession as necessary.
- Identify and utilize comparable benefits available.

Exercise fiscal responsibility:

- Practice cost-effectiveness in provision of services.
- Follow purchasing procedures set by ODHS business services.
- Ensure expenditures conform to the constraints of VR policy.
- Exercise fiscal responsibility over non-expendable items purchased including repossession as necessary.
- Identify and use comparable benefits available.

Prepare case file documentation consistent with federal, state and program guidelines:

- Case notes shall adequately reflect all case activity.
- All appropriate ORCA fields shall be completed and accurate.
- All coding shall be performed in an accurate and timely manner.

Using electronic signatures:

Vocational Rehabilitation (VR) shall accept electronically signed documents (eSignatures) on all documentation that require a handwritten (“wet” or “live” ink) signature.

Oregon Administrative Rules permit the acceptance of electronic signatures when properly verified. The administrative rule permits state agencies to determine what procedures to adopt to determine that electronic signatures are authentic.

VR must verify all signatures. This can be done through direct communication with participant and when necessary, their support team/advocate.

Clients applying for Social Security Disability:

VR is not permitted to provide letters of support for individuals who apply or consider applying for Social Security disability.

The State of Oregon has adopted an Employment First Policy. This policy states that VR believes all individuals with disabilities are able to work if provided the proper resources and supports.

Letters of support for Social Security Disability state that the individual is unable to do work at a substantial gainful activity level because of their medical condition. This conflicts with the Employment First mindset and with VR’s mission to help people gain, regain, or advance in employment.

VR staff may be approached to provide letters of support on behalf of individuals. Staff members that identify unique circumstances that may require an exception to this policy are to consult with their immediate supervisor or the Deputy Director of Direct Services for review and guidance.

References:

Governor's Executive Order 15-01

ODHS Employment First. About Employment First

Social Security Disability Benefits. How You Qualify

Advocate responsibilities:

Applicants and participants are entitled to use advocates such as the Client Assistance Program (CAP), professional service providers, peers, friends, or family members.

VR fully supports the use of advocates. Interactions between advocates, participants, and VR staff are expected to be respectful and constructive and to support the participant's involvement in and benefit from services.

- VR shall provide all advocates and participant representatives with a copy of advocates' program expectations.
- Unacceptable behavior shall include, but is not limited to, behavior that prevents the participant from fully benefiting from program services or behavior that disrupts the day-to-day business operations of the organization.
- VR shall notify the advocate or participant representative of any unacceptable behavior, describe the expected behavior, and explain the consequences of failing to modify the behavior.
- If an advocate or participant representative fails to comply with the expected behaviors, the counselor and branch manager shall document the advocate's inappropriate behavior and prepare a response.
- Failure of an advocate to comply with program expectations may result in VR limiting the advocate's access to program facilities and/or staff and other actions VR management deems appropriate. VR may limit contact with the advocate to email communication if appropriate.
- If an advocate jeopardizes the services of a VR participant through inappropriate behavior or by other means, the participant may replace that advocate with another advocate rather than lose VR services.

Program expectation for advocates:

- Advocates have a duty to respect the dignity, privacy, and self- determination of all participants.
- Advocates have a duty to seek the consent of their participants before proceeding on their behalf.
- Advocates have a duty to represent their participants competently, responsibly, with respect and in a timely manner.
- Advocates have a duty to respond to participants' complaints and recommendations concerning providing advocacy services.
- Advocates have a duty to represent themselves honestly and accurately, including their qualifications, authority, and responsibilities.
- Advocates have a duty to identify and avoid actual and potential conflicts of interest, which may compromise their ability to represent and safeguard the rights of participants.
- When providing services at the request of or on behalf of a participant or participants, advocates have a duty to not act in a way that is inconsistent with the participants' expressed wishes.
- Advocates must try to help their participants share in making decisions about advocacy activities and in advocating on their behalf.
- Advocates must fully inform their participants about advocacy activity undertaken, about information gathered during advocacy and about reasonable alternatives, implications of actions and potential outcome.
- Advocates have a duty to keep confidential any information they receive from or about their participants.
- Advocates have a duty to present facts accurately and honestly.

Confidentiality and use of participant's information:

VR shall inform all applicants, their authorized representatives, or both, of the need to collect personal information, the confidentiality of personal information and the conditions for accessing and releasing this information.

VR recognizes the sensitive nature of the participant's personal and medical information and the need for privacy and confidentiality. VR only collects personal information that is necessary and relevant to determining the participant's eligibility and rehabilitation needs.

All information obtained by or made available to VR is considered confidential. This includes any information obtained through referrals, applications, medical or psychological records, information on eligible participants, and individuals with closed service records.

The use of personal information is limited to purposes directly connected to a participant's vocational rehabilitation services. VR's use, release and obtainment of personal information shall conform to applicable state law and rules as well as federal law and regulations.

For research and evaluation purposes, VR may use information and data collected in an aggregate form or in which all personally identifiable information has been redacted, and the remaining records cannot reasonably identify a participant.

Use of participant information:

Federal guidelines require that program participants provide information necessary to determine an individual's eligibility for program services. If a participant declines to provide information necessary for the Program to reach an eligibility determination, the client's electronic file may be closed following a Notice of Proposed Action to that effect.

All participants for VR services shall be informed that:

- Information collected is required by the Rehabilitation Act.
- Provision of participant information may be required, and the Program may be unable to serve the individual if requested information is not provided.

- Some information requested during an individual's participation in the program may be voluntary. However, if that information is not provided, there may be limitations in services available to the participant.
- VR uses the information to develop a participant's planned services.

When VR has records and no established and ongoing relationship with an individual, VR keeps the files for 90 days for individuals who:

- Are referred by another program. The program may attach electronic files to this referral. The individual may or may not be aware of the referral.
    - Remove any files and destroy 90 days after arrival of files and there is no contact from the individual. Contacts from the referring agency are not contact from the individual.
- Have begun but not engaged and completed their application.
    - Electronic files shared by this potential applicant who fails to engage are removed and destroyed 90 days after the last date the applicant engaged. Engagement includes an in-person visit, a phone call, or an email.

Minimum necessary standard:

From ODHS-100-004:

When using, disclosing, or requesting personal identifying information (PII), staff must use, disclose, or request only the smallest amount of information needed to accomplish the goal of the request (minimum necessary standard) and only to the extent provided in federal and state statutes and rules, and agency policies. The minimum necessary standard does not apply to:

- Disclosures made to the individual about the individual.
- Uses or disclosures authorized by the individual that are within the scope of the authorization.
- Uses or disclosures that are required by law.

Information harmful to the participant:

VR shall not release information directly to the participant if obtaining such would jeopardize the health, safety, security, or rehabilitation of the participant or of any other individual.

If a provider indicates records are not for re-release, VR shall follow federal, state and ODHS-specific laws and guidelines regarding release of the information directly to the participant.

If the participant makes a written request to review records that VR believes will be harmful:

- VR shall contact the author(s) of the report(s) to ask their opinion of whether direct release of the information would be harmful to the participant. If an author is unavailable, VR shall obtain an opinion from the appropriate office consultant (for example, medical or psychological).
- If the author or consultant states release would be harmful and the participant still requests access to the information, VR shall require the participant to designate a representative, unless otherwise restricted from release, or licensed physician or psychologist to review and interpret the report(s).
- Once the participant appoints a representative, VR may provide the designee with a copy of the report(s). VR may impose a reasonable cost-based fee for copies, written summaries, or explanations of protected health information.

Destruction of medical records received but not used:

When VR requests medical, psychological, or other records from outside entities, a significant number of documents that are not applicable to the request or are otherwise unnecessary to determine eligibility or disability related barriers to employment. Examples may include an individual's:

- Medical records that include information not directly related to their disability or
- Information not related to potential barriers to employment.

Staff may determine that not all pages are needed. Any documents not directly used or referenced by the Program are not required as part of the individual's official case file. These files may be securely destroyed.

Any records that are used by the VR counselor to determine eligibility, barriers to employment or as a reference for services to be provided must be kept as part of the individual's case file.

Re-disclosure of participant files:

Re-disclosure allowed

VR staff may share information in a participant's file with other employees of Oregon VR without an additional release of information.

- This is permissible under the Administration of the Program exemption for required releases of information (ROI).

If a medical or psychological evaluation has been requested by VR and needed to determine a participant's eligibility or develop an individualized plan for services (IPE), VR may share medical and mental health records with the medical professional performing the requested evaluation.

Note: Disability Rights Oregon (DRO), when acting as a representative of the participant, may receive all documentation related to the participant's file to include medical records, assessment, or evaluations.

Re-disclosure limitations

In accordance with 34 CFR § 361.38(c)(3), VR may release information obtained from an outside agency only under the conditions established by the outside agency, organization or provider or mandated for them by federal or state law.

- This means that VR may not release any document without the consent of the document's originator.
    - This includes medical records, evaluations, Social Security Administration information, or assessments.
    - The document's originator must consent to providing medical records to the participant, advocates, guardians, or other non-VR entities.

Note: Within the Oregon Department of Human Services (ODHS), this restriction only applies to the Vocational Rehabilitation Program.

- Other programs (such as the Office of Developmental Disabilities Services or ODDS, Child Welfare, the Self-Sufficiency Program or SSP, or other state programs providing services to individuals with disabilities) may share information with VR.

Participant rights and program responsibility for their data:

Participants have the right to limit or restrict:

- What information may be shared or collected from outside VR.
- The duration of any information shared or collected, and
- The type and amount of personal information that may be shared differently between different vendors or other third parties at the discretion of the individual.

A participant always has the final approval regarding whether their personal information may be shared with any entity outside VR.

- The participant has the right to choose what information may be shared, with whom, the purpose and the length of time to share.
- Non-specific information about a participant may be shared with a vendor, as described above.
- A participant's records, documents or personal information cannot be shared without the individual's permission.
- The right to share information includes the right to share no information at all.

VR is a voluntary, eligibility-based program.

- If the participant chooses to apply and participate in VR, VR asks for personal information needed to determine eligibility and make an individualized assessment for services.
- Personal information includes, but is not limited to, personal contact information, work history, work-related assessments, and medical and mental health records.

All personal information obtained is collected under the authority of the Rehabilitation Act of 1973, as amended, and is subject to federal and state confidentiality laws that require VR to protect the personal information.

- All personal information in the possession of VR must be kept confidential.
- Verbal and written personal information must be used only for purposes directly connected with the administration of the program.
- Written consent is voluntary. However, if consent is not provided when needed, VR may be limited in its ability to obtain or share records, which may result in limited services due to a lack of information.

Participant right to review or amend records or both:

Should a participant request copies of their records; the participant may submit an ODHS Form 2093 to request case file documentation from VR.

A participant who believes that information in the record of services is inaccurate or misleading may request that VR amend the information (582-030-0050 The Individual's Right to Amend Records). VR is not required to amend the record of services. If VR does not amend the information, the participant may prepare an amending statement and request VR insert the statement into the record of services.

A request to amend or correct records must be in writing, dated and signed by the participant, or the participant's representative, and must:

- Identify the records which are the subject of the request.
- Describe the requested change precisely.
- State the reasons for the change.

Within 30 days after receiving a request to amend or correct records, VR must:

- Make or refuse to make the requested change.
- Give the participant or the participant's representative written notice of the action taken.

If VR refuses the requested changes, VR must provide a written statement to the participant as to why the change was denied.

VR may refuse a request for amendment if:

- The record was not created by VR.
- The record is not available for inspection; or
- VR determines the information is accurate, appropriate, and complete.

If VR determines it appropriate not to make the requested amendment, a participant may file a concise statement detailing the reasons for the requested change in the record and their disagreement with VR action.

VR must attach the statement of disagreement to the disputed record. VR must provide a copy of the statement whenever releasing the disputed record to a third party.

Procedures - release of information:

When a release of information (ROI) is in place, VR may only share the minimum amount of participant information necessary and appropriate to the situation (ODHS 100-004).

- Information shared with vendors under a release of information (ROI) must be specifically tailored to the services requested.
- Information shared under an ROI is always limited to the least amount of personal information necessarily required for the situation.
- A release of information (ROI) must specifically limit the period that a participant's information may be shared. Normally, this period generally does not exceed 365 days.
- VR may only share, collect, and retain information to the extent provided in federal and state statutes and rules, and agency policies. (34 CFR § 361.38(e); ODHS-100-004)
- When working with medical consultants for referrals or evaluations, permission from the client must still be obtained to share personal information. In these situations:
    - It is often necessary to share the majority of a participant's file to ensure an accurate assessment is made.

- VR counselors ensures that the release of information (ROI) in covers all information to be shared prior to providing it to the medical consultant.

Note: It is never permissible to share a client's entire case file with a vendor. Only provide information specifically pertinent to the situation with a release of information (ROI).

Under limited circumstances, VR staff may share non-specific client information with vendors operating under the current job developer contract without a release of information (ROI).

- For example, a VR counselor may share with contracted job developers that an 18-year-old male individual on the autism spectrum wants to be a truck driver. VR could then ask if vendors would be interested in a meeting with the participant to see if they could work together.
- In this instance, the counselor does not provide the name, client medical records, VR counseling records or any personal identifiable information until the individual signs a release of information (ROI) authorizing VR to do so.

Release of information – specific purposes:

Job development vendor contract coverage:

The privacy and confidentiality clauses contained within VR job development contracts define how the vendor protects client information once a client has signed an agreement with the vendor.

- The clauses in the contracts do not relieve VR of the necessity to get a release of information (ROI) from the client before any personal information is shared with the vendor.
- This rule does not apply to and may not be interpreted to allow sharing client personal identifying information (PII) in support of routine client services or to solicit support of routine client services.

Administration of the program:

In very limited circumstances, the program may share more specific information with outside entities if it is required under the "administration of the program" clause found in OAR 582-030-010.

Note: This exception is extremely narrow in scope.

Specifically, OAR 582-030-010 says, in part:

> Unless prohibited by law, individual information may be released to other agencies, which have cooperative agreements with the Program, without the written consent of the individual only if providing such information has a bearing on administration of the Program or the provision of Program services.

This rule, when taken in conjunction with other policy, allows VR to share information about a participant with some outside entities when the information is required to facilitate VR Program administration and does not include routine client services.

Examples may include coordination with other ODHS agencies to negotiate shared services, ensure fiscal responsibility, or help resolve dispute resolution cases.

Mental health and psychiatric records - additional considerations:

If the participant exhibits mental health conditions or discusses past treatment, VR needs the mental health records to determine if functional limitations exist related to the condition and if these limitations are barriers to employment.

Records of this type are often necessary to determine eligibility, develop the individual plan for employment (IPE), and ensure proper VR service. Mental health records may often be traumatic for the individual. VR staff exercise discretion in what records are requested.

- Participants may feel apprehensive or anxious when asked to share mental health histories with VR due to the perceived stigma often associated with receiving mental health support previously.

- When VR requires the participant to release mental health records to the Program, the participant may be less likely to feel comfortable when accessing VR services or to trust the VR counselor.
- VR staff should be particularly mindful when requesting psychiatric records and consider whether those records are truly necessary to provide services.
- For example, VR may not have any compelling reason to request psychiatric records for a VR participant whose barriers to employment relate only to physical and not mental impairments.

When VR staff request mental health records, they explain the need for information related to employment. Additionally, VR staff must be mindful of the heightened expectations for privacy when psychiatric information is needed.

Release for audit, evaluation, and research:

Prior to releasing any participant information in support of a mandated audit, required program evaluation or approved research study, VR must ensure:

- The organization, agency or individual uses the information only for the purposes specified.
- The information is released only to those persons officially connected with the audit, evaluation, or research.
- The information is not released to the participant.
- The final product does not reveal any personal identifying information without informed, written consent from the participant.

Release in response to investigation or judicial authority:

VR may release case file information without participant authorization in response to a lawful request in connection with law enforcement, fraud, or abuse and an order by a judge, magistrate, or other authorized judicial officer.

- Under these circumstances, VR may disclose personal information without obtaining written consent from the participant. The Program director or the director's designee makes any disclosure.

Subpoenas:

A subpoena is a written order for a witness to appear and give testimony and/or deliver named material issued.

- The administrator of VR is the official custodian of all participant records for VR. Any subpoena for release of a VR participant record shall be directed to the administrator of VR.
- Any subpoena received by the Program requesting information regarding client information, client records or other information directly related to a client's case, shall be forwarded as soon as possible to the Deputy Director of Direct Services and the Policy and Compliance Manager.
    - This includes subpoena requests for both open and closed client casefile records.
    - The Programs Policy and Compliance Manager will coordinate subpoena requests with the ODHS Legal Unit at dhs.subpoenas@odhsoha.oregon.gov.
- A subpoena generated or authorized by a VR participant or participant's attorney to testify or release participant information is deemed an informed written consent from the participant, except as prohibited by law.
- Upon verification by VR of a representative's authorization to issue the subpoena on behalf of the participant, VR employees may communicate with the participant's representative within the scope of the request to the extent provided under OAR 582-030-0030.
- VR employees may not provide participant information in response to a subpoena without a valid written authorization from the participant or an order issued by a judge, magistrate, or other authorized judicial officer.

- Any VR employee who appears in response to a subpoena not generated or authorized by the participant or their attorney, and without a valid written participant authorization, must read the following statement at the start of the appearance instead of providing participant documents or testifying about a VR participant:

  "Confidentiality policy imposed by state law, (including ORS 344.600 and federal regulation), requires the state Vocational Rehabilitation Program, to invoke public officer privilege under ORS 40.270 -- Evidence Rule 509. This is in respect to the release of participant information or provision of testimony that is not requested or has been authorized by the participant or the participant's representative."

- Once the employee has provided this statement, the judicial official issues an order, the VR employee shall comply with the order, including providing any documents or testimony within the scope of the order.

Information regarding criminal activity or dangerous situations:

VR shall release any information necessary to protect the participant and others when there is a threat to the safety of any individual.

All information may be disclosed during a legal proceeding or to protect the safety and well-being of any individual.

In the case of threatened criminal activity, VR staff must use their judgment to determine whether such a future activity is likely to occur.

VR staff shall notify their immediate supervisor or another ODHS manager if appropriate. In the supervisor’s or manager’s absence, staff contact the deputy director of direct services or the administrator.

Disability determination or social security evaluations record requests:

Vocational Rehabilitation (VR) frequently receives requests from Disability Service evaluators, Social Security representatives and disability attorneys for information on current and former

individuals served by the program. This information is requested to support an individual's application for Social Security Disability benefits.

Participant information disclosed in support of a Social Security Administration (SSA) determination request is subject to the same restrictions that apply to information released to participants or other organizations. This means:

- VR is only permitted to share information that the program itself developed.
- VR may not share medical records, psychological evaluations, outside assessments, or other electronic files with personal information without the written permission of the originator.

Procedures for Disability Determination Services (DDS) requests:

When VR receives an email or electronic request to support a Social Security Disability Determination from Disability Determination Services (DDS) for client records:

Forward the entire request and any supporting documents to the email account at: DDS.Records@dhsoha.state.or.us

Central Office Administrative staff process the request, submit the requested case service record to the Social Security Electronic Records Express (ERE) Website, and notify the requester when the information is submitted.

When VR receives a hardcopy request for DDS records from Disability Determination Services (DDS):

Scan the entire request (to include the QR coversheet) and submit to DDS.Records@dhsoha.state.or.us

Procedures for a Social Security Administration request:

When VR receives a request to support a Social Security Disability Determination from an attorney or individual client (not directly from Disability Determination Services or DDS):

- The office captures the requested client case service record as a PDF document and provides it to the requester.

Since ORCA users may have different screen layouts, please adjust your screen as follows prior to saving the requested records:

- Within ORCA, select the Case Management screen and ensure that the "Selected Layout" option shows "Case Summary."
- Under the "Actions" tab, select the "Print Reports for All Activities" option. This results in a .pdf file of all the client's Eligibility, Plan, Closure, Disability, Education, Application and Characteristics information.

References:

34 CFR § 361.38 Protection, use, and release of personal information.

34 CFR § 361.38(c)(3) Release to applicants and recipients of services

45 CFR § 164.524 Access of individuals to protected health information.

ORS 344.600 Unauthorized use of official rehabilitation data

ORS 40.270 Rule 509. Public officer privilege

Vocational Rehabilitation Services - Chapter 582, Division 30 Confidentiality of Client Information and Release of Information

OAR 582-030-010 Program Uses and Disclosures

DHS-100-004 Minimum Necessary Standard for Releasing Personally Identifiable Information (updated 2/1/2023)

ODHS Form 2093

Informed choice:

Vocational Rehabilitation (VR) shall provide applicants and eligible individuals information and support services to assist in the exercise of informed choice throughout the rehabilitation process.

The decision-making process occurs at several levels from whether work is a viable option for the individual (benefits counseling), to determining an employment outcome (comprehensive vocational assessment), to service providers.

- Choices are not limitless; they are restricted by VR's mission, applicable state and federal rules and policies, and the need for making appropriate use of public funds.
- While a participant is offered choices, it is the responsibility of the VR counselor to determine the nature and scope of available services and the provision of services.

At each decision-making juncture, the individual needs to identify options and to have enough information to weigh the pros and cons of each option.

Informed choice requirements:

Implementing informed choice requires the following:

- Clearly communicate the available options, including information that would allow an individual to identify the associated pros and cons.
- Assist the individual with making a strategy and identifying next steps, if appropriate, based on the decision.
- Assist the individual in understanding the consequences of the decision.
- Inform each applicant or eligible individual, through appropriate modes of communication, about the availability of and opportunities to exercise informed choice. Information shall include the availability of support services for individuals who may require assistance in exercising informed choice.
- The VR counselor shall assist participants in exercising informed choice in the exploration of their strengths, resources, priorities, concerns, abilities, capabilities, and interests as they relate to obtaining, maintaining, regaining, or advancing in employment.
- The VR counselor shall provide information and assist the participant to make informed choices during the development of the individualized plan for employment (IPE) and throughout the vocational rehabilitation process.

The participant shall have the opportunity to make informed choices with respect to:

- Selection of VR approved evaluation and assessment services and vendors.
- The employment outcome and setting.
- Specific VR services needed to achieve the employment outcome.
- The selection of VR services and VR service vendors.
- The settings in which VR services will be provided, and
- The methods available for procuring services.

Information on services and providers shall include:

- The cost, accessibility, and duration of services
- Consumer satisfaction to the extent information is available.
- Qualifications of potential service providers
- Types of services offered by potential providers.
- Degree to which services are provided in an integrated setting, and
- Outcomes achieved by individuals working with service providers.

Youth consideration and informed choice:

Even though many of the youth and students we serve are not yet at the age of majority, the informed choice provisions of section 102(d) of the Rehabilitation Act still apply.

Pre-employment transition services equip students with skills necessary to make informed choices.

Reference:

34 CFR § 361.52 - Informed Choice

Qualified Personnel:

The terms qualified personnel, qualified person, and qualified professional are used in several places in vocational rehabilitations policy, rules, and statutes. Because of this, there are a few different examples of what constitutes qualified personnel, and we recognize that this can cause confusion when interpreting policy and rule.

Federal rules require that qualified personnel:

- Determine a VR applicant's eligibility for Vocational Rehabilitation services.
- Diagnose the applicant with a qualifying disability.
- Determine that the applicant's disability constitutes a substantial impediment to employment.

Qualified personnel determine eligibility:

All decisions affecting eligibility for VR services, the nature and scope of available services, and the provision of VR services must be determined by a qualified vocational rehabilitation counselor. (34 CFR § 361.42(a)(1)(iii))

In this example, a VR counselor must meet the education and experience standards of the profession to be qualified, consistent with those set forth at 34 CFR § 361.18(c).

- A qualified vocational rehabilitation counselor (VRC) in this context means an individual is employed by Vocational Rehabilitation as a vocational rehabilitation counselor and at time of the assessment works as a VR counselor in that position.

Oregon requirements for vocational rehabilitation counselors:

The Oregon vocational rehabilitation counselors (VRC) classification requires that VR counselors possess at a minimum:

- A master's degree in Rehabilitation Counseling; OR
- Certification from the Commission on Rehabilitation Counselor Certification as a Certified Rehabilitation Counselor (CRC); OR

- Certification of Disability Management Specialists Commission as a Certified Disability Management Specialist D (CDMS), and six months full–time work experience providing vocational rehabilitation–related services; OR
- A master's degree in psychology, counseling, or a field related to Vocational Rehabilitation (such as one that promotes the physical, psychosocial, or vocational well–being of individuals with disabilities) and twelve months full–time work experience providing vocational rehabilitation–related services; OR
- A bachelor's degree in a related field, such as one that promotes the physical, psychosocial, or vocational well–being of individuals with disabilities, and three years of full–time work experience providing vocational rehabilitation–related services to individuals with disabilities.
    - There is no direct work experience substitute for the bachelor's degree requirement.

Requirements to determine physical or mental impairments:

A Rehabilitation Services Administration (RSA) Technical Assistance Circular (RSA-TAC-24-01) addresses what it means for a qualified person or qualified professional to diagnose mental, medical or physical disabilities.

Supplementary information provided in the Federal Register (2/11/1997) clarifies that a qualified person or qualified professional means "personnel who are certified under State law, and individuals licensed or certified under State regulations, to make these determinations."

Qualified personnel in this context means a person qualified by a state oversight board to make a diagnosis pertaining to the individual's physical or mental health.

Note: A student's individualized education plan (IEP) by itself may not be used as documentation to support eligibility. A counselor needs a copy of the IEP Statement of Eligibility to use this document as part of a client's eligibility determination.

- The Statement of Eligibility has the name and credentials of the person that made the diagnosis determination as well as the Diagnostic Code for the individual's disability.

Requirements to determine disability related barriers to employment:

Qualified personnel in this context means an individual qualified to determine that the individual's disability presents a barrier to employment.

Unlike the more formal requirements related to a qualifying diagnosis, defining a barrier to employment is more subjective and does not usually require specific credentialling or licensure.

In many instances the vocational rehabilitation counselor (VRC) will be the qualified professional in determining if the applicant's disability creates a barrier to employment.

Note: When working with youth or students, tools such as the Oregon Needs Assessment (ONA), the Individual Support Plan (ISP), or the Risk Identification Tool are all useful tools to help identify an individual's barriers to employment.

Qualified personnel to determine intellectual or developmental disabilities (I/DD):

Diagnosis of an intellectual or developmental disability may be provided by:

- A licensed psychiatrist or psychologist or
    - School psychologists may provide information about functional loss and academic achievement. They cannot provide diagnoses per OAR 584-070-0205.
- Documented eligibility for Developmental Disability (DD) services in Oregon that has been based upon a diagnosis from a licensed psychiatrist or psychologist.

Note: VR requires documentation that provides the name and credentials of the provider that made this determination. Documentation that an individual is eligible for DD services is not sufficient without credential information.

Barriers to employment for an intellectual or developmental disability may be provided by:

- A licensed psychiatrist, psychologist or school psychologist that demonstrates how the individual's qualifying disability presents a barrier to employment may be used.
- Information provided by parents, guardians, teachers, or other members of the individuals support team.
- Information provided by the individual themselves.
- VR counselors may also provide information on barriers to employment based upon their professional experience and observations.

Qualified personnel to determine mental health or psychological disabilities:

Diagnosis of a mental health or psychological disability is provided by a medical doctor, licensed clinical social worker (LCSW), Licensed Professional Counselor (LPC), Licensed Marriage and Family Therapist (LMFT), psychiatrist or psychologist.

- School psychologists may provide information about functional loss and academic achievement. They cannot provide diagnoses per OAR 584-070-0205.

Barriers to employment for individuals with a mental health or psychological disability may come from a medical doctor, licensed clinical social worker (LCSW), psychiatrist, psychologist or school psychologist that shows how the individual's disability presents a barrier to employment.

Qualified personnel to determine physical disabilities:

Diagnosis or documentation of a physical disability is provided by a medical professional with the ability to formally diagnose the individual's disability and licensed to practice in Oregon.

This diagnosis may be provided by a medical doctor, a surgical report addressing the condition, or other appropriate medical documentation that meets the above criteria.

Barriers to employment for individuals with a physical disability may be provided by a medical professional that demonstrates how the individual's disability presents a barrier to employment.

In some instances, observation of a physical disability by the VR counselor can be sufficient to meet this standard.

Qualified personnel to determine traumatic brain injuries (TBI):

Diagnosis of a traumatic brain injury (TBI) may be provided by a licensed psychiatrist or psychologist, or documented eligibility for Special Education based upon this diagnosis from licensed psychiatrist or psychologist.

Minimum acceptable documentation for diagnosis for an individual with a traumatic brain injury includes:

- Documented eligibility for Special Education in Oregon based upon impairment or diagnosis from licensed psychiatrist or psychologist or documentation by licensed psychiatrist or psychologist.
- School psychologists may provide information about functional loss and academic achievement. They cannot provide diagnoses per OAR 584-245-0205 Scope of School Psychologist.

Barriers to employment for clients with a Traumatic Brain Injury (TBI) may be provided via documentation from a licensed psychiatrist, psychologist or other medical professional licensed to diagnosis or treat individuals with a TBI.

Qualified personnel to determine learning disabilities or disorders:

Documentation to support an individual's learning disabilities may come from psychologists, psychiatrists, medical professionals (usually a pediatrician), speech-language pathologist, or other qualified personnel.

Barriers to employment for individuals with a learning disability may be provided through psychological evaluations that contain appropriate intellectual and achievement measures.

- Generally, a school psychologist or others certified to provide such evaluations (a licensed Special Education Teacher or Speech and Language Therapist) may provide this assessment.

Note: Communication disorders may be considered the same as a learning disability in this context.

References:

RSA Technical Assistance Circular 24-01. RSA-TAC-24-01. Promoting Meaningful and Sustained Engagement of Individuals with Disabilities in the State Vocational Rehabilitation Services Program (10/30/2023).

Section 101(a)(7)(B) of the Rehabilitation Act (Comprehensive System of Personnel Development)

34 CFR § 361.13(c)(1)(i) Responsibility for administration

34 CFR § 361.18(c) Personnel standards.

34 CFR § 361.42(a)(1)(i) and (ii) Eligibility requirements – Basic requirements.

34 CFR § 361.42(a)(1)(iii) Eligibility requirements — Basic requirements.
34 CFR Part 361 et al. The State Vocational Rehabilitation Services Program; Final Rule. Federal Register, Vol. 62, No. 28. (2/11/1997)

OAR 584-070-0205 Scope of School Psychology

Staff onboarding, training, and development

Policy:

New employees hired by the Vocational Rehabilitation Program to fill a Branch Manager, Vocational Rehabilitation Counselor or Branch Support Staff position must:

- Comply with all requirements, timelines and expectations listed in this policy, and
- Defined within the New VR Employee Onboarding Process Checklist, and
- Complete the ODHS New Employee Onboarding (NEO) in Workday Learning.

New employees hired by the VR Program to fill positions other than those identified above are required to complete onboarding requirements identified by their supervisor.

- Some work assignments within the VR Program have requirements that are unique to the employee's specific position description. These requirements have training and timelines that differ from those needed by the majority of VR positions.
    - Examples may be those working in contracting, policy, dispute, workforce, youth or other similar taskings.

Note: All employees must complete their onboarding taskings within the timelines identified by the position's manager.

Purpose:

The purpose of a formalized onboarding, training and development process is to:

- Prepare staff to perform the essential functions of their position and assure that the Program provides and operates statewide comprehensive, coordinated, effective, efficient, and accountable vocational rehabilitation programs that are:
    - An integral part of a statewide workforce development system; and
    - Designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency. (See 34 CFR 361.1.)
- Provide a comprehensive system of personnel development designed to ensure an adequate supply of qualified rehabilitation personnel, including professionals and paraprofessionals to support the Program's mission. (See 34 CFR 361.18.)

The Program expects all staff members to participate in appropriate professional development activities and continuing education opportunities. Staff are expected to:

- Keep up with the most recent advances and best practices when working with individuals with specific disabilities.
- Competently use VR technology to provide services.
- Maintain a current understanding of the evolving labor market in their area.

- Stay up to date with best practices overall.

Staff requirements:

The New VR Employee Onboarding Checklist provides recently hired employees with a comprehensive timeline and plan of action necessary to complete all onboarding requirements listed.

Staff must complete the required trainings within the checklist's timeframes. If staff cannot complete any checklist item within the specified timeframe, an extension must be provided by their immediate supervisor. Staff must provide an explanation for the delay, and it is documented by the manager.

As staff progress through this checklist, they gain a working understanding of ethics, practices and critical thinking related to the vocational rehabilitation process. They become empowered to effectively manage cases, professionally represent the state VR Program and make informed decisions designed to support the Program participant's vocational goals.

If you have questions about these requirements, contact mailto:vr.training@odhsoha.oregon.gov.

Vocational rehabilitation counselors signature authority:

VR counselors are not permitted to authorize purchases, approve eligibilities or sign individualized plans for employment (IPEs) until they have successfully completed their trial service period.

Individual expectations:

First five days

Supervisors review the job role, responsibilities, initial expectation with the new employee. Supervisors create an opportunity for the new employee to shadow current staff and helped to complete any necessary additional new hire paperwork as appropriate.

After the first five days of onboarding, new staff members are:

- Oriented and obtain a basic understanding of their assigned office and systems.
- Introduced to essential job responsibilities, training, and workplace processes.
- Provided with an office key or access card or ordered for the individual if obtained from outside the VR Program.
- Provided with access and credentials necessary to log into any required information technology systems or requested if approval from outside the VR Program is needed.
- Follow and complete any additional tasks identified that must be completed within five days of their start date on the New Employee Checklist.

Within 30 days of hire

Staff begin training. New employees must follow and complete any additional tasks identified by their supervisor within thirty days of their start date on the New Employee Checklist.

Staff are also introduced to the core values and structure of the Oregon Department of Human Services (ODHS).

Within 30 days of employment, staff engage in a range of essential virtual and self-directed training courses including:

- Health and safety,
- Ethics,
- Conflict of interest,
- Procurement, and
- Trauma-informed care.

Staff begin specialized vocational rehabilitation training, including:

- The history of vocational rehabilitation,
- The Workforce Innovation and Opportunity Act (WIOA), and
- Disability rights and language etiquette.

Within six months of Hire

Within six months of employment, staff complete the required case management and client service trainings.

These trainings enhance staff understanding and skillsets to provide comprehensive service delivery and support to clients. This training includes:

- Hands-on casework review and shadowing seasoned VR counselors, designed to broaden your practical knowledge.
- Engaging in professional development opportunities, and
- Specialized training in assistive technology, work incentives, and motivational interviewing.

New employees must follow and complete any additional tasks identified by their supervisor within six months of their start date on the New Employee Checklist.

Limitations

Vocational Rehabilitation Counselors

Vocational rehabilitation counselors shall not approve an eligibility determination or an individualized plan for employment (IPE) until they have successfully completed their trial service period.

Until the trial period is completed, the branch manager (or their designee) must approve an eligibility determination and sign any individualized plans for employment.

Vocational Rehabilitation interns

Interns in the VR program are not permitted to approve participant purchases, make eligibility determinations or sign an individualized plan for employment.

Any eligibility determination or individualized plan for employment developed by a VR intern must be reviewed and signed by the branch manager, intern supervisor or designee.

Authorizing payments

No staff may approve or authorize an AFP until they have completed the required DAS training. Staff must complete the level of procurement training required to fulfill the duties assigned to them.

Role specific training

Role-specific training for support staff members, VR counselors, or branch managers ensures they are fully equipped to perform the duties of the position and contribute to the Program's mission.

Support staff (HSA2, AS1)

Specific to their roles and duties, support staff must successfully complete the classes on the checklist for their position.

Vocational rehabilitation counselor (VR counselor)

Specific to their roles and duties, VR counselors must successfully complete classes on the checklist for their position.

Branch manager (BM)

Specific to their roles and duties, branch managers must successfully complete classes on the checklist for their position.

Staff assigned to Central Office Administration (Admin)

Staff assigned to Central Administration must successfully complete all required ODHS and VR onboarding as assigned for their position.

State employee requests for accommodation:

State employees employed by VR or other Oregon Department of Human Services (ODHS) programs who need additional support to be successful in their role as a state employee may request reasonable accommodations.

VR service to a state employee with a disability does not alter or circumvent the American with Disabilities Act (ADA) accommodation request process.

State employees do not need to apply to the Program to receive an accommodation. See Department of Administrative Services, policy number 50.020.10.

References:

Department of Administrative Services, ADA and Reasonable Accommodation, policy number 50.020.10. (3/21/2025)

ODHS|OHA 060-034. Reasonable Accommodation. (11/02/2020)

DHS-060-034-04. DHS Training Accommodations. (08/22/2007)

Customer service requirements

Introduction

The Oregon Department of Human Services (ODHS) and Oregon Health Authority (OHA) are committed to quality customer service.

ODHS and OHA customers are the people we serve, those we partner with, and the people we work alongside. Only by supporting each other can we successfully support our external customers.

The way we treat our customers reflects our commitment to equity, service, and transparency. All programs and sections of ODHS and OHA deliver high-quality customer service with the goal of creating individual and public satisfaction, and trust in our staff and the services we offer. The agencies have a customer focused service environment that is accessible, timely and responsive, meeting the unique needs of individuals who have varying abilities and identities. This includes ensuring communications that are appropriate and effective in terms of language, culture and accessibility. **(**ODHSOHA 010-033, Customer Service and Response Policy. 11/01/2025**)**

Foundations of customer service

VR is strongly committed quality customer service.

VR customers include:

- The participants who seek or want to maintain their employment and advance in their careers.
- The individuals, families, advocates and partnering program staff who support these individuals.
- Businesses.
- Individuals and organization that VR collaborates with including WorkForce programs, community partners, and advocacy groups.
- State Rehabilitation Council?
- Our colleagues who include other employees, volunteers, trainees, and interns.

The basis of VR's customer service strategy is committed to these tenets [values, beliefs?]:

- Anti-ablest, anti-racist, equity-centered, trauma informed interaction.
- Treating ourselves, our colleagues, and all the communities and individuals we serve with care and respect.
- Service excellence, which includes accurate, consistent, and timely response that is accessible to individuals, regardless of language or culture.
- Professional workplace communication and quality customer service as defined by this policy.
- Resolving mistakes and misunderstandings in a professional and timely manner.
- Using metrics and processes to improve the standards of responsiveness in services that are offered by the agencies.

Quality customer service

Quality customer service means improving customer satisfaction. We may:

- Care for ourselves and our colleagues so we are present and committed to excellence during working hours.
- Respond to our customers use professional workplace communication.
- Resolve issues within designated time frames while minimizing transfers or call-backs.
    - Acknowledge customer communications within one business day.
    - Follow established program requirements for response timelines. These timeline requirements should be documented for each program. Guidelines for establishing programs standards and metrics can be found in a related document.
- Implement tracking and reporting mechanisms related to timeliness of service based on requirements outlined in the guidelines document.

Respond to OHDS feedback

VR participates in ODHS feedback received to create program specific and organization or enterprise-wide customer improvement efforts, as appropriate. These efforts may include:

- Monitor, document and report requirements, including reporting mechanisms to ensure leadership are aware of the Program's inability to meet metrics requirements for more than three months in a row.
- Devise a plan to remedy Program customer improvement issues identified by ODHS. This includes meeting the requirement to:
    - Report to the agency director any time service level goals are not being met for a period of 60 days or longer.
    - Devise and report a plan to respond to unexpected, high-volume events.

Response to customer requirements

The policy requires a one-business day acknowledgment to all customer interactions, regardless of how contact is initiated and includes but is not limited to contact initiated by email, text, instant message, or phone. Customers include coworkers.

Professional communication

Communication methods access and delivery

VR staff shall follow the ODHS and OHA customer service strategy and other agency provided guidance in all interactions and communications.

Professional workplace communication, whether visual, verbal or written, means providing plain language information to our customers. Communication is delivered in a way that is empathetic, accessible, responsive to the needs of community, and supports agency values related to anti-ableist, anti-racism, equity, intersectionality, service, and transparency.

- VR staff shall provide quality customer service and use professional workplace communication.

VR staff ensure accessible customer service through:

- Compliance with the Americans with Disabilities Act, Enterprise Information Services (EIS) e-Government guidance, and the Oregon Department of Administrative Services (DAS) customer service standards.
- The agencies' policies related to digital accessibility and auxiliary aids, alternate formats, and language access services. (See ODHS public facing policy website and the VR policy manual.)
- Clearly posting and routinely verifying contact information on agency webpages for VR storefront hours and locations, operating hours, mail and email contacts, and instructions for receiving customer facing services.

Email requirements

To ensure that email is as accessible as possible all emails is formatted as follows:

- Font size shall be a minimum of 12-point in Noto Sans, Aptos or Verdana.
- Font color shall be black.
- No backgrounds, color formatting, or templates shall be used.

All staff must use a standardized email signature block. Signature blocks:

- Shall include the individual's name and a contact phone number. Contacts for service

Office hours are transparent

Most VR offices have standard operating hours of 8 am to 5 pm on business days excluding holidays.

Local operating hours may vary based on local need and staffing availability. Specific office locations and contact information can be found on the Program's public websites: Find a VR Office.

General email addresses and phone numbers

VR has many general rather than individual email addresses and phone numbers. These email addresses are monitored by multiple individuals to reduce service gaps. VR shall designate staff within each office to ensure that contact information available on the website stays up to date.

References:

Oregon Enterprise Values and Competencies

DAS 107-001-040 Enterprise Customer Service Standards

DAS 50.010.03 Maintaining a Professional Workplace

ODHS Customer Service

Contact ODHS

No staff visits to participant residence

VR staff shall not meet with a client at their residence. VR staff may meet clients in a public setting if they are unable to meet with staff in the office. If the staff member **MUST** meet the participant in their residence, it must be approved in writing by the VR Director, the Deputy Director of Direct Services, the Deputy Director of Administration, **or** the Policy and Compliance Manager.

Stages of Vocational Rehabilitation:

Initial contact and referral:

It is VR's responsibility to reply promptly to any request for service and to provide timely access to information about the VR Program and VR services.

This section describes the referral process. To meet this expectation, a response to all inquiries must be made within five business days.

This part of the VR process must include explaining to the potential applicant:

- The intent of the VR Program is to provide employment-related services.
- The services that VR provides to overcome disability-related barriers to employment.
- An overview of the application and eligibility requirements, and
- VR expectations of the individual.

Source of referrals:

A referral can be made from any source such as other government agencies, numerous community sources, organizations, schools, clinics, employers, local workforce development boards (LWDB) and doctors. Referrals may come from local, regional, statewide, or national sources as well.

Note: A request for information does not constitute a referral. However, a referral to VR occurs whenever an individual requests an appointment with VR. Branch offices are responsible for tracking the time between a referral occurring and an appointment taking place.

Outreach:

Outreach efforts are made by VR staff to inform potential referral sources about VR programs and services and help the sources make appropriate referrals.

Initial contact:

The first contact with an individual is a critical point in the VR process and may set the stage for the Program's on-going relationship with the individual.

Initial contact is the first contact with an individual. It may be made:

- In person or walk-in,
- By phone,
- In writing,
- By email, or
- By referral.

This initial contact may result in an application occurring at that time, though usually it does not. Normally, an application is made by the individual during a scheduled intake meeting.

If the individual has a legal guardian at the time of the initial contact, the legal guardian may make the initial contact on behalf of the individual.

Note: While a legal guardian may make initial contact for an interested individual, the individual must be present and involved in the completion of the application for services.

An individual's participation in orientation is not required to be referred to VR.

A service questionnaire is not required prior to application. It is suggested the applicant provide this as part of the application process.

Initial contact procedures:

After making initial contact with an individual, the VR staff member:

- Completes or schedules an intake appointment to complete an application for services.
- Provides the individual with contact information for the assigned office.
- Will give all individuals an opportunity for an appointment at the earliest opportunity but no later than within four weeks of initial contact.

Note: It is the branch manager's responsibility to monitor the average time from referral to application. Should the average time exceed four weeks, steps should be taken to reduce this wait time.

- Will ensure that individuals with disabilities are provided current and accurate vocational rehabilitation information and guidance using appropriate modes of communication, and
- If necessary, provide program material in alternative formats and in the requested language of the individual.

Everyone who requests an appointment to apply for VR services must receive an appointment. If the individual does not have contact information, an appointment date and time must be given to the individual at initial contact.

VR does not discriminate based on race, color, sex, national origin, age, disability, or religion.

Scheduling orientations:

If your branch offers vocational rehabilitation orientation meetings prior to scheduling new applicant intake appointments, it may be scheduled in person, via Teams or Zoom, or through another alternate telecommunication platform appropriate to the circumstance.

Orientations are always optional. A prospective applicant's intake should not be delayed solely to attend an orientation meeting prior to offering an intake appointment. There is no statutory requirement for an orientation prior to intake. The "VR Orientation Video" may be used as appropriate.

It is recommended that any documentation normally provided during orientations be mailed, emailed, or faxed to the applicant prior to the virtual orientation meeting. Alternately, if the applicant declines a virtual orientation prior to intake, you may provide these materials to the applicant before the intake meeting. Any documents exchanged with an applicant via email must be both sent and received securely.

Youth consideration for orientations:

It is allowable for orientations to occur at a school site to minimize barriers (school schedule, transportation, etc.) in accessing VR services.

Reference:

34 CFR § 361.41-Processing referrals and applications

Application:

Application process:

VR gives all individuals an intake appointment at the earliest opportunity available. The applicant and VR shall complete the application requirements by the conclusion of the one-on-one intake appointment, or at subsequent meetings if necessary, and gather the information needed to initiate the assessment for eligibility and priority for services.

Required forms:

- Application for Services (ODHS 1701)
- Authorization for Disclosure, Sharing and Use of Individual Information (MSC 3010)
- Notice of Privacy Rights and Notice of Rights and Responsibilities (ODHS 2916)
- Vocational Rehabilitation Dispute Resolution Rights (ODHS 2872)
- Vocational Rehabilitation Counselor Professional Disclosure Statement – for counselors holding a CRC only (VR 1722)
- Voter Declination card (SEL503)

VR staff shall communicate the expectation of the individual's commitment to full participation, including the need to remain available to complete the eligibility and vocational assessment phases that serve as the foundation for plan development and services that follow.

Expectations of the applicant during the application process:

The applicant is expected to:

- Bring reasonable proof of identity to the intake appointment.
- Attest to VR that they are authorized to work in the United States and provide employment authorization verification (EAV) documents upon request.
- Be available to complete the assessment process.
- Complete the Service Questionnaire (ODHS 1277) to the best of their ability and bring the form to the intake appointment.
- Parents of minor children must sign all documents that require a signature. Both the participant and parent(s) or guardian(s) of minors sign all documents.
- If the individual is unable to provide the information needed at the intake appointment or does not complete the formal application for services at the conclusion of the appointment, a subsequent appointment may be scheduled. This appointment will be to secure the necessary information to initiate an assessment to determine eligibility and priority for services.

Factors that constitute an application for services:

The individual is considered to have applied only when all the following conditions have been satisfied:

- The individual has completed and signed a VR application form or has otherwise requested services, and
- The counselor obtains information sufficient to initiate assessment for eligibility and determining priority for services, and
- The individual is available to participate in the assessment for eligibility.

Note: A signed application is not required for an application to have been made. An individual may request VR services without submitting a written application.

VR shall provide appropriate accommodations for individuals to fully participate in the application process.

- VR shall make available sign language or foreign language interpreters, materials in alternate language formats, as well as other accommodations individuals may need.
- VR shall make the applicant and the applicant's family or advocates, if appropriate, aware of the availability of accommodations for communication.

The VR counselor must enter application data into ORCA within one business day of the intake appointment.

Youth consideration in the application process:

School personnel are charged with coordinating services between agencies to facilitate an outcomes-based transition into post-school life. VR is charged with coordinating and collaborating with schools to maximize services without duplication.

It is common and acceptable, using the release of information form, for school staff to provide some or all the documentation outlined above on behalf of the student. This is not to say the school staff is a delegate of VR. Rather this process facilitates a strong partnership between the student and VR. Some VR contracted services assist with this process.

Reference:

34 CFR § 361.41-Processing referrals and applications

34 CFR § 361.38-Protection, use, and release of personal information

Requirement to obtain a client's social security number:

Individuals applying for vocational rehabilitation are expected to share their Social Security Number (SSN) with the Program.

- The individual requires a valid Social Security Number (SSN) as part of their employment process.
- Verifying that the individual has a valid SSN is part of the VR process.

Helping the individual obtain a Social Security Number:

An individual is unable to seek and obtain employment without a valid Social Security Number.

- If the applicant does not have a valid Social Security Number, they may apply for a Social Security Number during the time of their service participation.
- The applicant may apply online at "my Social Security account" at the U.S. Social Security Administration.
- If an applicant consents, the VR counselor may help the individual navigate the steps to create an account. VR may assist the individual to apply for a Social Security Number, as appropriate.

Social Security Number verification is not eligibility to work:

Note: Verification of an individual's Social Security Number is not the same as verifying the individual's identity and authorization to work in the United States.

The Social Security card is one acceptable form of identification to verify a client identity and authorization to work in the United States.

- VR participants must meet the federal I-9, Employment Eligibility Verification requirements.

Verify individual's SSN and initiate ORCA file:

The following documents are acceptable forms of identification when verifying an individual's Social Security Number.

- U.S. Social Security card
- A Social Security notice addressed to the individual.
- DD214 (military discharge papers or separation documents) or NGB 22 (National Guard Report of Separation and Record of Service) with complete Social Security Number

- W-2 Form with complete Social Security Number (including W-2C, W-2G, etc.). Employers report wages, tips, and other compensation paid to employees on a W-2 form.
- SSA-1099 Form with complete Social Security Number (including SSA- 1099-SM, SSA-1099-R-OP1, etc.). The SSA-1099 a tax form shows the total amount of benefits you received from Social Security in the previous year.
- Non-SSA 1099 Form with complete Social Security Number (including 1099-DIV, 1099-MISC, etc.). These tax forms show income you received from other sources.
- 1098 Form with complete Social Security Number (including 1098-C, etc.). This form is a mortgage interest statement.
- Bank, loan, or financial documents with complete Social Security Number.
- Pay stub with complete Social Security Number.

Procedures to initiate services without a verifiable SSN:

An ORCA file cannot be initiated without a valid client identification number. Traditionally the individual's Social Security Number has been the identification number.

An individual has the right to decline to provide a Social Security Number to VR. Should the individual decline to share their Social Security Number with VR, the vocational rehabilitation counselor (VRC) must contact ORCAHelp to request that a Client Identification Number be generated.

- This number is used to identify the individual in place of the Social Security Number during the VR process.
- Never generate a false SSN for any program participant. Only ORCAHelp may generate a Client Identification Number.

Note: Under no circumstances can staff create an alternate client identification number on their own.

- Any other user-created identification numbers may be considered fraudulent and may result in significant complications for both the VR Program and the individual applying for services in the future.
- It is requested that the vocational rehabilitation counselor continue to ask the individual to try and obtain a Social Security Number.

References:

34 CFR § 361.41(b)(2)

Rehabilitation Services Administration, Technical Assistance Circular, RSA-TAC- 24-01 (10/30/2023)

Create your personal my Social Security account today

Understanding Supplemental Security Income Social Security Notices and Letters -- 2023 Edition

Guardianship:

A guardian is a person appointed by the court who is given the authority to make important decisions for an incapacitated individual regarding health care and personal matters.

The Oregon statute defines an incapacitated individual as someone who is unable to communicate the decisions necessary to provide for their health, safety, and welfare. Critically, a medical diagnosis is not the same as a finding of legal incapacity, which must be determined by a court.

The person for whom a guardian is appointed in a protective proceeding is referred to as the "protected person." An adult guardianship lasts until the protected person passes away, the guardian resigns, or a judge determines the guardianship is no longer needed.

A guardian has various duties and responsibilities under Oregon law. However, they are always expected to encourage the protected person to participate in decision-making and act for themselves whenever possible. The guardian has an obligation to become acquainted with

their ward, regularly visit them, and get to know their limitations, needs and any health conditions.

Initial steps when guardianship is known or suspected

When an individual states that they have a guardian or believes that they may have a guardian, VR requires both the letter of guardianship and judgement order be provided to and reviewed by the VR counselor.

VR is not permitted to provide most services to an individual with a guardianship order until the court order has been reviewed.

- The VR counselor must review the guardianship documents to determine what activities the guardian is required to be involved in.
- The guardianship documents state the guardian's powers and duties or responsibilities. Guardianship orders vary from limited involvement with the individual to a requirement for the guardian to approve any or all services that VR may be able to provide.

Guardianship and application

VR may take the application. The individual and guardian must be alerted that the application cannot go forward without the guardianship paperwork.

Please contact the Policy team regarding the need for guardianship documents.

No guardianship documents provided

Document all attempts to contact the individual and guardian to request the guardianship papers to complete the application. It may be appropriate to close the case if:

- The individual, guardian, or both are unable or unwilling to provide the guardianship documents in a timely manner, please contact the VR policy team. Or,
- If the guardian disagrees with the application for services. The guardian is acting on behalf of the individual. VR considers this a request to close the file.

The case may be closed if appropriate paperwork and signatures are not available to complete the application.

References

34 CFR § 361.44 Closure without eligibility determination.

ORS 125.310 Letters of guardianship (an example of what the guardianship letter looks like can be viewed)

ORS 125.315 General powers and duties of guardian.

ORS 125.320 Limitations on guardian.

ORS 125.323 Limits on association.

Participants under the age of 18:

- Parents or guardians of minor children must sign all documents that require a signature.
- Both the participant and parent(s) or guardian(s) of minors sign all documents.
- Legal guardianship, if assigned prior to age 18, does not automatically carry over into adult legal guardianship.
- After the participant becomes an adult (age 18 or older) and is no longer under guardianship, signature authority defaults to the participant.
- The participant will need to sign a release of information for family members or representatives to continue participation and share information in the VR process.

Participants over the age of 18 under guardianship:

The participant should sign all required VR documents unless the court appointed guardian has legal authority for decision-making. The guardian's signature is not required unless specifically authorized by the judgment order.

- The participant or the guardian will provide copies of both the Letter of Guardianship and Judgement Order to VR at the time of application. These documents are public record. If copies are not available at application, VR must request copies of the documents prior to proceeding with the application.

The VR counselor will review the Letter of Guardianship and Judgment Order to determine the scope of guardianship. The guardian typically has power and duties in three primary areas:

- Residential placement
- Health care, and
- General care and comfort.

Specific VR services may fall within the powers and duties of the guardian's authority.

- The guardian must authorize those specific services, for example, approval for mental health or medical assessments for the comprehensive needs assessment.
- The guardian must also sign the required VR document(s) for those specific services. For example, the guardian's signature is required on an individualized plan for employment (IPE) if the plan includes mental or physical restoration services.

Disability Rights Oregon (DRO) is a resource available to support the adult participant (in other words, the "protected person") if they are having a dispute with an appointed guardian who appears to be overstepping their authority. All VR field offices should make Disability Rights Oregon (DRO) contact information available to adult participants.

Emancipated youth under the age of 18:

Vocational rehabilitation counselors (VRCs) must obtain documentation of the legal award of emancipated status, sometimes referred to as "Judge's Orders." A copy of this is maintained in the youth's electronic file.

Youth who have gone through the legal process of emancipation, and for whom we have documentation of such, are to be treated as adults. They have legal authority to make decisions and can be the sole signatory of their own paperwork.

VR counselors obtain a signed release of information (ROI) from the emancipated youth to share personal information with the youth's parent, parents, guardian, or guardians even if they have given verbal consent.

Supported Decision-Making (SDM):

Supported decision-making is the least restrictive alternative to guardianship. It is a learned process where individuals who experience intellectual or developmental disabilities or both can make decisions for themselves by consulting with trusted friends, family, social service providers, community organizations, other supports, or combinations of supports to help them think of the advantages or disadvantages of a decision, the potential consequences and ultimately make their own choice.

Impact of supported decision making for VR:

- An individual who is not under a guardianship order is not required to have a supported decision-making (SDM) agreement.
- Individuals who choose supported decision-making as an alternative to legal guardianship have legal authority to make decisions and can be the sole signatory of their own paperwork.
- If an individual has a formal written supported decision-making (SDM) agreement, the vocational rehabilitation counselors (VRCs) should obtain a copy.
- Obtain a signed release of information from the individual to share personal information with the individual's supported decision-making (SDM) supporter, if the individual wants their supporter included in their employment decision-making process.

References - Supported Decision Making:

Fact Sheet: New Oregon Law on Supported Decision-Making

Supported Decision Making – in your state (Oregon)

The Arc, Decision Making Supports (2020)

Disability Rights Oregon, Know Your Rights: Guardianship

References - Guardianship:

ORS 343.181 Transfer of special education rights to child with disability upon age of majority

OAR 582-030-0030 Release to Clients, Parents, Guardians and Legal Representatives

Confidential case services:

Purpose of confidential case or client:

Confidential cases are a process used to provide additional privacy considerations for individuals related to, or connected with, employees of Oregon's Vocational Rehabilitation Program. Confidential cases can also be established for other individuals if appropriate.

- See Confidential case applicability for a listing of individuals this policy may apply.

In a confidential case file, client services are amended to provide additional safeguards for an individual's privacy, confidentiality and to reduce or eliminate potential conflicts of interest. These efforts are described in this policy.

Confidentiality safeguards

General privacy expectations for individuals served by the VR program include:

- VR Staff will respect the privacy of all individuals served by the VR Program.
- VR clients receive the Notice of Privacy Rights and Notice of Rights and Responsibilities (ODHS 2916) to inform them of their rights and responsibilities when served by VR.

- Data privacy and security must be maintained when documenting email communication in the official electronic file and the ORCA case notes.
- VR only collects personal information that is necessary.
- VR staff use a communication medium appropriate for each individual and assures that communication technologies meet state and federal requirements for confidentiality and privacy.
- VR contracts define the vendors requirements and responsibilities to protect client information.
- VR staff must be mindful of the heightened expectations for privacy when psychiatric or psychological information is required.
- VR staff will adhere to all federal, state, and program privacy and confidentiality regulations that impact serving individuals with disabilities.

Confidential case applicability:

Direct applicant or participant requests for confidential case consideration to the Deputy Director of Direct Services. The Deputy Director of Direct Services requests or recommends confidential case services as appropriate.

Confidential case status may be considered for the following individuals:

- Current or former state employees of VR
- A current participant who becomes a VR employee
- Family members of VR staff (i.e., spouses, children, siblings, or more distant extended family members) or a person(s) sharing the same household
- Program volunteers paid or unpaid interns, or practicum students.

It is recommended that service be provided by a counselor in an office other than the one they staff, the VR staff family member, or the volunteer, intern or practicum works or volunteers.

Participants in VR who are accepted in a rehabilitation counseling graduate program are recommended to have confidential cases. This practice would better assure their privacy when their peers are interns or practicum students with Oregon VR.

Other individuals who may request a confidential case include:

- An individual that applies for VR services and who has a personal or romantic relationship with a VR staff member.
- Family members of prominent or well-known entertainers, political figures or owners or leaders of large businesses or industry.
- A contractor or their family member, relative, or extended family member including those not related by blood but by choice of inclusion - example: `Ohana in Hawaiian culture]
- A contractor or the contractor's employees
- Sometimes a family member may not be a blood relative or a relative by marriage. The individual may be "family" because they are regarded as family or kin. Examples include adopted, chosen, found or fictive family.
- Other individuals as appropriate.

VR staff are not permitted to process the application of, or otherwise serve in any manner, any individual with whom they are family, estranged family, share a household or in a sexual or romantic relationship.

VR seriously considers any request for a confidential case and evaluates its ability to provide this service.

Confidential cases for youth and students with disabilities:

Youth including students or potentially eligible students may be considered and determined eligible for confidential case services as appropriate.

Secondary education student requests for confidential case consideration should be directed to the Youth Manager. The Youth Manager requests or recommends confidential case services as appropriate.

Youth and students who apply and are eligible for VR services may be considered for confidential case services if they meet the requirements for a confidential case or if determined necessary by the VR counselor.

Note: As students or potentially eligible students may not be of majority age, parents, guardians, or foster parents may be involved in determining the need for a confidential case.

Limitations of service for confidential cases:

As a relatively small state program, VR has a limited number of personnel available and recognizes that confidential cases may potentially create challenges in maintaining the level of privacy necessary for a truly confidential case. All efforts are made to ensure that only a limited number of individuals working with VR can access confidential cases.

To the greatest extent possible, VR's expectation is that the number of staff accessing a confidential case is limited to only those with a genuine need to know. Some considerations might include:

- Communication access,
- Knowledge of disability and appropriate or specialized services,
- Access to data during quality assurance or other program reviews,
- Preferences for counselor demographics or characteristics, and
- Resources in rural areas.

VR is committed to serving individuals to achieve their employment outcome by providing appropriate supports for barriers associated with a disability and maintain the individual's privacy. There are limitations given the size of staff and resources.

Applications for confidential cases:

When a client may qualify for a confidential case, the original application is referred to the Deputy Director of Direct Services for assignment to an appropriate branch office.

The Deputy Director for Direct Services discusses the case with the office's branch manager to determine which VR counselor is assigned to the case.

- If the client prefers that the Deputy Director of Direct Services not be involved in the case, or if the Deputy Director of Direct Services is unavailable, the case is referred to the Deputy Director for Program Management.

Eligibility requirements for an individual requesting a confidential case service file remain the same as for the general population of individuals served.

Local Office Consideration:

Individuals who have a confidential case may request to be served out of a local office for personal reasons. For example, the individual may prefer in person meetings which can best be provided in an office near them. Or the individual may prefer to be served virtually through a more distant office. This is a matter of informed choice.

VR attempts to accommodate the individual if the request can reasonably be supported. However, the preferred method of serving a confidential case is always an office where the participant is not related to or affiliated with local staff members.

Choice of VR counselor for confidential caseloads:

If a staff member or a family member of a staff member seeks confidential service, the case is assigned to staff in a different office from where the staff member works.

- Staff members related to, or who have a personal or romantic relationship with participants, may provide personal assistance to the client in a manner fitting their relationship with the individual. However, staff are not permitted to attempt to influence any aspect of the case in a professional capacity.

- Staff members related or who have a personal or romantic relationship with a participant may be required to submit a conflict-of-interest statement.
- VR staff are not permitted to attempt to unfairly influence the outcome of the case within the VR Program.

Program staff access to confidential case data:

VR employees have access to participant data as part of their normal day-to-day activities. VR staff are not required to have a separate release of information (ROI) once the individual has given VR permission to work with them.

- Access to a participant's personal information must be limited to those with a genuine need to access this information for professional reasons. (34 CFR § 361.38 Protection, use, and release of personal information. OAR 528 Division 30 Confidentiality of Client Information and Release of Information.)

VR staff not directly working with, providing quality assurance, or reviewing a participant's case as part of a case staffing must not attempt to access any VR participant file for any reason.

- Any VR employee identified as accessing participant data without a valid work-related reason may be subject to disciplinary action.

Files identified within the ORCA system may be designated as confidential. Information in these files require a higher level of access rights to view. Staff not assigned and granted higher level of access are restricted from accessing confidential files.

Due to limitations within the ORCA system, some information in a confidential file may still be identifiable in some search configurations. Employees must not attempt to circumvent or exploit ORCA software to gain access to a confidential file.

Creating a confidential case file number:

Full access to a confidential file is limited to only those required to work on the participant's case. Typically, this is the VR counselor, HSA, and Branch Manager. Access to a confidential case is set up through the ORCA team.

ORCA assigns a personal identification (PID) to a new or returning individual seeking service from VR. ORCA staff designate the case as confidential.

State employee requests for accommodation:

State employees employed by VR or other Oregon Department of Human Services (ODHS) programs who need additional support to be successful in their role as a state employee may request reasonable accommodations. VR service to state employee with a disability does not alter or circumvent the ADA accommodation request process.

Reasonable accommodation requests:

An accommodation means a change or adjustment to a job or work environment that enables a qualified employee with a disability to perform the essential functions of a job, or to enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.

State employees do not need to apply to the Program to receive an accommodation. (See Department of Administrative services, ADA and Reasonable Accommodation, policy number 50.020.10. ODHS|OHA 060-034 Reasonable Accommodation.)

- "Reasonable accommodation" does not include modifications or adjustments that cause an undue hardship to the agency.
- "Reasonable accommodation" does not mean providing personal auxiliary aids or services, such as service dogs or hearing aids that a person uses both on and off the job.

A reasonable accommodation does not include lowering production standards, promoting or assigning an employee to a higher-paying job, creating a position, or reassigning essential functions to another worker.
An employee may request an accommodation by following agency procedures.

Requesting accommodation:

Employees may submit a request orally or in writing (using DHS 3009 ADA Accommodation Request) to:

- Their supervisor
- A supervisor or manager in their immediate chain of command
    - Please do not include medical documentation when requesting an accommodation from your supervisor.
- Your Human Resources representative

DHS 3009 ADA Accommodation Request forms also provide information about the process for the decision to provide an accommodation.

References:

34 CFR § 361.38 Protection, use, and release of personal information

OAR 528 Division 30 Confidentiality of Client Information and Release of Information

Department of Administrative Services, policy 50.020.10 ADA and Reasonable Accommodation in Employment

ADA-Employee Assistance and Accommodations, ODHS OWL website

ODHS|OHA 060-034 Reasonable Accommodation

ODHS 060-034-02 Reasonable Accommodation in Employment Process

DHS-060-034-04 DHS Training Accommodations (procedures)

ODHS|OHA 100-001 Privacy Policy

ODHS 100-003 Access to Records

ODHS 100-004 Minimum Necessary Standard for Releasing Confidential, Sensitive, and Protected Information

DHS|OHA-100-010 Release & Waivers for Use and Disclosure for Research and Reporting

DHS|OHA-100-011 De-identification of Individual Information and Use of Limited Data Sets

ODHS|OHA 100-012 Enforcement of Individual Privacy Violations

ODHS/OHA 100-014 Report and Response to Privacy Incidents

Eligibility determination:

Eligibility requirements are applied without regard to gender, race, creed, color, religion, ethnicity or national origin, nature or severity of disability, age, sexual orientation, residency, or political ideation. VR shall not exclude any group of individuals from eligibility for services solely based on type of disability or impairment.

Eligibility criteria:

To be found eligible, an individual must meet the following criteria:

- Must have a physical/mental impairment, as determined by qualified personnel.
- The impairment must constitute a substantial impediment to work, and
- The individual must require vocational rehabilitation services to obtain an employment outcome.

Note: VR must presume that an applicant, including a student or youth, who meets all the eligibility requirements can benefit in terms of an employment outcome.

Eligibility criteria for clients applying to advance in employment:

The VR Program's purpose is the same regardless of whether an individual wants to advance in employment or obtain initial employment. The program can help eligible individuals maintain or advance in their careers by providing vocational rehabilitation services.

The program is not intended solely to place individuals with disabilities in entry-level jobs. Rather, the program helps them obtain appropriate employment, given their unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

Note: All other eligibility criteria still apply to applicants seeking to advance in employment.

Presumption of eligibility for social security recipients and beneficiaries:

Any applicant who has been determined eligible for Social Security benefits under title II or title XVI of the Social Security Act, is presumed eligible for vocational rehabilitation services and is considered an individual with a significant disability.

- Verification of the receipt of Social Security benefits meeting this requirement must be verified within five business days of the application for services.
    - If the VR counselor is unable to verify the client's status in that period, there must be a case note explaining the circumstances for the delay.

Individuals who are eligible for Social Security Disability Insurance or Supplemental Security Income, are to be considered by VR as individuals with a significant disability (34 CFR § 361.5(c)(29)).

Presumed eligible status:

Upon verification of the individual's Social Security disability insurance or Supplemental Security Income status, the VR counselor completes the client's eligibility and provides them with an eligibility letter and a dispute resolution rights notification.

- A copy of each is also included in the case file.

Once the vocational rehabilitation counselor has verified the client's receipt of Social Security disability insurance or Supplemental Security Income benefits, that individual is considered **eligible for VR Services**.

For clients made eligible through the presumptive process, the vocational rehabilitation counselor should still request medical documentation to accurately assign a priority of service which may include a most significant disability.

- Additional medical or educational data may also identify any additional disabilities or barriers to employment and service needs.

The VR counselor may incorporate additional assessments, reports, and other documentation, as appropriate, to substantiate initial reports and explore additional impairments that may exist.

Note: An individual meeting the criterion for presumptive eligibility is considered "Eligible for VR Services" upon verification of their status.

The VR counselor completes the eligibility with the information provided by the individual at application.

Note: Eligibility for Social Security Aged benefits does not make an individual eligible for presumed eligible status.

Verifying the client's presumptive eligibility status:

If an individual does not disclose at application that they are receiving Social Security disability insurance or Supplemental Security Income benefits, but the VR counselor later learns that the client is receiving these benefits, verify the client's benefit status and update the VR Application screen with the correct information as soon as possible.

An applicant may state that they are eligible for Social Security disability insurance or Supplemental Security Income but cannot provide evidence to support that assertion. In this instance:

- VR must verify the applicant's eligibility to receive Social Security disability insurance or Supplemental Security Income using the DHR system, or by contacting the Social Security Administration.

Procedures for verifying client social security benefits (SSI/SSDI):

If the client is unable to provide a recent copy of their Social Security Benefits Verification Letter from the Social Security Agency (SSA), VR staff should take steps to verify the client's Social Security disability insurance or Supplemental Security Income benefits.

After obtaining the individual's informed consent, VR Staff can manually verify the clients benefit information in several ways:

- The preferred method of verifying a client's benefit is using the ODHS mainframe system (previously known as Hummingbird).
- The use of the Social Security disability insurance or Supplemental Security Income verification screens is preferred as it provides the most timely and accurate verification.
- RSA TAC 24-01 allows VR Staff to verify a client's Social Security disability insurance or Supplemental Security Income using the "My Social Security Account" website at the US Social Security Administrations Homepage after obtaining the applicant's informed consent.
    - VR Staff may assist the client with establishing a My Social Security Account if they have not set one up previously.
- The VR counselor may request a benefit verification letter through the Social Security Administration. Personal Social Security accounts (https://www.ssa.gov/myaccount/) provide an option for "benefits verification."

Note: 34 CFR § 361.42(a)(5) states that presumptive eligibility is not to be interpreted as creating an entitlement to any vocational rehabilitation service. VR may close the file of an individual who is presumed eligible for the same reasons that result in closure for any other client file.

- This means that while the individual may have a qualifying disability, it does not mean that they meet the remaining requirements for VR services. VR should proceed under the assumption that the client is eligible until determined otherwise.

Verbal consent for presumptive eligibility:

The applicant may provide either written or verbal consent to confirm their Social Security benefit information which verifies their presumptive eligibility for vocational rehabilitation services.

If verbal consent is provided, the VR counselor must document this consent in a case note.

Note: The Rehabilitation Services Administration (RSA) allows applicants and participants to provide verbal consent instead of written consent in most instances. The policy manual states if written consent is required, it must be documented in a case note.

References:

34 CFR § 361.42(a) Assessment for determining eligibility and priority for services. Eligibility requirements.

RSA TAC 24-01 Promoting Meaningful and Sustained Engagement of Individuals with Disabilities in the State Vocational Rehabilitation Services Program.

Disability Evaluation Under Social Security

Blind and visual impairment:

Oregon has a separate agency to assist individuals whose impairments fall within the definition of legal blindness or are of a rapidly progressive nature leading to legal blindness. Therefore, all individuals who may meet this requirement must be immediately referred to Oregon Commission for the Blind (OCB).

This referral to OCB is required regardless of what other disabilities exist. This referral to OCB does not depend on blindness being the "primary" disability.

Visual impairments:

VR provides services to participants with visual impairments who are not statutorily blind. A person is considered statutorily blind when:

- Visual acuity does not exceed 20/200 in the better eye with correcting lenses or
- They have a field of vision with a diameter no wider than 20 degrees.

VR may provide optical aids to visually impaired individuals when the aids are required to participate in rehabilitation services.

Referral to Oregon Commission for the Blind:

VR shall refer all individuals to the Oregon Commission for the Blind (OCB) if their disability falls within the definition of statutory blindness.

- When individuals meet the definition of statutory blindness or when any doubt exists, VR shall refer the person to OCB.
- Counselors are encouraged to consult with OCB staff about all participants with low vision and appropriate accommodation strategies.
- VR may open a joint case with OCB when blindness is not the primary disability and when the participant can benefit from the services of VR staff.

For individuals who are blind, all vision-related rehabilitation services, including assistive technology, are the sole responsibility of OCB.

If an individual needs such services to become employed, retain or advance in employment, and such services are delayed because they are on the OCB Order of Selection wait list, VR should not accept the case.

If an individual needs assistance to work with OCB, refer the individual to the Client Assistance Program (CAP).

Shared cases with Oregon Commission for the Blind (OCB):

Generally, OCB handles cases of individuals with multiple disabilities, in addition to blindness. However, OCB occasionally requests that VR agree to a dual case. VR may accept or decline a dual case.

A case can be opened jointly, after a request from OCB, only if it meets all the following criteria:

- The individual meets the eligibility criteria for both agencies.
- The individual has multiple rehabilitation needs that are significant in nature and result in both legal blindness and other physical or mental disabilities, and

- VR and OCB determine there are substantial rehabilitation services required that are best provided through a cooperative effort involving the expertise of counselors from both OCB and VR.

In a dual case, VR counselors coordinate closely with OCB to avoid any duplication of effort or services.

VR staff does not consider OCB a comparable benefit for non-vision related essential services.

Cases served jointly by VR and OCB are served concurrently, according to an IPE agreed upon by the client, the OCB Counselor, and the VR counselor.

Each counselor is responsible for working within their agency's rules, policies, and procedures. At successful completion of the IPE, each program will be eligible to document a positive employment outcome.

Interagency agreements on joint rehabilitation cases:

- All vision-related rehabilitation services, including assistive technology, that address the individual's vision-related rehabilitation needs are the sole responsibility of OCB.
- If either agency is in an Order of Selection, the responsibilities of serving consumers as described above is not altered. Each agency's Order of Selection policy is followed.
- When an individual who has received a Ticket to Work from Social Security has elected to assign their ticket, the ticket is assigned to the agency that has the highest projected costs in the individualized plan for employment (IPE). The agency that holds the ticket elects cost reimbursement and collects and submits the expenses for case services, administration and tracking for both agencies. The responsible agency provides the portion of the cost reimbursement to the other agency that includes case service expenses and 50% of the administration and tracking costs to the other agency reimbursed by Social Security.

Consultation services for low-vision VR clients:

There may be circumstances in which the professional expertise of staff of the OCB is necessary to best serve an individual that is not eligible or appropriate for services directly from OCB. In such a case, counselors may receive consultation services from OCB on a fee-for-service basis.

Consultation services are provided by OCB based on the availability of their agency's staff resources. The rates are reasonable and based on actual expenses.

OCB and VR provide information & referral services without charge to the partner agency.

Eligibility timelines:

The vocational rehabilitation counselor (VRC) shall make the eligibility determination as soon as they have documentation that verifies that the individual meets eligibility criteria. This determination should be made without waiting for all documentation to arrive.

The VR counselor shall make eligibility determinations promptly upon receipt of application, not to exceed 60 calendar days, unless circumstances dictate the requirement of an extension of eligibility.

Eligibility determination extensions are only used in unforeseen circumstances beyond the control of the VR Program. The eligibility must be updated through the life of the file should impairments and/or impediment change.

Eligibility extensions:

If the VR counselor encounters exceptional and unforeseen circumstances and cannot determine eligibility prior to the 60th day from the date of completed application for services, the VR counselor must do the following:

- Inform the individual of the exceptional and unforeseen circumstances (beyond VR control) that are delaying eligibility determination.
- Obtain agreement from the individual that an extension is necessary and identify the timeframe in which the eligibility determination will be completed.

- Complete the eligibility extension page in ORCA to include:
    - The reason(s) that necessitate the extension of time required, and
    - The individual's agreement to a specific extension of time.
- The VR counselor must document the discussions, including the rationale and agreement, within a case note.
- Extensions beyond 90 days or subsequent extensions must be approved by the branch manager prior to the extension being granted.

Note: Any eligibility determination extensions completed beyond the 60-day mandate are out of compliance.

First eligibility criterion - presence of an impairment:

The first eligibility criterion is that the individual must have a physical or mental impairment. A "physical or mental impairment" is any impact or loss of function directly resulting from a physical or mental disorder, condition, injury, or disease.

Establishing the presence of an impairment:

To determine eligibility, the VR counselor must gather and review existing records prior to authorizing additional assessments including neuropsychological evaluations.

- These records could include existing medical records, education records, information provided by the individual or the individual's family, counselor observations and determinations made by officials of other agencies.

VR may use records obtained from previous VR files if they accurately reflect the individual's current functioning.

If the existing records are insufficient, or there are no available medical records or other documentation to substantiate the presence of an impairment, the VR counselor can authorize the purchase of additional evaluations that may be needed to determine if the individual has an impairment.

Requesting records:

Request available, existing records to determine the presence of an impairment within five business days of applying for services.

Determining whether records are current:

Evaluate records based on a thorough understanding of:

- The individual's medical or psychological treatment or both, if any, and
- Significant life events that have occurred since the date of the records.

If the records accurately reflect the individual 's current functioning and impediments to employment; the VR counselor may consider them current.

Scheduling additional assessments:

If it is determined that additional assessments are required to determine eligibility, the VR counselor documents the need for these assessments in a case note.

VR staff then coordinates an assessment appointment within three business days.

Observable impairments:

If a VR counselor observes an individual’s impairment and can determine that they have an impairment-related impediment to employment, the first two eligibility criteria have been satisfied. Medical reports are not required. However, existing medical documentation may be required to complete an assessment to develop the individualized plan for employment and assess the level of impairment.

Unstable or acute conditions:

A physical or mental impairment is any impact or loss of function directly resulting from a physical or mental disorder, condition, injury, or disease.

For conditions that appear to be unstable or acute and may not result in persistent functional limitations, the VR counselor is encouraged to consult with their lead VR counselor, VR supervisor, medical consultant, or other VR specialist.

As a part of these consultations, the reviewer provides information on the completeness of the medical records and the medical necessity of a procedure. The reviewer can also assist with interpreting information on the proposed treatment and prognosis.

The consultants do not decide whether the individual is eligible for VR services. The VR counselor is responsible for deciding if the individual is eligible for VR services and whether the requested or recommended services are within the scope of VR.

No additional assessments allowed when no apparent impairment exists:

The VR counselor must not purchase evaluations if:

- Neither the individual nor the referral source alleges a current impairment, and
- There is no evidence of an impairment after the completion of a thorough diagnostic interview.

Determining there is no impairment (ineligible):

If the VR counselor determines the individual does not have an impairment, the applicant will be ineligible. The VR counselor must do the following:

1. Provide the opportunity for consultation with the applicant.

If the applicant accepts the ineligibility determination, no Notice of Proposed Action (NOPA) is required. However, a closure letter must be sent.

2. The closure letter needs to include information about other available community resources or programs to meet the individual's needs.

3. In the event the applicant does not accept the ineligibility determination, a NOPA must be sent.

Second eligibility criterion - substantial impediment to employment:

The second eligibility criterion is that the physical or mental impairment must constitute or result in a substantial impediment to employment for the applicant.

Establishing a substantial impediment to employment:

Although an individual may have an impairment that limits certain functions, there may not be an associated substantial impediment to employment.

A substantial impediment to employment exists when the impairment and resultant functional limitations:

- Prevent the customer from obtaining a job consistent with the individual's abilities.
- Significantly interfere with preparing for employment consistent with the individual's abilities, and
- Cause the individual to need special help to perform job duties or interfere with job retention or job advancement.

If an individual’s physical or mental impairment constitutes or results in a substantial impediment to employment, the individual has a disability for purposes of the VR services.

Documenting impediments to employment:

It is the job of a VR counselor to translate functional limitations into a description of substantial impediment to employment for the applicant. The counselor utilizes information from medical records, family, school, employers, or other credible sources to help establish functional limitations.

Participant self-report should not be used as the sole source of information in assessing these limitations.

Functional capacities report:

When an individual has a physical impairment, a formal Physical Residual Function Capacity Report is not required to determine the presence of an impairment.

The VR counselor may use the functional capacity report to gather information about an individual's physical or mental limitations from a treating physician or evaluating specialist to determine eligibility and/or for completing the vocational assessment.

If the counselor is not able to determine impediments to employment, they should consult with their branch manager, a counselor specialist, or a medical or psychological consultant.

Note: All items checked on the "Functional Loss Indicators" screen in ORCA are substantiated by documented information in the file.

Using medical and psychological consultants:

The use of medical or psychological consultation should be rare.

Consultations are only appropriate where complex medical or psychological conditions exist, and the VR counselor requires additional information and understanding of the client's condition.

VR may, but is not required to, utilize a consultant to:

- Recommend further diagnostic studies and review the results, or
- Clarify and make recommendations when records contain conflicting statements regarding diagnosis and recommended treatment or when there is conflicting information regarding functional limitations.

The eligibility should not be comprised solely from the consultant's report. It is important for the VR counselor to explain the determination in their own terms.

Note: A medical consultant must be used prior to approving a substantial medical/psychological plan service. See Physical and Mental Restoration Services for more information.

Determining there is no impediment (ineligible):

If the VR counselor determines that the individual does not have an impediment, the applicant is ineligible. The VR counselor must:

1. Provide the opportunity for consultation with the applicant.

2. If the applicant accepts the ineligibility determination, no notice of proposed action (NOPA) is required. However, a closure letter must be sent.

3. The closure letter must include information about other available community resources or programs to meet the individual's needs.

4. In the event the applicant does not accept the ineligibility determination, a NOPA must be sent.

Third eligibility criterion - requires VR services:

The third eligibility criterion is that the individual requires VR services to prepare for, secure, retain, advance in, or regain a competitive integrated employment outcome consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Establishing an applicant requires services:

When it is established that the individual requires services it means that the individual is unable to achieve employment consistent with their abilities and capabilities without vocational rehabilitation services. Access to vocational rehabilitation services:

- Has a substantial impact on the individual's disability and resultant functional limitations; or
- Reduces the impediment to employment, thus allowing the individual to prepare for, obtain, retain, regain, or advance in competitive employment consistent with the individual's capabilities and abilities, and
- The individual cannot access these services elsewhere without VR intervention.

Determining VR services are not required (ineligible):

If the VR counselor determines that the individual does not require VR services to prepare for, enter, engage in, retain, or advance in a competitive integrated employment outcome

consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, the VR counselor must:

1. Provide the opportunity for consultation with the applicant.

2. If the applicant accepts the ineligibility determination, no Notice of Proposed Action (NOPA) is required. However, a closure letter must be sent.

3. The closure letter must include information about other available community resources or programs to meet the individual's needs.

4. In the event the applicant does not accept the ineligibility determination, a NOPA must be sent.

Primary and Secondary impairments or disabilities:

Primary disability: means the physical or mental disability that causes or results in the most substantial impediment to employment for the individual.

Secondary disability: means all other physical or mental disabilities that cause or results in a substantial impediment to employment in the order of the impact to the individual.

Establishing the level of significance:

The level of significance refers to the functional capacity of the individual combined with the level of VR services needed to help reach a competitive integrated employment outcome.

To be considered as having a **significant disability:**

Having a most significant disability means that the VR participant must:

- Have a severe mental or physical impairments that seriously limit one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and
- is expected to require multiple vocational rehabilitation services over an extended period in order to achieve or maintain a successful employment outcome.

Having a **most significant disability** means that the VR participant must:

- Has a severe mental or physical impairment that seriously limits two or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and
- Is expected to require multiple vocational rehabilitation services over an extended period in order to achieve or maintain a successful employment outcome.

All other individuals, who do not qualify as significant or most significant must be determined eligible for services under 34 CFR 361.42.

If an individual is an SSI or SSDI recipient, they are presumed eligible and:

- At minimum considered significant or
- May be most significant if documentation supports that.

The eligibility must be updated throughout the life of the file should impairments change, or additional impairments be identified.

The VR counselor's eligibility determination must explain the reason for the decision of the level of significance.

Required level of significance for certain cases:

The following types of cases must be designated in ORCA as having either a significant disability or a most significant disability for the life of the case:

- Customers who require trial work services.
- SSI/SSDI recipients who are presumed eligible for VR services and considered to be individuals with a significant disability.

Level of significance and supported employment services:

All participants who require supported employment services must have their cases designated in ORCA as having a "most significant" disability for the life of the case and medical documentation supports their designation as most significantly disabled.

Level of significance for extended services:

All participants who require extended services (34 CFR 361.5(c)(19)) must have their cases designated in ORCA as "most significant" disability for the life of the case.

Note: VR may only fund youth with most significant disabilities in extended services.

Trial Work Experience (TWE) plans:

If the VR counselor is unable to determine if an individual can benefit from VR services because of the severity of their disability, the individual must be provided with trial work services (TWE). In most cases, the decision to proceed with a trial work plan should be made before determining whether an individual is eligible for services.

While providing trial work services, the VR counselor and the individual explore the individual's abilities, capabilities, and capacity to perform in realistic work situations until there is enough information to decide about whether the individual is eligible for VR services.

The use of a trial work experience (TWE) is rare. Consult with your manager anytime you believe that a trial work experience may be necessary.

Requirements for using a Trial Work Experience:

When available information is insufficient to determine whether an individual can benefit from services because of the severity of that participant's disability, VR shall conduct trial work experience(s).

When available information is insufficient to determine whether an individual can benefit from services because of the severity of that participant's disability, VR shall conduct trial work experience(s).

- VR shall develop a written plan to assess periodically the participant's abilities, capabilities, and capacity to perform in work situations.
- Trial work experiences shall be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the participant.

- Trial work experiences may include supported employment, community- based work assessments, structured volunteer experiences, job shadowing and other experiences using realistic work settings.
- Trial work experiences must be of sufficient variety and over a sufficient period for VR to determine the following:
    - There is sufficient evidence to conclude that vocational rehabilitation services can benefit the individual in terms of an employment outcome, or
    - There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.
- As a matter of record, a medical or psychological evaluation is not, on its own, clear, and convincing evidence for trial work experience.
- VR shall provide multiple trial work experiences as necessary to establish that an individual is either able to benefit from VR services, or that the individuals' disability is unable to benefit from VR services.
    - The number and nature of trial work experiences needs to be determined on an individual basis.
- Trial work experiences must establish clear and convincing evidence and demonstrate there has been sufficient supports, and a variety of work sites explored to answer that question for each individual case.
- VR shall provide appropriate supports, including assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.

References:

34 CFR § 361.42-Assessment for determining eligibility and priority for services

34 CFR §361.5(c)(5) Assessment for determining eligibility and vocational rehabilitation needs

34 CFR §361.5(c)(14) Eligible individual

34 CFR §361.41 Processing referrals and applications.

34 CFR §361.43 Procedures for ineligibility determination.

34 CFR §361.44 Closure without eligibility determination.

OAR 582-050-0010(2)-Referral, Application and Eligibility for Vocational Rehabilitation Services

Assessment for Individualized Plan for Employment (IPE) development:

To the extent possible, the VR counselor must use records and data from the assessment of eligibility and priority for services to determine the employment outcome and nature and scope of services to be included in the individualized plan for employment (IPE).

The purpose of this assessment is to determine the employment outcome and the nature and scope of Vocational Rehabilitation (VR) services to be included in the individualized plan for employment (IPE). An assessment of the rehabilitation needs of each eligible individual includes an evaluation of the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice—including the need for supported employment.

It is expected that the client actively participates in the assessment process. The VR counselor must engage the client, to the extent possible, in determining the assessment activities that lead to an agreed upon employment outcome.

Use of existing records:

To the maximum extent possible, the VR counselor must:

- Use existing records.
- Rely on information from the individual's experiences in an integrated employment setting or in other integrated community settings, and

- Consider the validity or correctness of the information based on the source and the VR counselor's knowledge of the individual.
- Individuals must not be required to participate in unnecessary assessments, such as a comparable information is available from records and is sufficient, or
- The assessment did not directly assist with determining the IPE goal, the VR services available to the individual or both.

Requesting records or assessments:

If additional records, assessments, or both are needed to complete the vocational assessment, they are requested as soon as the need has been identified, but no later than five business days.

In addition, the rationale for the assessments is clearly documented in a case note, including a description of how the information is utilized in the plan development process.

IPE development and the initial assessment:

The assessment process begins when the individual applies for services, and it continues until file closure.

The process includes a review of the individual's:

- Personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities
- Medical, psychiatric, and psychological history, and
- Other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the individual's employment and rehabilitation needs.

The assessment is intended to:

- Clarify the individual's vocational interests and aptitudes.
- Assess the marketability of the individual's present and potential skill levels.

- Describe the types of services needed to improve the individual's skills.
- Identify the best use of rehabilitation technology, and
- Identify other needs and issues relevant to VR services.

Assessment documentation:

Throughout the assessment process, the specific details that are gathered and evaluated by the VR counselor are entered in the case note section as the analysis and assessment activities are being compiled and completed.

The assessment activities should determine the following:

- Summary of the individual's disabilities and related impediments to employment.
- Summary of the individual's adjustment to their disability.
- Services recommended that will address specific functional limitations.
- Assessment of the individual's needs for rehabilitation technology.
- Justification for a selected employment goal.
- Justification for services needed to achieve the employment goal (include justification for each service and documentation of best value for purchased goods and services).
- Available resources and comparable benefits.
- Independent living skills that support the employment goal.
- Any relevant legal issues.
- Description of the individual's involvement in, and informed choice regarding, the selection of services and providers and the individual's employment goal.
- Educational and vocational history and goals.
- Justification for planned frequency of contact.
- Explanation of the individual's contribution to planned services (if required).
- Any other factors that might impact the individual's participation in services.

- All participant files contain a description and verification of the assessment activities, if applicable, that justify the determination of the employment outcome and the services that are included in the individualized plan for employment (IPE). The description also states how the individual participated in informed choice in the goal selection.

Additionally, the individual's file should also include information about:

- The individual's work tolerance.
- The individual's ability to acquire specific job skills.
- The individual's patterns of work behavior.
- Additional medical or psychological evaluations that may be needed to determine the nature and scope of services.
- Functional assessments conducted in a community-based work setting.
- Any additional assessments needed to determine:
    - The best job placement; or
    - The support services to be provided through supported employment services.

Documentation includes a discussion of all of employment goals that were considered, as appropriate, and the decision-making process used to select the agreed upon vocational goal included on the individual's individualized plan for employment (IPE) as part of the vocational assessment process.

Community-Based Work Assessments (CBWA):

VR may provide community-based work assessments to gain information about an individual's ability to work in a competitive integrated work setting.

If the individual receives a wage for the work completed while participating in the assessment, the counselor shall ensure compliance with wage and hour regulations. In addition, the counselor must ensure that workers' compensation is covered by the employer. If no coverage is available, the counselor must complete the necessary form to allow coverage for the individual.

If a participant is in an unpaid work setting, the counselor shall document that the employer is not profiting from the participant's work, nor is the participant replacing another regular employee.

Workers Compensation Coverage (SAIF):

The required form (DHS 9878 Monthly SAIF Report) is used to initiate workers compensation coverage and is found on the OWL.

This is the form used for recording our SAIF coverage of VR clients who are completing a community-based assessment in a setting where the employer doesn't provide coverage. The SAIF Report is required, when applicable.

This form features an electronic signature so there is no need to print it and sign it prior to submitting to Central Office. The form does need to be printed and placed in the individual client file. A separate form must be completed for each client covered – do not combine client names on one form.

Required assessments:

In some cases, the VR counselor must obtain required documentation and approval prior to agreeing to the service. This is done to ensure that the proper VR services are offered.

The following are examples of additional services that may need approval before they may be included in the individualized plan for employment (IPE).

- Postsecondary Training
- Rehabilitation Technology
- Restoration Services
- Self-Employment
- Vehicle Modification and Purchase

Labor market and career information:

The VR counselor and the individual should also explore the labor market information as it relates to the individual's employment goal. This information is available through the State of Oregon Employment Department Quality Information website: www.qualityinfo.org.

Determining an employment goal choice for individuals with disabilities involves the assessment of various factors unique to the individual. Primary employment factors are considered during an assessment of the individual's vocational rehabilitation needs.

These primary factors include the individual's strengths, resources, priorities, concerns, abilities, and capabilities. The employment goal must also reflect the individual's interests and informed choice to the extent that they are consistent with the individual's primary employment factors.

In addition, external factors including the general and local economy as well as local, statewide, and national labor conditions must also be considered to support an employment goal choice.

To determine the impact of the external factors on the individual's employment goal choice, labor market research is required. This research is also used to justify the expenditure of taxpayer dollars to support the goal. The type and extent of labor market research needed varies depending on the following:

- Occupational area being considered.
- Level of sophistication of the position being pursued (service, clerical, professional, technical, or managerial)
- Actual qualifications required in the occupational goal area.
- Area of the state in which employment is considered (rural vs. metropolitan), and
- Consideration of employment needs revealed during the assessment of the individual's primary employment factors.

Likewise, there will be variation in the level of counselor and client involvement in this process depending on these factors and particularly the abilities and capabilities of the eligible individual.

The VR Program expects each individualized plan for employment to include data that supports the employment goal choice for that individual. The data includes the general labor market factors for the goal choice as well as any concerns or variables relating specifically to the eligible individual.

Labor market data:

Data included in the labor market research supports the individual's employment goal choice while ensuring the availability of employment in the individual's geographic location.

If employment in the goal of choice is not available in their local labor market, the individual must be willing to move to a geographical area that supports this employment goal option and have the financial means to support this move.

Position requirements:

To determine if an individual is qualified for a position and the nature and scope of services that may be required to prepare for a position, the research should address required qualifications including education (diploma or degree), technical training, certifications, and experience.

This information should include whether the employer is willing to substitute experience for training or if there are other ways to mitigate the education or technical requirements.

Preferred qualifications should be listed as well, especially if the occupational goal has limited openings and competition is expected to be greater.

Physical and mental demands should be addressed as they pertain to the eligible individual. Specific knowledge, skills and abilities needed to perform essential job duties should be noted. Interpersonal skills and communication requirements should be addressed.

Working conditions:

Various factors should be documented as appropriate for the eligible individual. These include the availability of part time versus full time employment, shift schedules, indoor versus outdoor work, environmental quality factors, pressure to produce, level of supervision, whether there are natural supports, amount of interpersonal contact required, and other conditions or hazards innate to the working environment.

Current and projected openings:

Each employer survey should include current openings as well as projected openings and the location of the openings. Projected openings are especially important when considering a longer-term training program and labor markets that may be susceptible to a volatile economy.

A salary and compensation package can be addressed when the individual considers this an important part of the decision-making process.

Individual employment factors:

As appropriate for each eligible individual, the labor market survey should address specific information and concerns as appropriate to address the individual's primary employment factors.

These might include but not be limited to the individual's learning style, the need for job coaching or long term supported employment, the need for job accommodations, the ability to drive or use transportation required for the position, and their criminal history.

Other factors that may impact the choice of an employment goal:

The individual's life circumstances, and personal history can significantly impact the choice of an employment goal.

If an individual is interested in an employment goal that requires a license or a criminal history check, assess the ability of the individual to meet those requirements before the individualized plan for employment (IPE) is completed.

The VR counselor cannot agree to an employment goal on the individual's IPE if the individual will not meet the employment requirements after the provision of VR services.

Impact of criminal history on employment outcome:

Request a Criminal History Check (CHC) after an eligibility determination has been made:

- At the individual's request, if an individual has reported to the counselor difficulty in obtaining employment due to a history of felony conviction or
- Prior to signing an individualized plan for employment (IPE), if an individual wants to work in an occupation that requires a license or other credential, and they do not hold a valid license or credential in that occupation.

Provide the individual with information about the impact of certain criminal offenses on whether the person will be eligible to obtain the required credentials or licensing to engage in specific employment outcomes.

Do not select as an employment outcome any occupation that the individual cannot pursue due to their criminal history.

Background check process:

Staff must use Background Investigations, Inc. (BI) to complete client background checks. Fees for this service are appropriate.

Using Background Investigations, Inc. (BI) allows the VR counselor access to the same information sources that employers review when requesting a background check company for employment. Quite often BI, Inc. provides these background checks to employers.

Background checks performed by local police, sheriff, or Oregon State Police (OSP) do not allow the VRC to view several of the charges or convictions or both that employers view. This has resulted in problems with job placement.

Note: VR staff must use Background Investigations, Inc. to purchase criminal background checks.

- Staff must not use the ODHS/OHA Background Check Unit staff, Oregon State Police, or police in the local jurisdiction for the background check.

Procuring a criminal background check for clients:

Refer to Criminal History – Background Checks for VR Participants on the VR Procedure Toolkit on OWL for information to procure a criminal background check.

Note: If the report request is emailed, it must be sent by secure email.

Use a secure email to send the request. Background Investigations, Inc. may reply to this secure email and share the results.

Who may view the background check results:

The counselor receives a report by email, usually within 48-72 hours.

VR staff give a copy of the report to the consumer as discussed in the VR Procedure Toolkit.

- Background Investigations, Inc. do not notify or provide any information to the client.

VR staff may not provide a copy of the criminal history to anyone else.

- However, the VR counselor may list the type of offense and date of a criminal conviction(s) on the referral form to a job developer or other professional on a "need to know basis." Criminal convictions are a matter of public record.

Paying for background checks:

At the end of each month, Background Investigation Inc. sends a statement which VR staff use to pay all individual AFPs for that month.

Record retention for background check information files:

A copy of the request for the background and results are maintained in Section 2, right hand side of the client file in the areas of dispute resolution and subpoenas.

Evaluating and documenting criminal history results:

To document a Criminal History Check (CHC) in ORCA the VR counselor:

1. Enters a case note explaining the counseling and guidance offered to the individual about selecting their employment outcome and obtaining a CHC before the individual and the VR counselor agree to the content of the individualized plan for employment (IPE).

2. Enters a case note confirming that a Criminal History Check (CHC) was requested using the procedure indicated and why it was requested.

3. After the results are received, discusses the implications of the CHC results with the individual.

4. Documents how the implications of the Criminal History Check (CHC) affect the selection of the employment outcome. Do not cut and paste or otherwise include the specific details including the dates and types of convictions obtained from the CHC in the case note.

Criminal History Check (CHC) reports are often incomplete and difficult to interpret. For assistance, seek guidance from your Branch Manager or Regional Manager.

Should the VR counselor determine that an individual's criminal history precludes the individual from obtaining a credential or licensing, the VR counselor must notify the individual of the determination.

Note: Should the individual disagree with the VR counselor’s determination, a notice of proposed action (NOPA) may be required.

Considerations for employment in marijuana and hemp industries:

Marijuana:

Marijuana remains illegal under federal law. The Oregon Vocational Rehabilitation Program uses federal dollars that cannot be used to fund projects that involve the sale or distribution of substances illegal under federal law.

Individuals can pursue this employment independent of Vocational Rehabilitation services. There are no exceptions to this directive.

Marijuana Licensing Reports

Marijuana Licensed Businesses - interactive report of all marijuana licensed businesses.

Hemp:

Hemp has a very specific definition and should not be confused with marijuana or cannabis, which continues to be an illegal federal Schedule I drug. VR is not prohibited from supporting employment in an industrial hemp business.

Active registrations or licensing for hemp manufacturing

The Oregon Hemp Program website has a growing amount of information about this industry. Vendor Site License FAQs reflects changes in the law as of 6/1/2024 regarding who needs a hemp vendor license or not.

References:

34 CFR § 361.5(c)(5)

Oregon Hemp laws

Eligibility to work in the United States:

An individual's eligibility to work in the United States should not be considered as a factor when determining an applicant's eligibility for VR services.

Individuals seeking Vocational Rehabilitation services must demonstrate their eligibility to work in the United States prior to the individual entering an individualized plan for employment (IPE).

If an individual is unable to demonstrate authority to legally work in the United States, the file must be closed.

Documentation of eligibility to work in the United States

Verification of employment status is accomplished by using the eligibility criteria established in the U.S. Citizenship and Immigration Services Form I-9 (Employment Eligibility Verification).

A copy of documents used to determine a client's employment eligibility must be included in the client case file record.

Deferred Action for Childhood Arrival (DACA):

VR may serve individuals who are in the Deferred Action for Childhood Arrival (DACA) Program during the period valid on their Employment Authorization Document.

DACA recipients are provided an employment authorization document (EAD or INS Form I-766) that permits the individual to work within the United States. VR recognizes this document as a legal authorization to work and permits individuals who are eligible to participate in the VR Program.

When working with DACA recipients, the VR counselor must also be aware of some important considerations. There is potential for rapid changes in what is considered permissible under the DACA Program. These changes could result in the termination or reduction of services for VR clients that are DACA recipients.

DACA eligibility for employment:

The DACA recipient's authority to work in the United States is only valid up to the expiration date on the Employment Authorization Document. Eligibility to work in the US is a

requirement for VR services. VR services may only exist up to that date of expiration. No exceptions are allowed.

DACA clients - providing services in the individualized plan for employment (IPE):

The Program recognizes that this may create challenges for clients who have long term support needs or are pursuing extended educational goals. Under current guidance, individualized plan for employment (IPE) services must be completed prior to the expiration date of the individual's employment authorization document (EAD).

Any education or training services in the client's plan must be projected to be completed, and the client finished with the IPE service(s), prior to the Employment Authorization Document expiration date. This includes DACA individuals enrolled in the Inclusive Career Advancement Program (ICAP).

- DACA clients that are entering into an education or training plan must have a reasonable expectation that the schooling, training or both will be completed, and the client successfully placed into their employment goal prior to the expiration of their employment authorization document (EAD).

Extension of DACA eligibility:

The date of expiration on the employment authorization document is the end of eligibility for VR services. While there is a reasonable expectation that the client's DACA status will be extended, the date of expiration must be treated as the end of services.

Should a client receive an extension on their DACA eligibility date, a new individualized plan for employment (IPE) must be written to reflect this change.

Services may not be extended or cross over the eligibility periods. A new IPE must be complete within the current eligibility period.

- Counseling and guidance or information and referral may continue as needed. Services with a completion date or a beginning date and an ending date must be completed during the new IPE that coincides with the DACA eligibility dates.
- For example, training, education, certifications, or other time-limited services must start and end within the current eligibility period for the DACA eligible participant.

DACA legal protections and occupations:

In most instances, DACA recipients have the same legal employment protections as any other eligible worker. However, a DACA recipient may not hold jobs in the federal government or work on jobs supporting federal contracts.

Any potential restrictions must be considered when helping the client determine their employment goals. There may be additional restrictions in some other fields and care should be taken to research any potential DACA stipulations prior to agreeing to an employment goal.

Due to the fluid nature of the DACA Program, each case should be examined independently as information about this program may change without notice.

DACA ineligibilities for federal student loans:

DACA recipients are not eligible for federal student loans. Thus, they are not required to apply for Free Application for Federal Student Aid or FAFSA when their employment outcome requires a VR education plan. VR counselors are asked to case note this exemption when developing the client's plan.

DACA recipients are eligible for other types of loans, scholarships, and work- study programs. Clients who pursue an employment outcome that requires an educational plan should contact the post-secondary institution's financial aid office to determine what forms of financial assistance are available.

Note: All notice of proposed action (NOPA) procedures applies to DACA recipients.

Expenditures allowed while determining eligibility to work in the United States:

Expenditures necessary to determine an applicant's eligibility for VR services may be approved without having a client verify their eligibility to work in the United States.

Expenditures for assessments, evaluations or other items used for a client's plan development may not occur prior to verifying the client's eligibility to work in the United States.

Vocational Rehabilitation is not authorized to pay for services to assist the client in obtaining eligibility to work documentation.

Plan development extensions while determining eligibility to work in the United States:

Vocational Rehabilitation counselors should consider closing files rather than requesting a plan development extension unless:

- The client can provide supporting documentation showing that they have an authorization to Work in the United States, or,
- The client has applied for and is expecting a resolution to their eligibility status from the United States Citizenship and Immigration Services (USCIS) within the next ninety days.

No authority to legally work in the United States:

Clients eligible for VR services who are unable to meet employment eligibility requirements should be closed prior to placing the individual into an individualized plan for employment (IPE).

Closure process for client ineligible to work in the United States:

If the VR counselor determines the individual does not have legal authority to work in the Unites States, the VR counselor must do the following:

- Provide the opportunity for consultation with the individual.
- If the individual accepts the determination, no NOPA is required. However, a closure letter still needs to be sent.
- The closure letter will need to include information about other available community resources or programs to meet the individual 's needs.
- In the event the individual does not accept the determination, a NOPA must be sent.

References:

34 CFR § 361.42: State Vocational Rehabilitation Services Program- Assessment for determining eligibility and priority for services.

USCIS Form I-9: Employment Eligibility Verification

Financial Needs Test (FNT):

Unless exempt, individuals shall participate in the cost of certain vocational rehabilitation services. To ensure that financial participation is not a hardship (and thus a barrier to services) and that the policy is applied equitably, participants shall provide the necessary information for VR to complete a Financial Needs Test (FNT).

The counselor must inform each applicant that a financial needs test is required and must be reviewed annually or more often if substantial changes (whether positive or negative) occur in the participant’s or the family unit’s financial situation.

The financial needs test does not affect eligibility for VR services. The financial needs test is completed as part of the IPE development process. It must be completed prior to plan signature and implementation to allow the participant an informed choice in how any mandatory contribution may be applied toward plan services.

Counselors complete the financial needs test for each participant, whether exempt or not, and retain it and any supporting documentation in the case file.

Participants exempt from client financial contribution requirements:

The following individuals are exempt from financial contribution requirements:

- Any individual who has been determined eligible for and is currently the recipient or beneficiary of Social Security Benefits under Title II (Social Security Disability Insurance (SSDI)) or Title XVI (Supplemental Security Income (SSI)) of the Social Security Act
- Recipients of needs-based public assistance programs including Self- Sufficiency cash benefits, the Oregon Health Plan (OHP), the Temporary Assistance for Needy Families (TANF) Program and the Supplemental Nutrition Assistance Program (SNAP)
- Individuals who are unhoused or transient.

Services exempt from client financial participation:

The following services are exempt from client financial participation:

- Assessment for determining eligibility, vocational rehabilitation needs, or priority for services, including assessment by personnel skilled in rehabilitation technology.
- Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice.
- Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce investment system and to advise those individuals about client assistance programs.
- Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
- Personal assistance services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability.
- Auxiliary aids or services required to participate in the Vocational Rehabilitation Program, such as interpreter services including sign language and oral interpreter

services for individuals who are Deaf or Hard of Hearing; or tactile interpreting services for individuals who are Deaf- Blind.

Reference:

34 CFR § 361.54(b)(3) Participation of individuals in cost of services based on financial need.

Determining individual financial contribution with the financial needs test:

If the individual or their family choose not to share information about their income as part of the calculation of the client financial participation, an annual, mandatory individual contribution of $3,500 shall be established, not to exceed the annual cost of non-exempt services to the Program.

The maximum contribution is the lesser of the amount determined by the contribution formula (OAR 582-070-0030(f)(F)) or $3,500 annually.

Under the financial needs test, individuals with an annual family income of less than 300 percent of the federal poverty guidelines are not subject to client financial participation.

Staff will use the Financial Needs Test (FNT) Calculator to determine the client's expected participation amount.

- The FNT contribution calculations are updated annually based upon the federal poverty level determinations.
- The FNT is typically updated in January of each year depending on when the federal poverty level is determined.
- A client's contribution does not exceed the annual cost of non-exempt services to the Program.

Beginning January 15, 2025, the poverty levels are established as provided in the table, the Department of Health and Human Services Poverty Guidelines 2025.

Figure 1 Department of Health and Human Services Poverty Guideline 2025

Family Size	HHS Poverty Guideline	300% Poverty
1	$ 15,650	$ 46,950
2	$ 21,150	$ 63,450
3	$ 26,650	$ 79,950
4	$ 32,150	$ 96,450
5	$ 37,650	$ 112,950
6	$ 43,150	$ 129,450
7	$ 48,650	$ 145,950
8	$ 54,150	$ 162,450
9	$ 59,650	$ 178,950
10	$ 65,150	$ 195,450
11	$ 70,650	$ 211,950
12	$ 76,150	$ 228,450
13	$ 81,650	$ 244,950

Source: Annual Update of the HHS Poverty Guidelines, 90 FR 5917 (01/17/2025).

Note: all information in the table provided in ALT TEXT.

Definitions used in FNT calculations

The Program uses the following definitions related to calculating the client's financial participation:

"Disability-related expenses" means non-reimbursed deductions excluded from individual's income for the purpose of determining the client's financial participation. These include, but are not limited to:

- Medical expenses (including co-payments)
- Therapeutic treatments.
- Specialized equipment.

- Specialized care.
- In-home care.
- Loss of work time.
- Access to resources that impact where they live and work.

"Family income" means the income from the individual, the spouse of the individual if residing with the individual and includes parental income if the individual is under 26 and living with a parent.

"Federal poverty guidelines" means the current poverty guidelines of the United States Department of Health and Human Services.

"Income" means the adjusted gross income from the most recent federal tax return.

“Participant contribution rate” means the payment rate that Program participants shall contribute, if a contribution is required.

"Size of the family unit" means, for the purpose of selecting the appropriate federal poverty guideline, those family members residing with the individual or claimed on federal taxes as dependents.

Financial Needs Test (FNT) extenuating circumstances:

A hardship waiver shall be considered:

- When the counselor identifies other information related to the individual's financial situation that negatively affects the individual's ability to participate in the cost of the rehabilitation program, or
- If requiring the expected financial contribution will result in undue delay in the rehabilitation program, or
- In determining whether to make an adjustment for hardship, the VR Program may consider the individual's current income and the reasons for the request. If the hardship justifies an exception, the VR Program may delay or waive all or part of the individual's financial contribution.

To request a hardship waiver the counselor shall do the following:

- Provide the individual's documentation of the reasons for the hardship waiver to the counselor's supervisor.
- Obtain written approval of their supervisor, and
- Maintain both the documentation of circumstances and written approval in the case service record.

All authorizations for services must meet the rehabilitation needs of the individual and shall be of the most reasonable and satisfactory quality at the lowest available cost.

Least cost considerations:

All authorizations for services must meet the rehabilitation needs of the individual and shall be of the most reasonable and satisfactory quality at the lowest available cost.

Voluntary upgrade, enhancement, or optional features:

If an individual prefers an upgrade, enhancement or optional feature that results in a higher cost but is not required to satisfy the rehabilitation needs that justify the expenditure, the VR Program may agree to allow the individual to pay the difference in cost of the item or service.

- In this situation, payment is required regardless of any exempt status that might apply to the individual or item, and
- Any payments by the individual in this situation do not count toward any applicable mandated client financial participation.

References:

34 CFR § 361.54 Participation of individuals in cost of services based on financial need.

OAR 582-070-0030(2) Limitations to payment

Individualized Plan for Employment:

The development and implementation of the individualized plan for employment (IPE) is a sequential process extending from application through closure.

The basic elements of the IPE outline the nature and scope of Vocational Rehabilitation services required to help the individual reach a specific competitive, integrated employment outcome consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, and interests, and to help them exercise informed choice.

In the development of an IPE, the VR counselor will provide routine counseling and guidance. This includes information and support services to assist the participant in exercising informed choice regarding the employment outcome and nature and scope of services given the individual’s unique employment factors.

This routine counseling and guidance are differentiated from substantial counseling and guidance. Substantial counseling and guidance are a plan service that, by definition, constitutes a focused or goal-specific therapeutic approach to address a substantial barrier to employment as identified in the eligibility determination.

The IPE must include all substantial and secondary services necessary for the individual to reach the identified employment outcome. Each IPE must provide at least one substantial service.

Each IPE must also include job placement and retention services and strategies. When not using job contract services for this purpose, placement and retention strategies must be identified in the individualized plan for employment (IPE), so the participant understands their responsibility for obtaining and maintaining employment.

Each service in the IPE must include a description to show its necessity to reach the agreed upon employment outcome, including the necessary services that address the individual’s impediments to employment.

The VR counselor must carefully review the published policies and procedures for each service before including it on the individual's IPE.

The employment goal may be:

- Full-time.
- Part-time employment, including intermittent, seasonal, or temporary.
- Supported employment.
- Self-employment.
- Telecommuting/remote, or
- Any other type of employment in a competitive integrated setting.

Regardless of the type of employment, the employment goal identified on the individual's IPE must be clearly supported by the information in the vocational assessment and consistent with the individual's informed choice.

Individualized plan for employment (IPE) process:

The IPE is developed with the individual or, as appropriate, with the individual's representative and in their native language or mode of communication.

An eligible individual or, as appropriate, the individual's representative may develop all or part of the Individualized Plan for Employment. VR does not pay for assistance with IPE development from outside entities, organizations, or individuals.

The IPE must be approved by a VR counselor and must include all required content.

Before asking the individual to sign the IPE, the VR counselor must explain:

- The responsibilities of the individual to fulfill the requirements of the IPE as outlined.
- The terms and conditions for the delivery of services, including the start and end dates of the services.
- Any financial commitment to the plan, including the exploration and use of comparable benefits.
- The individual's right to appeal, and
- The availability of the Client Assistance Program.

Before signing the IPE, the VR counselor reviews the hardcopy file to ensure all required documentation has been obtained, such as:

- Financial documents
- Signed release of information forms
- Employment authorization documents, and
- Identity documents.

Note: VR may purchase client identification if the individual is unable to obtain these items on their own. This includes the ability to purchase photo identification, birth certificates or other vital records.

- This authorization to purchase identification does not extend to assisting individuals with efforts to obtain citizenship.
- Positive client identification must be made prior to entering the individual into plan. Prior to plan, VR may work with an individual under the reasonable assumption that they are who they represent themselves to be.

A copy of the VR Dispute Resolution Rights must be given to the individual at every step in the VR process: application, eligibility, individualized plan for employment (IPE), notice of proposed action (NOPA) and closure. VR staff must document the date and method that the information was provided, offered or both.

Once signed by the individual and the VR counselor, a copy of the IPE or any subsequent IPE amendments must be signed and provided to the individual.

Timelines for developing the IPE:

The IPE must be completed as soon as possible, but no later than 90 days after the individual has been determined eligible for VR services.

Extension of time for IPE development:

The use of a plan development extension should be rare.

If the VR counselor and individual are unable to complete the IPE within 90 days after the date that eligibility is determined, the VR counselor must do the following:

- Discuss with the individual the reasons that the development of the IPE requires additional time to complete, and when the IPE is expected to be completed.
- Obtain agreement from the individual for the IPE development extension. An IPE development extension must be agreed to by the VR counselor and the eligible individual.
    - If the eligible individual does not agree to an IPE development extension, the VR counselor must discuss the impact of the lack of agreement.
    - If no agreement is reached, a notice of proposed action (NOPA) for file closure must be sent.
- If agreement is reached, complete the plan development extension in ORCA, to include:
    - The reasons that extension is required, and
    - That the individual agrees with the extension, and
    - The expected time for completion.

If an IPE development extension is necessary and agreed to by the client, it must be completed within 90 days of the eligibility determination, or the extension will be out of compliance.

When completing an IPE development extension, the file must document the steps needed to complete the IPE. The requested extension of time must align with the required activities needed to complete the IPE.

- IPE development extensions need to be substantiated with evidence of agreement, such as a signature on an extension form, or an email from the participant.

IPE development extensions when unable to contact the client:

If the VR counselor cannot contact the individual to obtain an agreement to complete the plan development extension by the 90th day, the VR counselor completes the plan development extension and leave the client's signature block unsigned.

A NOPA should be completed based upon the Program's inability to contact the client.

- This extension clearly states that the individual is not available for services and that case is moving towards closure in accordance with the requirements of a NOPA.
- Follow the NOPA process which includes providing the opportunity for consultation with the individual and referrals for other community resources that may be best suited to meet their rehabilitation needs.

Youth considerations - IPE requirements for transition-age students:

Plans are developed as early as possible during the transition planning process but no later than the time a student with a disability, eligible for Vocational Rehabilitation services, leaves the school setting. This consideration applies only to students.

One example of how individualized plans for employment (IPEs) are unique for a student or youth with a disability is in accordance with 34 CFR § 361.46(a)(1). IPEs for these individuals may use a projected post- school outcome. Services are to explore options and narrow the employment outcome.

Note: All policies, timelines, and regulations related to individualized plan for employment (IPE) development, documentation, and amendments apply to working with students and youth with disabilities, this includes the requirement for IPE development.

Content of the individualized plan for employment (IPE):

Each IPE must contain federally mandated elements. These elements are described as they appear in the plan layout format within ORCA.

ORCA section 1: general information

- A plan number (for each new plan written, the numbering increases incrementally for the individual case)
- Signature/start date (this is the official start date of plan services and is no earlier than the date of the client's signature on the IPE), and
- Expected plan end date.

- The dates of service on the IPE should clearly reflect the total time it will take the individual to complete all IPE services, reach the identified employment goal and meet the requirements for successful case closure.

Indicate if the following apply to the IPE and plan services:

- If it is customized employment
- If it is supported employment plan, or
- If it is a self-employment plan.

Employment goal:

Choose the list options that best align with the findings of the vocational assessment completed with the individual. These findings should be supported in the context of the primary employment factors in the narrative boxes. These narrative boxes should clearly demonstrate and define the rationale to support the employment outcome and services within the IPE.

The following boxes are required and serve as the foundation for the employment outcome and plan services:

- Interests:
- Why and how did they choose this goal?
- What do they love or want to do for work?
- Hobbies?

Concerns:

- What are the client's concerns about working (childcare, safety issues, transportation, having enough experience, etc.)?

Priorities:

- What are the client's priorities (working as soon as possible, career advancement, wage level, working in a certain occupational area, geographic area, etc.)?

Resources or supports:

- What resource or support systems does the person have that will help them obtain or maintain employment (family, friends, church group, other agencies, public benefits, income source, etc.)?

Strengths, abilities, capabilities, and transferable skills:

- Each of the above factors should be evaluated and analyzed to support the agreed upon employment outcome and plan services.
- What skills or soft skills does this person bring to this vocational goal?
- What are they very good at and enjoy?
- What skills have they used on other jobs that will help them in this goal?
- Discuss labor market information job characteristics.

For more information, see Labor market and career information.

- What steps are needed to reach the employment goal?
- Describe the steps in the vocational rehabilitation process that are necessary for the individual to reach a competitive integrated employment outcome. They must have a clear cause-and-effect relationship with the employment goal identified on the IPE.
- Describe the actions the client must complete or matters they must address to achieve the employment goal and successfully complete VR services. An example is no-cost services as discussed in the eligibility such as mental health treatment, housing, and childcare.
- Include strategies to develop the skills, abilities or other key attributes needed for the individual to progress in rehabilitation planning.

Youth considerations when selecting employment goals:

Youth or students may be uncertain about their employment goal. VR transition services can be used to help explore options and narrow their employment focus and goal. The employment goal and narrative may be a description of the individual's projected post-school employment outcome.

The individualized plan for employment for a student with a disability must be coordinated with the individualized education program or 504 services, as applicable, for that individual in terms of the goals, objectives, and services identified in the education program.

While the student is receiving transition services, they may also receive pre- employment transition services (Pre-ETS), for example, receiving coaching services while receiving work-based learning. In this case, the VR counselor can charge the coaching services to Pre-ETS funds.

Note: A youth's employment goal may change frequently throughout their time with VR. This is not unexpected and is okay.

ORCA section 2: planned services

New plan service/service description

- Plan number (autogenerated by ORCA)
- Service number (autogenerated by ORCA)
- Service Category (select from dropdown list).
- Service Subcategory (if applicable, select from the appropriate list)

Plan description narrative box:

The narrative box must be completed and contain a description of individualized rehabilitation services needed to reach the IPE goal. This description should be specific and measurable. To ensure that your description meets documentation standards, the use of the SMART goal method is recommended.

Specific

A specific goal answers questions such as the following:

- What objective needs to be accomplished with this service?
- Why is this service required?
- Who is responsible and for what specifically?
- What steps will you take to achieve it?

Measurable

A SMART goal must have criteria for measuring progress. If there are no criteria, you will not be able to determine your progress and if you are on track to reach your goal. To make a goal measurable, ask yourself:

- How many or how much?
- What are the indicators of progress?
- How will the VR counselor know when to stop the service?

Achievable

A SMART goal must be achievable and attainable. This helps you figure out ways you can realize that goal and work toward it.

- How can the goal be achieved?
- Is the goal realistic given the primary employment factors?

Realistic

A SMART goal must be realistic. This means that the goal can be achieved given the available resources and time. A SMART goal is likely realistic if you believe that it can be accomplished.

Questions to ask:

- Is the goal realistic and within reach?

- Is the goal reachable, given the time and resources?
- Is the participant able to commit to achieving the goal?

Time-based

A SMART goal must be time-bound in that it has a start and finish date. If the goal is not time-constrained, there will be no sense of urgency and, therefore, less motivation to achieve the goal.

Questions to ask:

- Does your goal have a deadline?
- When do you want to achieve your goal?

Estimated start date:

Enter the date that the service is expected to begin as the actual start date. This corresponds with the timeline of plan service activities.

My chosen provider:

The individualized plan for employment (IPE) must include the name of the provider or entity that will provide the service listed on the IPE. The only exception to this requirement is when there is a required bidding process, and the vendor is unknown. In that case list "State Bid Process/Purchasing."

Note: the provider of the service must be an approved active vendor prior to authorization.

Estimated service costs:

- Participant (indicate any participant cost to be allocated for this service, this amount could be a voluntary or a mandatory contribution)
- Others/comparable benefit (indicate any cost available through a comparable benefit or provided by other sources)

- Agency (indicate any estimated agency cost)
- Source to be determined (indicate any cost that has no identified source of funding; this should be used sparingly with a discussion in the narrative of what steps are needed to explore/secure funding), and
- Total service (ORCA will automatically tally all the estimated service costs and display)

Source of comparable benefits:

Choose the option that aligns with the available comparable benefit amount listed above for the specific plan service. If there are no comparable benefits available, select “None”.

Service provided solely by comparable benefits:

Select yes or no.

Service comments narrative box:

This narrative box is an opportunity to define measurable criteria that is specific to the identified service. Measurable criteria are required to evaluate progress towards the plan service and employment.

Measurable criteria define what the participant needs to complete and the timeframe in which to complete it.

This is one of three areas where measurable criteria can be defined.

Total costs of all planned services:

- Others/comparable benefit.
- Agency.
- Source to be determined.
- Total plan.

ORCA automatically tabulates all estimated costs.

Describe the participant responsibilities towards the cost of the plan and securing comparable benefits:

Identify any financial responsibilities required of the participant towards the cost of their plan as calculated by the Financial Needs Test.

- In addition, describe any comparable services and benefits that the customer has or has agreed to seek.
- Clearly describe the individual's responsibility to apply for and maintain eligibility for comparable benefits, such as Pell grants.

ORCA Section 3:

Participant responsibilities options:

- Select any participant responsibilities that apply based on any plan services.

Participant responsibilities narrative box:

The roles and responsibilities of the individual must be worded clearly in objective, measurable statements on the individual's individualized plan for employment (IPE).

This narrative box is an opportunity to define measurable criteria that give the individual the information they need to make progress toward their employment outcome.

Measurable criteria are required to evaluate progress toward employment. This is one of three areas where measurable criteria can be defined.

Measurable criteria outline what the participant needs to complete and the timeframe in which to complete it.

Criteria for evaluating progress towards my (participant) employment goal:

If you have not identified measurable criteria within each plan service or in the participant responsibilities narrative, you must identify measurable criteria here.

Measurable criteria outline what the participant needs to complete and the timeframe in which to complete it.

Criteria also need to define the frequency that the VR counselor or VR staff maintains contact with the individual. This contact may vary based on the individual's circumstances, needs and plan services. However, minimally, substantive contact needs to occur and be documented every 30 to 45 days and outlined as a measurable criterion for the individual.

Other comments printed on plan:

Use this narrative box to discuss any other relevant information not listed elsewhere in the plan.

Signatures:

An individualized plan for employment (IPE) is not considered valid unless it is signed by the individual or, as appropriate, the individual's representative, and approved and signed by a qualified VR counselor employed by VR. Under no circumstances does the IPE or IPE amendment take effect or allow for payment of any service until it is agreed to and signed by the individual or the individual's representative and the VR counselor.

The VR counselor provides the individual with information about dispute resolution and rights and responsibilities at the time the IPE is signed. The IPE reflects that the individual has been provided this information.

Plan follow-up:

Regular contact with participants has been demonstrated to increase the likelihood of an employment outcome. The expectation for the VR counselor is to maintain regular, meaningful, and substantive contact with the participant that takes place every 30 days.

Contact enables the VR counselor to determine progress toward plan objectives, whether services have been provided, and if participants are satisfied with those services. Follow-up can be in person or by phone, email, written report, or other manner established by the VR counselor with participant agreement.

When regular, meaningful, and substantive contact has occurred, the annual plan review is an opportunity to review the body of work and identify any corrective action that may be required.

Annual reviews:

The IPE is reviewed at least annually by the VR counselor and the participant or, as appropriate, the participant's representative to assess the participant's progress in achieving the identified employment outcome. The individualized plan for employment (IPE) review must be completed annually from the start date of the IPE unless a plan amendment is completed.

A plan amendment resets the clock for the next annual review.

The Annual Review is completed with the participant and, as appropriate, their representative, to do the following:

- Review the details in the current IPE or amendment.
- Review and update release of information (ROI) forms.
- Complete and update the Financial Needs Test (FNT); verify that all mandatory contributions were applied as set forth in the individualized plan for employment (IPE) and apply any additional mandatory contributions required or agreed to by participant for the upcoming plan services.
- Review and update all educational records to reflect measurable skill gain or credential attainment, as appropriate.

Annual review documentation:

When completing the annual review in ORCA, the VR counselor must include a specific review of all required elements of the IPE, including a review of the progress made toward reaching the employment goal. This includes a review of the:

- Employment goal
- Educational goal, if applicable

- Progress toward completion of all planned services and goods, including providers and service dates (if the service has been successfully completed, indicate this as well)
- Comparable benefits
- Customer participation in cost of services (financial needs test), and
- Roles and responsibilities.

If the annual review does not result in substantive changes in the employment goal, the VR services to be provided or the providers of the VR services, an amendment is not required.

Include a statement in the Annual Review to confirm that both the participant and VR counselor agree that no changes are needed.

If the annual review results in substantive changes in the employment goal, the VR services to be provided, or the providers of the VR services, then an individualized plan for employment (IPE) amendment is required.

Plan amendments:

The IPE is amended by the individual or, as appropriate, the individual's representative, in collaboration with the VR counselor if there are substantive changes in the following:

- Employment outcome
- The VR services to be provided, or
- The providers of the VR services (if it will significantly alter the service or affect the dates of the service).

A substantial change to the employment goal occurs when there is a change to the Standard Occupational Classification (SOC) job family identified in the first two digits of the SOC code.

The amendment must be completed before the dates of services on the current IPE have expired.

Content of the IPE amendment:

The IPE amendment, or "new plan," is a standalone document that captures the goals and services the individual will need to continue to progress toward a competitive integrated employment outcome.

Each plan amendment will be captured chronologically in ORCA.

Document the justification for any changes to the employment outcome, services, providers, or other content to be included in the IPE amendment.

Document justification for any additional services needed to achieve the employment outcome and reference any deleted service, including justification of why the service is no longer required to meet the specific employment outcome.

Use the narrative boxes within Section 1 of the new plan layout in ORCA to complete the required documentation, and as needed to support the new plan.

As with all IPEs, this new amended plan must be signed by both the VR counselor and the individual or their representative. No services may be provided until the appropriate signatures are obtained.

Plan revisions:

A plan revision is a minor change to an existing IPE. Revisions include:

- Adding a no-cost service
- Extending the time for an existing service for which there is rationale to uphold the extension.
- Adding funds to an existing service for which the participant is making satisfactory progress, or
- Adding a service that does not constitute a substantive change as outlined above as a plan amendment.

Complete the plan revision in ORCA using the new revision layout.

- If adding a new service, ensure that all required documentation is provided, including a description of the service, dates of service, vendor, costs/comparable benefit, and measurable criteria.
- If adding funds to an existing service, ensure and document that the participant is making progress as outlined in the IPE.

The counselor shall document the participant's agreement to a revision. A participant's signature is required for all plan revision prior to VR providing the service.

References:

34 CFR § 361.5 Applicable definitions.

34 CFR § 361.45 Development of the individualized plan for employment.

34 CFR § 361.46 Content of the individualized plan for employment.

Employment definitions and classifications:

Vocational goal is less than full-time

The Workforce Innovation and Opportunity Act (WIOA) defines competitive and integrated employment as being either full- or part-time.

In the final regulations, discussion sections clearly state that any configuration of part-time (seasonal, temporary, on-call, intermittent) is considered. This was done with the stipulation that all definitions apply. Those definitions include competitive integrated employment, closure criteria and employment outcome.

The information in this section applies only to a VR participant's identified employment outcome and does not apply to work experience of any kind or any length.

Use this information as guidance when informing an eligible individual who chooses to set a vocational goal of working less than full-time.

Competitive Integrated Employment - per 34 CFR § 361.5(c)(9)

Competitive integrated employment means work that:

- Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that:
    - Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment.
    - Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
        - In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
    - Is eligible for the level of benefits provided to other employees; and
    - Is at a location typically found in the community; and
    - Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
    - Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

Definitions of Work Classifications:

Full-Time Hours: means 35 or more hours per week, as determined by the business. (United States Department of Labor, Bureau of Labor Statistics)

Part-Time Hours: means 1-34 hours per week (determined by the business). (United States Department of Labor, Bureau of Labor Statistics)

Intermittent or On-Call Employment: means employees who are not permanent, but are called to work as needed, often on short notice, although they can be scheduled to work for several days or weeks in a row. (US, Bureau of Labor Statistics Handbook of Methods, Glossary)

Seasonal Employment: means annually recurring work periods of less than 12 months each year. (Internal Revenue Service 6.340.1.2.1)

Temporary Work: means that the job(s) is expected to last a limited period. Workers who do not have an implicit or explicit contract for long-term employment. (US, Bureau of Labor Statistics)

Conditions required for temporary or seasonal employment:

The individualized plan for employment (IPE) documents that this is the informed choice of the participant and meets their unique strengths and needs; and

- The job must be competitive and integrated; and
- The temporary or seasonal work is reasonably expected to continue into the next recurring work period; and
- The temporary or seasonal work fits at least one of these scenarios:
    - Common to the local labor market (e.g., work in the fishing industry or at vacation destinations; harvesting and/or processing local produce); and/or
    - The strategy used by a specific employer in the local labor market for hiring all their employees (e.g., specific jobs in a labor market are filled by temp agencies); and/or

    - A part of the participant's plan is to increase specific skills and/or knowledge.
- Closure criteria must be met.

Conditions Required for On-Call (Intermittent) Employment:

Before considering on-call (intermittent) employment, VR and the participant must have a reasonable expectation that the on-call job will occur and that it will be regular enough to fulfill closure requirements.

- It is important that this is the informed choice of the participant and meets their needs.
- The job is competitive and integrated.
- The on-call or intermittent work is reasonably expected to occur at least once a week and:
- It is common for an on-call worker in the local labor market to be called in to work more hours over time, or
- It's common for an on-call worker to be hired into the field they are entering (for example, the temp agency hiring secretarial, janitorial, call-center, or other staff is the common source of new regular hires at local businesses).

Case closure:

This section contains Vocational Rehabilitation (VR) policy regarding:

- Successful closures (rehabilitated), and
- Unsuccessful closures (other than rehabilitated).

The VR counselor is responsible for the closure determination.

Case closure may occur when conditions documented in an individual's service file support a closure decision. The VR counselor shall notify all individuals of a proposed case closure to afford the individual an opportunity to participate fully in the closure decision.

The VR counselor must document all closure notifications in writing using a Notice of Proposed Action (NOPA), unless agreement is obtained in consultation of closure. (See the "Dispute resolution" section of this manual for further information on NOPA process).

VR staff shall notify the individual by U.S. mail, when appropriate, and use other appropriate modes of communication, as needed, consistent with the informed choice of the individual.

Closure notifications must include dispute resolution information regarding the VR mediation and impartial fair hearing appeal process, as well as referral to the Client Assistance Program (CAP).

VR may not close an individual's file if the individual has a pending request for an impartial fair hearing or mediation, unless the following occurs:

- The individual, or individual's representative, requests closure, or
- VR has evidence that the participant obtained services through misrepresentation, fraud, collusion, or criminal conduct.

Reasons for closures:

In every case, the reason for closure must be evident to the reasonable reader. The case file must reflect circumstances leading to the closure and the process followed at closure.

ORCA provides a drop-down listing of reasons for closure. These reasons align with the current RSA-911 reporting requirements and will be selected by the counselor during case closure.

Closing a file successfully as rehabilitated:

To close a VR case successfully, the VR counselor must ensure that the following requirements are met and documented in the case service record.

A successful closure requires that the following have occurred:

- The client received substantial VR services, as stated on the IPE, that have had an impact on the individual's employment outcome.

- The client achieved the employment outcome that is:
    - Described in the current IPE (the first two digits of the SOC must match), and
    - Consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests and informed choice.
- The client maintained the employment outcome for at least 90 days after substantial services have been completed, and
- The client was employed at closure.
- The client and counselor consider the employment outcome to be satisfactory.
- The client and counselor agree that the individual is performing well on the job.

Procedures for closing successful cases:

Before closing a case as successfully rehabilitated, the VR counselor must complete the following actions:

- Confirm that the criteria for closure and the conditions for successful employment have been met.
- Review the case:
    - For technical compliance and data integrity and make needed corrections.
    - That the SOC is appropriate.
    - Determine if an amendment to the IPE is needed.
- Review any open service authorizations and associated financial actions needed.
- Ensure that verification of wage is documented in a case note or in the case file.
- Ensure that verification of employment is documented in a case note or in the case file.
- Confirm that:
    - Substantial services were delivered; and
    - 90 days have passed since the end of substantial services.
- Ensure that agreements for extended services are still in place, where necessary; and

- Contact the individual to discuss closure. If this discussion results in an impasse to the closure process, then the VR counselor must consider the use of a Notice of Proposed Action (NOPA).

Closure criteria when the employment goal is part-time:

- For those who receive supported employment services, the service file is not closed until employment is maintained at least 90 calendar days after the participant (working at least once each week), has reached job stabilization and transitioned to extended services by an entity other than VR.
- For those who are VR participants (working at least once each week) who do not receive supported employment services, the service file is not closed until they have maintained employment at least 90 calendar days after the start date.

Closure criteria when the employment goal is temporary or seasonal:

- Participants who receive supported employment services must be employed (at least one day a week) and maintain employment for a period that equals at least 90 calendar days after stabilization and transfer to extended services.
- Once the participant becomes stable and has worked long enough for their case to be closed, returning to that temporary or seasonal job does not constitute a reason for the VR file to be reopened.
- The expectation by VR is that the participant's extended services provider (if needed) will provide any support needed by the participant to continue to maintain (and advance in) their employment.
- Participants who do not receive supported employment services must be employed (at least one day a week) and have maintained employment for a period that equals at least 90 calendar days.
- Once the participant is stable in their employment and maintains that stable employment for the required number of days, returning to that temporary or seasonal job does not constitute a reason for the VR file to be reopened.

Closure criteria when the employment goal is on-call (intermittent):

For participants who work at least one day per week, the closure criteria for part time employment apply:

- Those who receive supported employment services must maintain employment for at least 90 calendar days after stabilization and transfer to extended services.
- Once the participant becomes stable and has worked long enough for their case to be closed, returning to that on-call (intermittent) job does not in itself, constitute a reason for the VR file to be reopened.
- The expectation by VR is that the participant's extended services provider (if needed) will provide any support needed by the participant to continue to maintain (and advance in) their employment.
- Those who do not receive supported employment, the job is stable, and they maintained employment at least 90 calendar days.
- Once the participant is stable in their employment and maintains that stable employment for the required number of days, returning to that temporary or seasonal job does not constitute a reason for the VR file to be reopened.

Closure criteria when the employment goal is on-call (Intermittent) working less than one day a week:

- For participants who do not work at least once each week, the number of days worked must total 90. If they are not called in regularly, this can take many more than 90 calendar days.
- For those who do receive supported employment services, beginning the first day of work after transferring to extended services, count only the days worked, until reaching at least 90; this can take many more than 90 calendar days.
- Once the participant becomes stable and has worked long enough for their case to be closed, returning to that on-call (intermittent) job does not constitute a reason for the VR file to be reopened.

- The expectation by VR is that the participant's extended services provider (if needed) will provide any support needed by the participant to continue to maintain (and advance in) their employment.
- For those who do not receive supported employment services, beginning with their first day on the job, count the days worked only, until reaching at least 90 days of employment.
- Once the participant is stable in their employment and maintains that stable employment for the required number of days, returning to that temporary or seasonal job does not constitute a reason for the VR file to be reopened.

Closure when there is more than one employer and/or job in the 90-day period:

An individual may have more than one job, consecutively or concurrently, during the 90-day period and still meet the requirements for successful closure if each job is consistent with:

- The employment goal stated in the IPE, and
- The individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests and informed choice.

Closure when there are consecutive jobs:

Employment is considered "consecutive" and does not require a new 90-day employment period if the:

- Criteria for successful closure are met, and
- The individual:
- Changes jobs with no or minimal gap in employment, or
- Is promoted by the same employer with no or minimal gap in employment.

If an individual loses a job before the end of the 90-day period, the individual's progression toward the 90-day period freezes.

If the gap in employment is minimal, progression toward completion of the 90-day period resumes when the individual starts another job.

If the gap between placements is four weeks or more, the 90-day period for VR successful closure will start over.

Closure when there are concurrent jobs:

A customer may have more than one job at the same time during the minimum 90-day period. To document concurrent jobs in ORCA, the VR counselor does the following:

- Records each job on a separate employment information page.
- When all jobs appear on the employment layout page, select one job to be used for closure or primary employment, typically the job with more hours or greater pay.
- Documents in a case note that the individual is working at concurrent jobs; why working two (or more) jobs is preferred to working one; and how that will support a successful closure.
- Enters, where indicated in ORCA, the total net wages for the concurrent

Self-employment and successful closure

Please refer to self-employment policy on closures.

Additional requirements for supported employment closures:

If the individual received supported employment services, the case record should clearly document that the individual's employment meets the definition of competitive, integrated employment.

Note: There is an additional follow-along requirement for supported employment closures. Prior to closing a supported employment case, the individual must be transferred to long term supports for a period not less than 90 days.

- During the follow along period, because the individual is considered transferred, VR should not provide service outside of counseling and guidance.

- Should a requirement exist for additional VR services during this follow along period, VR may provide those supports. However, the 90-day transfer period must begin anew.
- ORCA currently does not track this extended follow along period and VR counselors must track this period manually.

For more information about supported employment closures, please see the Supported Employment Guide.

Wage verification at placement and successful closure as rehabilitated:

At placement, the VR counselor must obtain a copy of the pay stub identifying the individual's start date, hours worked per week and competitive hourly wage.

Prior to closure, the counselor must obtain a copy of the current pay stub identifying the individual's competitive hourly wage and hours to determine weekly earnings.

If the initial and/or current pay stubs are not available, the following is acceptable:

- A contractor's written report of employment information and required wage information when it is documented on a Job Placement/Job Retention Verification Form (ODHS 1705) with their dated signature, or
- Verification from the employer. Once verification is obtained, add a detailed case note identifying the individual's employment information including the start date, hours per week and competitive hourly wage based on the counselor's conversation with the actual employer.

Prior to calling an employer, the individual shall be informed that information provided and gathered is limited to what is necessary to document and verify employment.

- This provides the individual with the opportunity to discuss preferences and options for obtaining required documentation.

When contacting an employer, please identify that you are calling on behalf of the State of Oregon, Oregon Department of Human Services to verify employment and wages.

- Use the “Authorization for Disclosure, Sharing and Use of Individual Information” form to document consent for disclosure, when appropriate.

If direct contact was made with the individual's place of employment, document the name of the individual who verified the individual's employment.

If staff are unable to verify the client’s income, and all efforts to obtain acceptable verification are documented, the following is acceptable:

- A detailed case note identifying the individual’s employment information including the start date, hours per week and competitive hourly wage.
    - Include the date employment verification was received, and
    - Add justification for the individual not providing formal documentation.

For all successful closures, regardless of the method used the verify wage, the closure documentation must include the following:

- Method used to verify the individual's employment.
- Name of the VR staff member who verified employment, and
- One of the following:
    - Unemployment insurance (UI) wage data match, or
    - Follow-up survey from the employer

Unsuccessful closures (closure other than rehabilitated):

When an individual has applied for VR services but does not complete the services to achieve a competitive and integrated employment outcome, the case is closed. These closures are referred to as "unsuccessful closures."

If the VR counselor determines an applicant or a participant receiving services under an IPE is no longer eligible for services, the counselor must make this determination only after consultation with the participant or their representative.

- If this discussion leads to an impasse in the closure process, a Notice of Proposed Action (NOPA) is required.

Procedures for closing unsuccessful cases (closure other than rehabilitated):

Before closing a case as successfully rehabilitated, the VR counselor must complete the following actions:

- Confirm that the criteria for closure and the conditions for successful employment have been met.
- Review the case:
    - For technical compliance and data integrity, and to make needed corrections; and
    - To determine
        - That SOC is appropriate, or
        - Whether an amendment to the IPE is needed.
- Review any open service authorizations and associated financial actions needed.
- Ensure that verification of wage is documented in a case note or in the case file.
- Ensure that verification of employment is documented in a case note or in the case file.
- Confirm that:
    - Substantial services were delivered, and
    - 90 days have passed since the end of substantial services.
- Ensure that agreements for extended services are still in place, where necessary, and
- Contact the individual to discuss closure. If this discussion results in an impasse to the closure process, the VR counselor must consider the use of a notice of proposed action (NOPA).

Procedures for closures prior to an eligibility determination:

The VR counselor may not close an applicant's file prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services.

This closure may only occur after VR staff have made a good faith effort to contact the individual or their representative to encourage participation in the VR process.

- A good faith effort is defined as multiple attempts of contact to the individual, their representative, or their contact over a reasonable period (more than 30 days). All attempts must be documented in ORCA as a case note.
- Any VR staff may contact or attempt to contact the individual. However, only a VR counselor can decide to close the file and complete the closure process after the application has been entered in ORCA.

If the VR counselor determines a file meets the parameters for closure due to lack of contact, the counselor must follow the NOPA process required for closure.

File Closure – “unable to benefit”:

The process to close a client’s file as “unable to benefit” is outlined in federal guidance. As an Employment First State, Oregon VR believes that all individuals are able to obtain, maintain and retain employment with the appropriate supports. As such, ORCA will not allow a VR counselor to close a client file as “unable to benefit” without approval from the Deputy Director of Direct Services.

Oregon is an Employment First State. As a philosophy, Employment First is based on the presumption that working age adults and youth can work in jobs fully integrated in the community.

- Integrated employment includes typical workplace settings where there are regular opportunities for meaningful interaction with co-workers without disabilities or customers or both or the public.

The Employment First Policy states that work in integrated jobs is the first and priority option in planning employment services for working-age adults and youth. Services should be planned to use person-centered practices that identify an individual's talents, skills, and interests. This information can then help inform employment options and career opportunities.

VR staff must presume that an individual applying for services can successfully benefit in terms of an employment outcome from VR services. Any client file closed as "unable to benefit" must have "clear and convincing" evidence of the individual's inability to benefit from VR services prior to closing this file or the individual is ineligible for vocational rehabilitation services.

"Clear and convincing" means that the individual is "unequivocally incapable" of benefiting from the VR program in terms of achieving an employment outcome. This is the highest standard legal definition in civil law. (See Note to 34 §361.42.)

Note: All clients closed as "unable to benefit" require an annual follow-up and must be tracked to comply with federally required reporting processes.

Trial Work Experience and "unable to benefit":

Prior to closing an individual's file as "unable to benefit," the individual must participate in trial work experiences using the ORCA Trial Work Plan. That plan must include the following elements:

- The individual's abilities, capabilities, and capacity to perform in realistic work situations must be periodically assessed.
- Trial work experiences must be conducted in realistic work settings.
- Necessary and appropriate supports must be provided to accommodate the rehabilitation needs of the individual during the trial work experiences. Necessary and appropriate supports include assistive technology devices and services and personal assistance services. And

- Trial work experiences must be of sufficient variety and over a sufficient period to conclude either that:
- There is sufficient evidence that the individual can benefit in terms of an employment outcome from VR services. This means the individual can work in an integrated setting and is eligible for VR services. Or,
- There is "clear and convincing evidence" to the contrary. This means there is clear and convincing evidence that the individual cannot work in an integrated setting due to the severity of the individual's disability. In this case the individual is ineligible for VR services.

VR must conduct a thorough evaluation as part of this work experience. This means that if we have insufficient information to demonstrate conclusively that the individual does not have the ability or capacity to work in an integrated setting, then an individualized assessment must continue. The assessment continues until such time that:

- Clear and convincing evidence establishes the individual cannot work in an integrated setting due to the severity of the individual's disability and is ineligible for VR services, or,
- The individual is found to be capable of working in an integrated setting.

The individualized assessment, including trial work experiences, must be carried out until either of these results is reached. The Program may not impose arbitrary time limits on eligibility assessments.

Conducting a trial work experience to determine ability to benefit:

The counselor begins the eligibility process with the presumption that all persons can benefit from vocational rehabilitation services in terms of an employment outcome consistent with their employment factors.

- An employment outcome means entering or retaining full time or if appropriate, part-time competitive integrated employment, including customized employment, self-employment, or telecommuting or business ownership, that is consistent with an

individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Before a person can be determined unable to benefit because of the severity of the individual's disability, the VR counselor must explore the individual's abilities, capabilities, and capacity to perform in work situations through trial work experiences.

A trial work experience is an assessment that is intended to assure that individuals with most significant disabilities have the opportunity to demonstrate their potential capacities through real work experiences.

- The trial work experiences should provide an opportunity for a variety of experiences over a sufficient period with on-the-job supports, training or both supports and training, including assistive technology; except when it is not appropriate for an individual to participate in such experience.

If a trial work experience is not appropriate for an individual, the vocational rehabilitation counselor must document in the case record the circumstances for that determination. The results of the trial work experience may demonstrate that the individual can benefit from services or that enable the VR counselor to determine with clear and convincing evidence that the applicant cannot benefit from vocational rehabilitation services in terms of an employment outcome.

VR counselors can enlist community rehabilitation providers through vocational assessments that include a situational assessment, community-based workplace assessments, work try-outs or supported employment or both to provide the required trial work experiences.

VR staff must have a high degree of certainty before concluding that a person is incapable of benefiting from vocational rehabilitation services. There must be clear and convincing evidence that no employment outcome is possible considering information from the trial work experience.

- This is a legal standard and there needs to be more than one opinion considered and utilized as evidence.

A written plan for the trial work experience must be outlined in the record of services describing the services necessary to determine eligibility. Only services to determine eligibility or to determine the existence of clear and convincing evidence that the individual is incapable of benefiting from an employment outcome because of the severity of the disability can be provided during a trial work experience.

- The written plan must include the expected duration of services, identification of the service provider, and how the experience contributes to the determination of the individual's eligibility.
- All services will be provided under the same parameters as when the services are provided under an Individualized Plan for Employment (IPE) with the goal of employment.

Required review and follow-up for persons “unable to benefit”:

For any client file closed as “unable to benefit,” a review of the case must be made within 12 months of file closure and annually thereafter by the vocational rehabilitation counselor (VRC) and Branch Manager.

The results of this review must be provided to the Business and Operations Manager to be included in the required annual federal reporting.

A review of an individual’s file previously closed as “Unable to Benefit” may be excused if:

- The individual requests not to be contacted.
- The individual no longer lives in Oregon.
- Staff are unable to contact the individual.
- The individual’s medical condition is rapidly progressive or terminal.

Extended evaluation and persons “unable to benefit”:

Extended evaluation was removed from the Code of Federal Regulations governing Vocational Rehabilitation Services in 2016.

VR staff should ignore all references to extended evaluation in:

- RSA-TAC-02-01 (no longer in effect), and,
- OAR 582 Division 50 Referral, Application and Eligibility for Vocational Rehabilitation Services.

References:

34 CFR § 361.42 Assessment for determining eligibility and priority for services.

34 CFR §361.43 Procedures for ineligibility determination.

34 CFR §361.44 Closure without eligibility determination

34 CFR §361.47 Record of services.

34 CFR §361.56 Requirements for closing the record of services of an individual who has achieved an employment outcome.

34 CFR § 361.5(c)(40)

Technical Assistance Circular. RSA-TAC-02-01 (This TAC is no longer listed on the Rehabilitation Services Administration Sub-Regulatory Guidance Table 12/11/2023)

Vocational Rehabilitation Services:

The goal of the VR Program is to provide individuals with disabilities, including students and youth with disabilities, opportunities to maximize employment consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Through the provision of VR services, the VR Program helps individuals with disabilities prepare for, secure, regain or retain employment. Given the right opportunities, individuals with disabilities can successfully be integrated into the workforce.

Vocational Rehabilitation services help individuals with disabilities overcome employment-related barriers. VR offers several various services to help individuals overcome employment-related barriers. These services are further described in this section of the manual.

Keep in mind that not all these services will apply to everyone. Additionally, Vocational Rehabilitation is required to provide the least costly option for services that meet the rehabilitative goal.

VR is considered the payer of last resort. This means that, by law, all other sources of services and coverage must contribute or pay for services before VR resources are used. This requires all comparable benefits to be explored prior to authorizing VR funds.

Counseling and guidance – the primary role of the VR counselor:

VR shall provide counseling and guidance services to all participants throughout the rehabilitation process.

VR ensures that individuals accessing services receive culturally appropriate services.

VR seeks to ensure the integration of cultural competency, gender consciousness and related issues into the counseling, regardless of who is providing the services.

The act of counseling and guidance includes information and support services to assist individuals exercise informed choice. The counselor facilitates the process with the following:

- Knowledge of rehabilitation and the VR process
- An understanding of informed choice
- Information regarding rehabilitation resources and current labor market trends, and
- The experience of assisting other individuals through the VR process.

The counselor facilitates the development of a participant's ability to gather information and supports them in making decisions to the best of their ability.

It is the responsibility of the VR counselor to inform the individual about available options for developing their IPE and to ensure the individual understands their options.

The counselor assists individuals during the assessment process to discover their strengths, resources, priorities, concerns, abilities, capabilities, and interests. If appropriate, the counselor encourages the participation of family members and others in the VR process.

The counselor works with participants to build relationships and align resources that will enable them to exercise informed choice and successfully work toward their employment outcome.

Essential aspects of counseling and guidance:

- Developing rapport with the individual
- Keeping the individual engaged in the VR process.
- Continually assessing the individual's progress throughout the VR process
- Identifying the rehabilitation needs and providing information to meet those needs.
- Addressing issues as they arise, and
- Helping the individual learn about the options and resources available for achieving success.

Goals and focus of counseling and guidance:

The VR counselor guides the individual to make choices to maximize success. The VR counselor does this by doing the following:

- Helping the individual understand their strengths and limitations in relation to their disability and impediments to employment.
- Exploring the individual's transferable skills and how they might be applied to overcome impediments to employment.
- Helping the individual select, maintain, or advance in a competitive integrated employment goal by providing information that allows the individual to make appropriate informed choices.
- Providing the individual with information about relevant support services and facilitating access to those services for continued success in employment.

The VR counselor shall reflect the counseling and guidance provided to the individual within the IPE.

Substantial counseling and guidance – as an IPE service:

Counseling and guidance are considered a substantial service when the VR counselor addresses one or more identified issues, and evidence documents the issue had a substantial impact on the outcome of the case.

Substantial counseling and guidance are a direct therapeutic engagement completed by the VR counselor, as required by the individual. This service is vocational in nature and is specifically designed to help the individual in

participating in the rehabilitation process and in reaching an agreed upon employment outcome.

When providing substantial counseling and guidance services, VR shall document in the case file the specific problem to be resolved as well as the counseling methods, measurable outcomes, and progress toward the counseling goal(s).

When necessary to address a substantial barrier to employment, VR shall always identify substantial counseling and guidance as a specific service in the IPE and document related information and support services.

Such substantial vocational counseling will involve multiple sessions, be included in the IPE, and address an issue that could directly impede employment. This substantial level of service is distinct from the general counseling relationship that exists between the counselor and the client throughout the rehabilitation process.

Substantial counseling and guidance – potential topics:

- Develop and maximize self-awareness regarding barriers to employment.
- Develop a realistic action plan to address a problem.
- Use rehabilitation technology.
- Develop residual capabilities.
- Understand work requirements, the work environment and/or work culture.
- Adjust an individual’s attitudes and behaviors that will significantly affect employment.

- Develop self-advocacy skills needed to take responsibility for continued career success.
- Cope successfully with on-the-job stressors.
- Disclose disability and request appropriate accommodations.
- Develop strategies to maintain employment.

Document counseling and guidance and substantial counseling and guidance:

All counseling and guidance services must be documented in a case note or series of case notes. The documentation must be done in a timely manner to ensure that an accurate and complete record of services is maintained.

Each case note must include:

- The issue related to the impediments to employment and/or participation in VR services.
- Strategies for resolution of the issues to include description of decision- making processes involved.
- The individual's participation in the resolution.
- The individual's reaction, and
- Actions required of the individual or VR counselor.

Auxiliary aids and services:

VR may provide auxiliary aids and services such as telecommunications, sensory and other technical aids or devices to an applicant or participant to allow access to rehabilitation services.

Provision of services:

VR may provide the following services to an applicant or participant:

- Qualified interpreters on site or through video remote interpreting (VRI) services, note takers, real-time computer-aided transcription services, written materials, exchange of

written notes, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning (including real-time captioning), voice, text.

- Video-based telecommunications products and systems, including text telephones (TTYs), videophones and captioned telephones, or equally effective telecommunications devices or videotext displays.
- Accessible electronic and information technology or other effective methods of making aurally delivered information available to individuals who are Deaf or Hard of Hearing.
- Qualified readers, taped texts, audio recordings, Brailled materials and displays, screen reader software, magnification software, optical readers, secondary auditory programs (SAP), large print materials, accessible electronic and information technology, or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.
- Acquisition or modification of equipment or devices, and
- Other similar services and actions.

Acquire or modify equipment or devices, and other similar services and actions:

Lease or rental:

VR shall determine if leasing, renting, or purchasing the item(s) is the least expensive and most appropriate alternative to provide services and address the employment needs of the participant. VR staff shall utilize all comparable benefits.

Property assignment:

These items are non-expendable. VR shall list them on the Property Assignment form (R-141). Medically prescribed items are exempt and do not need to be listed.

Consultation:

VR may contact disability specialists for consultation services, as needed, to provide the appropriate auxiliary aid or service.

Community resources, partnerships, and assistance:

It is essential for the VR counselor to be familiar with the resources offered in their community. Referrals to available resources shall be completed as needed for the individual.

Possible resources include the Oregon Department of Human Services Programs, Oregon Employment Department, Oregon Health Plan and 211 which connects individuals with community resources.

Home based employment (remote work):

Individuals are encouraged to seek competitive integrated employment with the assistance of the VR counselor, to the greatest extent possible. The participant will use WorkSource and other community resources to complete job search prior to engagement with a job developer under contract with VR.

Job placement:

Individuals are encouraged to seek competitive integrated employment with the assistance of the VR counselor, to the greatest extent possible. The participant uses WorkSource and other community resources to complete job search prior to engagement with a job developer under contract with VR.

When required due to disability, job placement services may include job development (employer contact to find a job), placement at a position (actions necessary to start the job), job coaching (training by a third party or employer/employee) and job retention (work necessary to keep the participant on the job).

VR provides any one or a combination of these services to help participants attain and maintain competitive employment in an integrated setting.

Any individual who provides services to VR participants must meet qualifications identified by VR to hold a contract with VR.

Role of the counselor in job placement:

The counselor is responsible for determining the participant's work readiness based on VR's minimum standard for employability; this includes their motivation to work, reliability to consistently go to work and dependability to stay on task at work. The counselor also addresses the participant's ability to do the job.

Counselors identify the participant's job placement profile prior to referring a job- ready participant to a job development vendor for services.

Counselors are responsible for guiding the job contractor to implement the service they have requested and will indicate this on the authorization for purchase (AFP).

Role of the participant in job placement:

The individual participates to the best of their ability in all aspects of the placement effort. An individual's participation in job placement should reflect their work ethic, reliability, dependability, and motivation to work.

Role of the job developer in job placement:

Job development vendors provide job placement assistance services to VR under contract. Dependent on the participant's job placement profile the counselor shall guide the job developer to implement appropriate job development strategies.

Work Opportunity Tax Credit (WOTC):

Counselors and job developers provide the WOTC Application to employers when appropriate.

On-the-job Training (OJT) and Community-Based Work Assessment (CBWA):

- OJT is a training activity. OJT is not an appropriate use of job placement.

- CBWA is an assessment activity. It is not an appropriate use of job placement.

Certification for federal employment (Schedule A Letter):

VR counselors may provide a Schedule A certification letter to individuals who are, or have been, clients of VR if they meet the following criteria:

- Meet minimum qualifications for the job, and
- Have an intellectual, psychological, or severe physical impairment.

Responsibility for providing medical documentation rests with the participant.

Reference:

34 CFR § 361.48(b)(12) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. Job related services.

Maintenance:

Maintenance is financial support provided to an individual by VR when they will incur additional expenses that are over and above regular expenses.

- Examples of these expenses include food, shelter and clothing directly related to their participation in an assessment or plan.

Maintenance applies to expenses that are:

- More than the individual's normal expenses, and
- Necessitated by the individual's involvement in an assessment for determining eligibility and rehabilitation needs or by their participation in vocational rehabilitation services under an IPE.

VR shall not use maintenance to meet an individual's basic costs of living, such as medications, housing, transportation, or auto insurance. Maintenance support shall not exceed state per diem rates.

Payment rates:

In providing for those maintenance expenses, VR limits funding to the federal General Services Administration (GSA) domestic per diem rates for the state in which the lodging occurred.

Special circumstances and considerations:

When a comparable benefit is available to pay, in part, for maintenance expenses, VR will support only the increased amount not covered by the comparable benefit.

Reference:

34 CFR § 361.48(b)(7) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. Maintenance.

Occupational licenses, tools, and equipment:

VR may provide occupational licenses, tools, and equipment for participants in training or employment.

VR may cover the cost of license fees when required for employment. The counselor and individual must first explore comparable benefits.

Prior to the purchase of new items, the counselor shall email the branches to see if the desired items are available elsewhere in the state. VR may split up repossessed tools when reassigning the tools to a new participant.

Ownership:

Whenever the counselor purchases tools or equipment using VR funds, VR shall hold ownership of the items until closure of the participant's file.

Purchase of buildings and land:

VR shall not purchase stationary buildings or land.

Purchasing process:

VR shall purchase non-expendable and expendable equipment or tools in accordance with VR purchasing rules. VR may purchase required tools and equipment for a training program through publicly funded schools and need not purchase those items through price agreement or competitive bidding system.

All purchases are to have prior authorization. When using an Authorization for Purchase (AFP), an itemization of training supplies shall be prepared under “Service description.”

Non-expendable property purchases and property assignment:

VR shall list all non-expendable property on the property assignment form (R- 141). VR shall use the property assignment form for both new and previously repossessed items now being reassigned. The participant shall sign the assignment or disposition form prior to receipt of the items.

Non-expendable property is any item that:

- Costs more than $1,000
- Is usable more than once, and
- Has a usable life of more than two years.

VR makes the decision to control a particular equipment item at the time the initial AFP is prepared. VR shall code the AFP to indicate whether the equipment is expendable or non-expendable. All equipment coded “non-expendable” is automatically subject to the equipment control process.

Exclusions for property assignment:

VR shall not list the following items on the property assignment form:

- Expendable stock or training materials
- Barber, beauty, and other hygienically defined tool kits

- Prescribed or individually designed items (for example, braces, orthotics, or wheelchairs)
- Adaptive equipment (unless installing in a vehicle of which VR has security lien)
- Personal items or clothing, and
- Animals.

Reference:

34 CFR § 361.48(b)(16) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. Occupational licenses, tools, equipment, initial stocks, and supplies.

Other goods and services:

VR provides a wide variety of goods and services necessary to a participant in preparing for, securing, retaining, regaining, or advancing in an employment outcome consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

VR shall document justification for all purchases/expenditures. All purchases require pre-authorization.

Remodeling of buildings:

VR may fund remodeling of a building only when the remodel is necessary for the participant to reach or maintain a vocational goal. Remodeling shall not include erecting weight-bearing walls or permanent additions to an existing building.

All remodeling shall follow state and county regulations. All services worth more than $5,000 shall comply with ODHS procurement procedures and the bid process.

Other goods and services not listed elsewhere:

VR may provide goods or services necessary to reach an employment outcome, unless specifically excluded elsewhere in federal regulation, state rule, VR or ODHS policy or other governing parameters.

VR shall always provide the least cost service adequate to meet the need. All services shall be required to address a disability-related barrier to employment or services needed to obtain the employment outcome, or to support a primary service identified in an agreed upon individualized plan for employment (IPE).

Reference:

34 CFR § 361.48(b)(21) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. Other goods and services.

Participant family members:

VR may provide services to members of a participant's family, living unit (in other words, an individual who has a substantial interest in the well-being of the participant), or legal guardian only when such services are necessary to achieve an employment outcome. VR may provide services to a family member when:

- Such services will assist an individual's participation in an individualized plan for employment (IPE), or
- VR, the participant, and family member agree that the service(s) will make a substantial contribution to the participant's plan. These services must be necessary to enable the participant to achieve an employment outcome.

VR record justification of services in terms of their benefit and necessity to the participant's program. The branch manager shall review proposed services to a family member.

Staff shall explore any comparable benefits available to the family member. VR shall issue Authorization for Purchases (AFPs) using the participant's name and identification number (Social Security number).

The designation “family member” must precede the description of the services on the AFP. VR’s policies on purchases apply to all AFPs.

Reference:

34 CFR § 361.48(b)(9) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. Vocational rehabilitation services to family members

Personal assistance services:

Vocational Rehabilitation typically refers to attendant care supports as “personal assistance services.” These services may also sometimes be referred to as “activities for daily living (ADL)” or “instrumental activities for daily living (IADL).”

Attendant care supports will normally be identified by the Office of Developmental Disabilities Services (ODDS) and may be found in the client’s Individual Support Plan (ISP) or Positive Behavior Support Plan (PBSP).

Not all identified attendant care supports may be relevant to the workplace. It’s important to coordinate with the client’s support team to identify if the client has a PBSP or requires attendant care support prior to entering the client into an individualized plan for employment (IPE).

Clients have a choice of selecting a provider agency that best suits their needs, wants, and interests. However, for clients dually enrolled with ODDS and identified as needing long-term supports, it is strongly encouraged to first consider providers that are dually enrolled with ODDS. This should help ease the transition to long-term supports and ensure that any personal assistance supports VR contractors do not provide can be supported.

Personal assistance services policy for clients dually enrolled in ODDS and VR:

If a client has a Positive Behavior Support Plan or Personal Assistance Service requirement that may be required at the client’s workplace, the Vocational Rehabilitation counselor must

work closely with the client's Service Coordinator (SC) or Personal Agent (PA) to establish how these supports will be managed, and which program will fund the service.

For clients dually enrolled in VR and ODDS who require personal assistance services, the provider agency chosen to support the client must be contracted to work both with VR and with ODDS.

- While clients have a choice as to what provider agency they choose to work with, only contractors working under ODDS contracts can provide personal assistance services on the job.

When a VR client is approved to receive job development/job coaching supports through VR and Personal Assistance Supports through ODDS:

- VR will pay for the services identified in the VR Job Placement Services Contract,
- ODDS will be responsible for funding the personal assistance support.
    - This may require the SC/PA to request an exception through ODDS.

ODDS-funded "On-the-Job Attendant Care" may be used while also using VR- funded job development or VR funded job coaching services.

- This might include personal care support required during both VR-funded job development and during VR-funded job coaching, whether the VR- funded provider is actively providing supports at that time or not.
- The ODDS services coordinator/personal agent may authorize this as "on-the-job attendant care."
    - This may require the SC/PA to request an exception through ODDS.

The job setting must meet the requirements for competitive integrated employment.

Once the VR client's job is stable and services can transfer to ODDS-funded job coaching, VR will transfer the client to long-term supports in accordance with normal practice.

Note: Please refer to the "ODDS Worker Guide for Job Coaching and On the Job Attendant Care" for additional clarification on how this process occurs.

Options for personal assistance services:

Often personal assistance services are required as a necessary health and safety consideration for the client. It is paramount that VR counselors work closely with the client's service coordinator or personal agent to ensure the support team is aware of these considerations, and they have been addressed within the client's Individualized Plan for Employment (IPE).

In most situations where personal assistance services are required, the VR client will most likely be in a supported employment individualized plan for employment (SE-IPE).

Please ensure that all requirements for a supported employment plan are followed and in place prior to transferring the client to long-term supports with ODDS.

There are three likely scenarios that a VR counselor may face when working with a client requiring personal assistance services:

Option One: VR funds job coaching until the client reaches stability. During this period, ODDS funds on-the-job attendant care when the job coach is not present.

Note: The employment support professional may be the same person or a different person in this scenario.

Option Two: If the client is stable in employment with long-term job coach funding in place, funding can transfer at time of job placement to ODDS-funded job coaching.

Note: If the client is in a supported employment plan, ensure all requirements for transferring a supported employment client are met prior to closure.

Option Three: The client's case management entity can complete an exception request to pay for job coaching from the time of job placement. This request can be made if the client's support team cannot determine whether the person's job is stable, and the team determines the ODDS-funded job coach is the best fit.

Limitations of the VR job placement services contract contact:

The “VR Job Placement Services Contract” does not directly support personal assistance services. However, many examples of personal assistance support may be considered incidental to VR job coaching.

Helping a client set up a workstation, assisting the client with putting on personal protective equipment (PPE), opening a door if necessary or similar activities may be performed by VR contractors in the normal course of their work.

If the activity can be considered a naturally occurring event or something that a person would normally assist another person with, it is not necessary to identify this as a personal assistance service and should be considered a normal (incidental) part of job coaching.

VR job coaching is limited to services that assist the client with learning how to perform a task. If the task is something that the client will generally always require assistance with, this does not meet the VR definition of job coaching and will need to be identified as a needed personal assistance support. (OAR 582- 072-005 (4) Definitions. Job coaching.)

The VR Job Placement Services Contract does not permit any personal assistance support that requires the job coach to be specifically trained in a task to perform the activity with the client.

- This would include activities such as restraints or holds, medication management, toileting or feeding tubes.
- If a client requires these supports, they must be identified prior to entering job development or job coaching and will require coordination with the client’s service coordinator or personal agent.

Additionally, because VR contractors are not required to always be with the client on the jobsite, the VR job placement services contract does not cover positive behavior support plans that require line of sight supervision or assess the client at risk of choking, falls or other elevated safety or medical risk.

These services must be coordinated prior to entering job development or job coaching with the client’s service coordinator or personal agent.

Personal assistance services when VR is the authorized payee:

Regardless of who serves as vendor, VR shall detail clearly outline all conditions for the purchased services in a written contractual agreement between the participant and the attendant prior to VR authorizing any service.

Documentation for provision of personal assistance services:

VR may provide funds for a personal care assistant only when the client is not authorized to receive Personal Assistance Services from other sources.

- Dually enrolled clients with the Oregon Office of Developmental Disabilities (ODDS), are not eligible for Personal Assistance Services with VR.
    - These clients must receive Personal Assistance Supports through ODDS.
        - This will normally require that the Service Coordinator or Personal Agent request an exception to policy through the ODDS DD program.

Consultation for VR funded personal assistance services:

Prior to authorizing personal care assistant services, VR shall obtain a recommendation from a medical consultant whenever medical information is unclear about the need for services.

- Additional specialized evaluation may be necessary to determine the amount and type of attendant care necessary.

Financial needs assessment for VR funded personal assistance services:

VR may not apply a financial needs test or require the financial participation of the individual as a condition for furnishing personal assistance services.

Rate of payment for VR funded personal assistance services:

When VR funds are used, the rate of payment shall not exceed the rate the ODHS Aging and People with Disabilities (APD) and/or Office of Development Disabilities (ODDS) office pays for

comparable services. The branch manager may make exceptions in unusual and well-documented instances.

The services may include training in managing, supervising, and directing personal assistance services. 34 CFR § 361.5(c)(38)

Definitions for personal assistance services:

"**Job Coaching**" means direct services authorized by Program staff and provided on the job to teach the participant the essential skills necessary to complete required job tasks beyond what is normally provided by the employer. (See OAR 582-072-0005(4) Job Coaching)

"**Personal Assistance Services**" means a range of services, including, among other things, training in managing, supervising, and directing personal assistance services, provided by one or more persons, that are—

(i) Designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability.

(ii) Designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(iii) Necessary to the achievement of an employment outcome; and

(iv) Provided only while the individual is receiving other vocational rehabilitation services.

(Source: 34 CFR 361.5(c)(38) Personal assistance services)

Reference:

34 CFR § 361.48(b)(14) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. Personal assistance services.

Physical and mental restoration services:

As a reminder, VR is only permitted to provide minimally necessary services and least costly to meet the rehabilitation needs of the individual. The VR counselor must always explore comparable benefits prior to authorizing restoration services.

Restoration services are services necessary to correct or substantially modify a physical or mental condition to reduce or eliminate a functional limitation resulting in a barrier to employment. VR may provide physical and mental restoration services consistent with accepted medical practice to the extent that assistance is not available through other comparable benefits and services.

The Oregon Health Plan serves as the standard.

- Restoration services expected to exceed $1,000 require additional evaluation by a qualified medical consultant within the scope of their licensure.
- Services shall address a specific, documented disability-related impairment. The impairment must result in a substantial impediment directly affecting a participant's ability to reach an employment outcome.

The treatment of medical or psychological conditions is not the primary focus of the VR Program. VR provides physical and mental restoration services only insofar as the program determines the services remove or reduce barriers to an employment outcome. VR does not remediate disabling conditions that do not, or are not expected to, adversely affect the attainment of the employment outcome.

- VR does not provide ongoing treatment for chronic or progressive medical or mental health conditions.
- VR may aid with short-term mental health treatment expected to resolve an identified barrier to employment.

In determining whether it is appropriate to provide physical and mental restoration services, VR shall answer several questions:

- Does the participant require the service to reduce or eliminate the disability- related functional limitation that is a substantial impediment to employment?

- Is the service likely to correct or expected to significantly improve the mental or physical condition and reduce or eliminate the impediment within a reasonable period?
- Is the service generally accepted and approved as effective by the appropriate professional discipline(s)?
- Does the participant lack access to medical insurance or other resources that will pay for the restoration services?
- Has the participant followed through with all available comparable benefits VR has provided to them as resources?

If the answer is “no” to any of the above, it is likely that it is not appropriate for VR to provide the restoration service.

Restoration services provided by the VR shall, within a reasonable period, be expected to correct or significantly modify an impairment that constitutes a substantial impediment to employment. In general, restoration services provided by VR should not exceed six months in duration.

Documentation required for physical or mental restoration services:

When VR provides physical or mental restoration services, there must be documentation in the file that the clinical status of the individual is medically stationary or slowly progressive.

VR shall also document that the service is a requirement for the individual to achieve a successful employment outcome.

Acute, critical, or sudden onset conditions requiring restorative services:

VR shall not provide restoration services for treatment of acute medical or psychological conditions unless these conditions are associated with or arise out of the provision of physical or mental restoration services in the IPE.

Medical consultation for restorative service:

Restoration services that are expected to exceed $1,000 will require additional evaluation by a qualified medical consultant within the scope of their licensure. This evaluation will help determine the necessity and appropriateness of the service.

The medical consultant is required to complete the following:

- Review the record to ensure the accuracy of medical information.
- Advise on the service requirement.
- Educate the counselor on the procedure and required follow-up.
- Identify or validate functional limitations, and
- Serve as a liaison with the medical community.

Diagnosis and prescription:

A qualified professional shall provide all diagnoses and treatment recommendations. VR considers a professional is qualified when the individual is licensed or certified in accordance with Oregon laws, or equivalent licensure and certification laws governing the provision of medical or psychological services in the state of purchase.

A medical prescription from a qualified provider is required for:

- Eyeglasses and hearing aids
- Orthotic devices
- Wheelchairs
- Physical, occupational, speech and other therapies
- Prescriptions and medical supplies, and
- Other physical and mental restoration services.

Medical services available under restorative services:

Physical and mental restoration services may include, but are not limited to, the following:

Dental treatment – When the condition of a participant's gums or teeth imposes a significant impediment to employment, VR may provide dental treatment.

Dental work includes but is not limited to fillings, extractions, crowns, and dentures.

Low vision services – Low vision services include visual training, examination, and services necessary for the prescription and provision of eyeglasses or other optical aids as prescribed by a physician skilled in diseases of the eye or by an optometrist, as appropriate.

Mental health treatment – This includes diagnosis and treatment of mental or emotional disorders. Psychotherapy services shall be recommended by a psychological or psychiatric consultant.

- Services shall be for a specific number of sessions or a specified period. The therapist shall direct treatment toward a specified outcome.
- VR shall provide psychotherapy only when other resources are not available (for example, community mental health) and when an immediate and positive vocational impact is anticipated.

Necessary hospitalization – VR shall purchase only those services provided in a hospital connected with surgery, treatment, or an evaluation procedure.

- When a provider recommends hospitalization, VR shall obtain from the physician an estimate of the anticipated services and number of days of hospitalization required.
- The record shall contain an official hospital report (including discharge summary or similar reports).

Nursing services – VR shall purchase nursing services only when required during hospitalization.

Orthotic and prosthetic devices – VR shall only purchase orthotic and prosthetic devices when prescribed by a physician or appropriate specialist.

- These devices can never be authorized for an individual who has applied but has not been found eligible for rehabilitation services.

Physical and occupational therapy – VR may purchase physical and occupational therapy only on a time-limited basis to achieve specific goals associated with employment.

Podiatry – VR may pursue diagnosis and treatment of disorders of the foot, ankle, and lower leg only on a time-limited basis to achieve specific goals associated with employment.

Prescription medications – VR shall purchase prescription drugs only on a time-limited basis when prescribed by a professional licensed or certified in accordance with Oregon laws operating within the scope of their authority (for example, DO, MD, PA or FNP) and when there is a demonstrated need for prescription drugs in the achievement of the participant's employment goal.

- VR shall thoroughly explore and document availability of comparable benefits including Medicaid, pharmacy assistance and programs sponsored by pharmaceutical manufacturers to provide medications to individuals unable to afford them.
- In instances when VR is paying for prescription drugs, the record of services will contain a copy of the prescription.
- VR shall purchase generic drugs unless the physician indicates otherwise. VR will not support the cost of routine or ongoing medications.

Speech and hearing therapy – VR may provide support for medically directed speech and hearing therapy on a time-limited basis, purchased from a licensed specialist to improve or eliminate the participant's disabling condition to enable their participation in employment.

Surgical and medical treatment – Prior to moving forward with surgical intervention, VR shall explore alternative employment opportunities with the individual that may negate the need for the corrective surgery.

- VR may only consider surgeries that will correct or substantially modify an impairment that constitutes a substantial impediment to employment.
- VR shall only cover the cost of surgery if the procedure substantially reduces impediments to the employment goal.

Wheelchairs and other durable medical equipment – VR shall purchase durable medical equipment only when prescribed by a physiatrist or other physician, or by a licensed physical or occupational therapist to assist with stabilization to obtain the employment goal.

Health insurance co-pays, co-insurance, deductibles, and premiums:

VR can assist with these costs on a short-term basis (generally less than 6 months) if it is determined that this service is essential to address an impediment to employment. This must be provided as a plan service.

Alternative, complementary and integrative medical practices:

For the most part, the provision of restoration services uses the Oregon Health Plan (OHP) as the standard. However, VR recognizes that there may be times when a client may benefit from services not listed within the OHP program.

Some examples of services not provided under OHP include:

- Alternative Medicine: non-mainstream treatment plans used in place of conventional medical treatments.
- Complementary Medicine: non-mainstream treatment plans used in conjunction with conventional medical treatments.
- Integrative Medicine: Conventional and complementary treatment plans used cooperatively with a holistic approach to services.
- Tribal VR programs may also incorporate traditional healing methods that are established through and detailed in their grants from Rehabilitation Services Administration (RSA).

Providing alternative, complementary, or integrative medical products or services:

In instances where a health-professional licensed through, certified by or registered with a medical board in the State of Oregon recommends that a client may benefit from a restorative

treatment program that includes an alternative, complementary or integrative medical product or service; the following requirements must be met:

- The treatment regimen must address a specific barrier to employment as listed in the client's eligibility determination or amended eligibility determination.
- Must be directly tied to an identified employment goal or functionality.
- The restorative service must be listed in a treatment plan developed by a licensed medical professional qualified to develop said plan.
- The treatment plan must be tracked to show improvement and demonstrate the path to overcome the employment barrier.
- The treatment must be time limited.
- The treatment timeline must be specific to the general expectations for that service.
- The treatment must be an evidence-based practice.
    - As defined in OAR 582-001-0010 (29)
- The treatment plan must be part of the signed and dated individualized plan for employment (IPE) services or amended IPE.

VR is a federally funded program. The federal funds and the state match are all federal funding under the Rehabilitation Services Administration (RSA) grant.

Federal funds cannot be used to make purchases of drugs that are illegal in federal regulations. This means that Oregon VR cannot purchase (but not limited to) the following examples for cannabis or marijuana:

- Medical marijuana (A controlled substance, on Schedule 1)
- Cannabidiol or CBD (except if the product is an FDA-approved drugs that contain CBD derived from cannabis and no more than 0.1 percent tetrahydrocannabinols which are in Schedule V)
- Oregon Medical Marijuana Program card

Providing Native American Traditional Healing:

Oregon VR has a cooperative agreement with each of the five Tribal VR programs. The cooperative agreement discusses how vocational rehabilitation services can be concurrently provided to an enrolled member of the Tribe.

- The federal grants that fund the Tribal programs may include the provision of, and payment for, traditional cultural healing practices described in their grants.

Note: VR may not supplant funding included in the Tribal VR discretionary grants. Services provided to dually enrolled tribal members must be tied directly to their employment goal.

The Oregon VR counselor, joint client, and the Tribal VR Program staff may work cooperatively to use these traditional, alternative healing practices, as appropriate, and include them in the IPE services to achieve an employment goal.

Definitions for alternative, complimentary or integrative medical provisions:

Alternative medicine means non-mainstream treatment plans used in place of conventional medical treatments.

Complementary medicine means non-mainstream treatment plans used in conjunction with conventional medical treatments.

Conventional medicine means medicine usually practiced by holders of an M.D. (medical doctor) or D.O. (Doctor of Osteopathic Medicine) degrees and by their allied health professionals (such as physical therapists, psychologists, and registered nurses).

Integrative medicine means conventional and Complementary treatment plans used cooperatively with a holistic approach to services.

Reference:

34 CFR § 361.48(b)(5)

Post-employment services (PES):

Post-employment services (34 CFR § 361.5(c)(41)) are defined as:

- One or more vocational rehabilitation services (34 CFR § 361.48(b))
- Provided by VR after an individual obtains employment, before the individual's file is closed, and
- Necessary for an individual with a disability to maintain, regain, or advance in employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- Services are provided before the individual exits the VR program. (See RSA-FAQ 22-03.)

Post-employment services requirements

Post-employment services are provided under an amended individualized plan for employment (IPE).

- Re-determination of eligibility is not required.
- Services are limited in scope and duration; and
- Available to meet rehabilitation needs that do not require a complex and comprehensive provision of services.

Procedures

VR is required to keep a case service record open 90-day after the participant achieves an employment outcome. This is the minimum time before the case is closed and the individual exits services (34 CFR § 361.56(b)). The counselor assures the participant is stable in their employment and does not require other substantial VR services (34 CFR 361.48(b) lists VR services). A substantial VR service is generally considered as a support funded by VR.

Rehabilitation Services Administration (RSA) finds the employment outcome maintained or "stable" (34 CFR 361.56(b)) when:

- The individual has maintained the employment outcome for an appropriate period, but not less than 90 days,

- The period is necessary to ensure the stability of the employment outcome, and
- The individual no longer needs vocational rehabilitation services.

VR staff may decide to lengthen the period beyond 90 days before closing the case to assure successful employment. This allows time to provide delivery of post-employment services to assure the individual maintains employment. Then if additional services are needed to maintain employment, the case stays open. The individualized plan for employment is amended to include the post-employment services needed to maintain the employment. Both the counselor and participant must sign the amendment that becomes part of the participant file.

Note: The VR counselor cannot see an option to select post-employment services (PES) in ORCA. However, these "additional services" are coded automatically as PES by the ORCA case management system for reporting purposes.

Note: Post-employment services use the same authorization codes as vocational rehabilitation services.

Returning for service after participant case is closed

If a former participant returns to VR whose case was closed, the individual must apply and be determined eligible for services again. A plan must be in place before services are provided.

- If an individual's previous eligibility documents remain current and valid, the counselor may use these documents to expedite the application and eligibility determination process.
- If the client's previous eligibility documents are no longer acceptable, new eligibility documents are required.

References

34 CFR § 361.5(c) 41 Post-employment services

34 CFR § 361.48 Scope of vocational rehabilitation services for individuals with disabilities.

34 CFR 361.48(b) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services.

34 CFR § 361.56(b) Requirements for closing the record of services of an individual who has achieved an employment outcome.

U.S. Department Of Education, Office Of Special Education and Rehabilitative Services, Rehabilitation Services Administration. RSA-FAQ-22-03 (3/11/2022).

Pre-Employment Transition Services:

Pre-employment transition services (Pre-ETS) represent the earliest set of services available for students with disabilities who are eligible, or potentially eligible, for VR services. Pre-ETS are designed to help students identify career interests. These interests may be further explored through additional VR services, such as transition services and other individualized VR services.

Both vocational rehabilitation agencies and schools are required by law to provide certain transition services and supports to improve post-school outcomes for students with disabilities.

Pre-ETS may begin once a student requests or is recommended for one or more pre-employment transition services, the current request document has been signed, and VR has verified they are a student with a disability.

Pre-ETS consist of five specific required activities:

- Job exploration and counseling
- Work-based learning experiences, which may include in-school or after school opportunities, experience outside the traditional school setting (including internships).
- Must be provided in an integrated environment in the community to the maximum extent possible.
- Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education.

- Workplace readiness training to develop social skills and independent living skills.
- Instruction in self-advocacy, including instruction in person-centered planning, which may include peer mentoring, including peer mentoring from individuals with disabilities working in competitive integrated employment.

Four coordination activities that are essential for arranging and providing Pre-ETS:

- Attending Individualized Education Program (IEP) meetings, when invited.
- Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities.
- Working with schools to coordinate and ensure the provision of pre- employment transition services.
- Attending person-centered planning meetings for students with disabilities receiving services under Title XIX of the Social Security Act, when invited.

Referrals for public assistance and job placement:

The VR counselor shall refer individuals to other public programs when such services could benefit the individual to ensure access to comparable benefits and resources for participants.

Joint plan development:

If an individual applying for VR services is receiving other benefits or services, the VR counselor shall initiate and maintain contact with an individual's caseworker or service provider to provide for joint planning.

Information sharing:

VR and other ODHS offices may exchange appropriate medical, psychological, and other information to facilitate the determination of eligibility and plan for services. An Authorization for Use & Disclosure of Information form (ODHS form MSC-3010) signed by the individual is required.

Individuals receiving public assistance may have these benefits suspended or terminated during their time of involvement with VR.

When VR terminates its services with such an individual, the counselor shall refer them back to the assistance programs they were previously working with to ensure that the individual's case is evaluated for benefits reinstatement.

Services available through comparable benefits:

Oregon Health Plan (OHP):

The Oregon Health Plan (OHP) aids with ongoing health care needs.

Aging and People with Disabilities (APD):

Oregon's older adults, people with disabilities and their families experience person-centered services, supports and early interventions to help maintain independence, promote safety, well-being, choice and uphold dignity.

Child Welfare (CW):

Qualified recipients can access treatment and training funding through their program.

Self Sufficiency Program (SSP):

Employment Related Day Care (ERDC) has the primary responsibility for the provision of childcare. VR may provide childcare, if the service is unavailable through ERDC, SSP, or other comparable benefits can't be found, and the VR counselor documents that fact in the case file.

Temporary Assistance to Needy Families (TANF)

TANF may provide transportation and evaluations for learning disabilities as well as other types of evaluations.

Jobs Plus Programs

Jobs Plus Programs also provide other training needs.

Oregon Employment Department services (OED):

Partnering with Oregon Employment Department is crucial to the success of the entire workforce system. Services offer by the Oregon Employment Department:

- Business Xpress (self-employment support)
- QualityInfo (labor market information)
- Unemployment Insurance (if the individual lost their job or hours are reduced, they may qualify for unemployment benefits to partly replace lost earnings)

WorkSource Centers

WorkSource Oregon provides both individuals to find jobs and businesses to find talent.

Work Opportunity Tax Credit (WOTC)

WOTC (Oregon) is a Federal tax credit. Employers are provided with an incentive to hire individuals who face barriers to employment. Qualifying individuals include some veterans, or simply those who have been unemployed for an extended period. Tax credits range from a minimum of $1,500 to a maximum of $9,600 per hire.

Referrals offered by the 211 programs:

Basic human needs resources

- Includes food and clothing banks, shelters, rent assistance, and utility assistance.

Physical and mental health resources

- Includes health insurance programs, Medicaid and Medicare, maternal health resources, health insurance programs for children, medical information lines, crisis

intervention services, support groups, counseling, and drug and alcohol intervention and rehabilitation.

Work support

- Includes financial assistance, job training, transportation assistance, and education programs.

Access to services in non-English languages

- Includes language translation and interpretation services to help non- English-speaking people find public resources. Foreign language services vary by location.

Support for older Americans and persons with disabilities

- Includes adult day care, community meals, respite care, home health care, transportation, and homemaker services.

Children, youth, and family support

- Includes childcare, after-school programs, educational programs for low- income families, family resource centers, summer camps and recreation programs, mentoring, tutoring, and protective services.

Suicide prevention

- Includes referrals to suicide prevention help organizations. Callers can also dial the following National Suicide Prevention Hotline numbers, which are operated by the Substance Abuse and Mental Health Services Administration of the US Department of Health and Human Services:

  1-800-273-TALK (1-800-273-8255)

  1-800-SUICIDE (1-800-784-2433)

  1-888-SUICIDE (1-888-784-2433)

1-877-SUICIDA (1-877-784-2432) (Spanish)

Text or call 988.

Rehabilitation technology and rehabilitation engineering:

VR provides rehabilitation technology services when appropriate to allow improved access to educational and employment activities within the context of an individualized plan for employment (IPE).

Rehabilitation technology:

Rehabilitation technology means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

Rehabilitation engineering:

Rehabilitation engineering means the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community.

Assistive technology device:

Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a disability, except that the reference to the term individuals with disabilities shall mean more than one individual with a disability as defined in paragraph (20)(A) of the Act. (See also Section 3, Assistive Technology Act of 1998 (29 U.S.C. 3002))

Assistive technology service:

Assistive technology service means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes:

- The evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual.
- A service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities.
- A service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices,
- Coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs.
- Training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual.
- Training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.
- A service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

Requirements of providing rehabilitation technology services:

VR shall consider utilization of rehabilitation technology services for individuals to assess and develop the participant's capacities to perform adequately in a work environment.

VR provides rehabilitation technology services only when the provision of such services represents the most appropriate and cost-effective approach to improving access to education or employment activities.

To reduce program costs, VR shall use comparable benefits whenever available. VR shall not delay provision of rehabilitation technology services while determining availability of comparable benefits.

The purpose of the service needs to be determined on an individual basis. VR shall determine the need for rehabilitation technology services through assessment of the participant's needs and evaluation of services available to meet those needs.

A professional skilled in rehabilitation technology shall perform any evaluation of an individual's need for rehabilitation technology services. VR should provide the purpose for the referral and the questions that the evaluation needs to answer to the evaluator.

At the conclusion of the evaluation summary in the participant's file, the VR counselor shall prepare an evaluation of impediments to employment and the appropriateness of rehabilitation technology services as a strategy to reduce or eliminate the impediments.

VR shall consider and incorporate usage and training costs into the IPE when appropriate.

Once vocational rehabilitation services under VR end, and the case is closed, responsibility for the rehabilitation technology falls to the employer or individual (as applicable by the Americans with Disabilities Act).

VR shall direct any questions or concerns related to an employer's obligation to the Department of Justice (DOJ) or Equal Employment Opportunity Commission (EEOC).

VR shall not repossess equipment or devices unless the equipment:

- Relates only to the performance of an occupation in which the participant is no longer engaged.
- Has no significant application in activities of daily living.
- Would be easily transferable to another participant.

Reference:

34 CFR § 361.48(b)(17)

Academic and vocational training

VR may provide support for training necessary for a participant to achieve a suitable and agreed upon employment outcome as indicated in the individualized plan for employment.

- VR may provide academic or training services only under an individualized plan for employment (IPE).
- Academic or vocational training is limited to what is required to achieve the employment outcome as listed within the IPE.
- Individuals must attend academic or training services, except on-the-job training, at public educational organizations in Oregon.

Training may be provided to the individual to prepare for placement in any occupation within the range of professional, managerial, technical, and related fields for which a certificate, licensure, or degree is traditionally required.

See Academic accommodations.

Subcategories of training VR may provide:

Use these subcategories of training to identify training provided to participants.

Basic academic, remedial or literacy

This includes literacy training or training provided to remediate basic academic skills needed to function on the job in the competitive labor market.

Note: This does not include support for a GED. A GED is considered miscellaneous training.

Community college

This category includes full-time or part-time academic training above the secondary school level leading to an associate degree, a certificate or other recognized educational credential.

Four-year college degree

This includes full-time or part-time academic training leading to a baccalaureate degree, a certificate or other recognized less-than-postgraduate educational credential.

Graduate college or university

Full-time or part-time academic training leading to a degree recognized as beyond a baccalaureate degree. This may include a Master of Science of Master of Arts (M.S. or M.A.) or Doctor of Philosophy (Ph.D.).

Disability related skills training

Disability-related augmentative skills training includes but is not limited to:

- Orientation and mobility,
- Rehabilitation teaching,
- Training in the use of low vision aids,
- Braille,
- Speech reading,
- Sign language, and
- Cognitive training or retraining.

Note: Driver training on the operation of adaptive equipment is included in this subcategory of training.

Note: Disability skills training does not include occupational therapy (OT), physical therapy (PT), or speech language pathology (SLP). These are considered restoration services and

require medical prescription prior to consideration and approval. The qualified medical professional providing the prescription may not be the provider of the service.

Job readiness

Training provided to prepare an individual for work. Examples include work behaviors, interpersonal communication skills, or increasing productivity.

Miscellaneous training opportunities

Miscellaneous training not included in other categories is listed below. This training category includes GED or secondary school training leading to a diploma, or courses taken at four-year or community colleges not leading to a certificate or diploma.

Examples include:

- CPR/First Aid
- Driver's License/Food Handlers
- High School Equivalency (GED)
- Non-credentialed Training

Occupational or vocational training

Occupational, vocational or job skill training prepares students for gainful employment in a recognized occupation but not leading to an academic degree. This type of training includes occupational, vocational or job skill training provided by a community college or business or both, vocational or trade schools, or technical school.

Tutoring

Tutoring is an additional service provided to support an individual to acquire an employment goal. VR must explore comparable benefits for tutoring.

VR may provide time-limited and focused tutoring with specific and measurable goals when the VR counselor determines it is necessary to reach an employment outcome. If they are attending an institution that provides tutoring, VR must not pay for tutoring.

The VR counselor shall document the tutor's qualifications and explain how their qualifications meet the individualized needs of the participant.

Tutoring minimum qualifications

Once a vendor request form is submitted the VR Vendor Coordinator confirms the minimum qualifications are met with the vendor.

- Cleared Criminal Background Check within one year of vendor activation
- Minimum three years' experience working with people with disabilities
- Associate's, bachelor's or master's level education, or certification in the subject is tutored and one year of experience tutoring/training or educating; or
- Minimum two years' experience tutoring/training or educating in the subject that will be tutored.

Licensing and certification

Provision of funds for the testing to obtain occupational licenses and certifications may be provided.

Note: This category does not include the cost of the training to enable the participant to pursue a license or certificate.

Other Goods and Services, as they relate to training

Use this category only for other VR services that cannot be recorded elsewhere. Include in this category such services as the provision of funds for tools and equipment, computer, books, and supplies.

References:

Rehabilitation Services Administration (RSA). Dear Colleague Letter (DCL-23-04). (9/28/2023)

Rehabilitation Services Administration (RSA). Dear Colleague Letter (DCL-25-04). (7/17/2025)

On the job training (OJT)

On the job training is a time-limited, structured training opportunity provided by an employer. The participant learns specific job competencies necessary to maintain employment. OJT may be authorized when it is determined to be the most effective method of preparing the participant for employment. Services are based on disability-related needs and vocational goals outlined in the individualized plan for employment (IPE).

Eligibility Criteria

Eligibility criteria are:

- The participant must be hired by the employer as a regular employee.
- The training must occur in an integrated, community-based setting.
- The OJT must be consistent with the participant's IPE and supported by informed choice.

VR Responsibilities

VR counselors will assess the suitability of OJT and negotiate terms with the employer, including:

- Duration of training
- Percentage of wage reimbursement (typically up to 50%)

The VR counselor, in coordination with the employer, shall determine the appropriate period of the training. The VR counselor negotiates up to 50% of wages for which the Program provides reimbursement. The employer is reimbursed for part of the participant's wages via authorization for purchase (AFP).

A written agreement must be signed by the participant, employer, and VR counselor before training begins. This agreement outlines:

- Training objectives
- Roles and responsibilities

- Reporting requirements

Employer Responsibilities

Employers have the following responsibilities:

- Provide structured training and supervision aligned with the agreed-upon skill development plan.
- Maintain workers' compensation coverage for the participant.
- Submit monthly progress reports to the VR counselor documenting the skills acquired and participant performance in order to maintain employment.

References:

34 CFR 361.5 Applicable Definitions

34 CFR 361.5 Applicable Definitions

34 CFR §361.45 – Development of the individualized plan for employment (IPE)

34 CFR 361.48(b)(6) Scope of vocational rehabilitation services for individuals with disabilities

20 CFR §§ 680.700–680.740. On-the-job training regulations under the Workforce Innovation and Opportunity Act.

The U.S. Department of Labor. Training and Employment Guidance Letter No. 21-22: Increasing equitable service access and employment outcomes for all jobseekers in Workforce Innovation and Opportunity Act Adult and Dislocated Worker Programs (6/9/2023). (Advantages of using OJT, page 16-17.)

Technical Assistance Center on Quality Employment. On-the-Job Training in Rehabilitation Counseling. A Demand-Side Employment Strategy in Vocational Rehabilitation. http://taque.com

Registered apprenticeship

A registered apprenticeship is a work-based employment and training program that combines hands-on, on-the-job work experience in a skilled occupation with related classroom instruction. Structured apprenticeship programs generally have minimum requirements for the duration of on-the job work experience, classroom instruction, and provide a recognized certificate of completion. Report at the time the service is provided. This Training Service may only be provided to an eligible individual under an IPE.

Structured apprenticeship programs generally have minimum requirements for the duration of on-the job work experience and classroom instruction. They usually provide a recognized certificate of completion.

Apprenticeship programs:

- Include supervision and structured mentoring.
- Provide for wage increases as an apprentice's skills increase.
- Are based on an employer-employee relationship and provide an industry-recognized certificate of program completion.

Resources:

Registered Apprenticeship Program and Course Approval

Apprenticeship (at Oregon community colleges)

Assessing the suitability of the job goal and training

The VR counselor applies critical thinking skills to evaluate the individual’s suitability for the proposed vocational goal and related training. This evaluation goes beyond simply reviewing functional capacities and aptitudes. It involves a thoughtful, individualized analysis that balances the person’s strengths, preferences, and potential barriers regarding the proposed employment outcome.

Using information gathered through interviews, eligibility determination, and vocational assessments, the VR counselor critically examines the individual's:

- Functional capacities and abilities, considering how these align with the job requirements.
- Aptitude and genuine interest in the vocational goal or related occupations, to ensure that the goal reflects their preferences and motivation.
- Resources, concerns, and personal circumstances that may impact their ability to engage successfully in the required training to achieve their proposed employment goal.

By thoughtfully balancing all relevant factors, the VR counselor ensures that the vocational goal is appropriate, attainable, and aligned with the individual's strengths, resources and capabilities.

Approval authorization levels

Approval levels required for supporting academic or vocational training within an individualized plan for employment (IPE) are as follows:

- Academic or vocational training leading to a certificate, an associate, or a bachelor's degree may be approved by the Vocational Rehabilitation counselor.
- Graduate degrees such as a master's or doctoral (PhD) degree require a branch manager's approval.
- Any individual desiring to participate in an academic or vocational program occurring at a private institution or an institution outside of Oregon must be approved by the Deputy Director of Direct Services regardless of the level of degree or certification.
- This is an exception to attend this institution and not an exception for out of state funding.
- Any consideration for supporting room and board must receive approval from the Deputy Director of Direct Services, regardless of the individual's level of degree or

certification. This approval is based on the specific disability support needs related to the individual's accessibility requirements.

Requirements for institutions and training programs

Information for approved institutions and training programs for Oregon is found at the Higher Education Coordinating Commission (HECC) website.

VR may only approve vocational or academic training at an educational institution that meets accreditation, authorization, or licensing standards. This approval must meet at least one of the following requirements:

An institution or program that is recognized and approved by the Higher Education Coordination Commission (HECC) to offer and confer degrees, certificates, or licensure in Oregon. This includes:

- Postsecondary institutions and Career Training Programs.
- VR may support training programs offered online. However, the institution or program providing the training must be recognized and approved by the Higher Education Coordination Commission (HECC).
- A career school licensed under ORS 345.010 to 345.450.
    - The Office of Private Career Schools (PCS) within the HECC describes a career school as: any private proprietary professional, technical, home study, correspondence, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession. (ORS 345.010 (2))
    - Private career schools offer specialized training and certificates for learners with specific career goals in fields as diverse as computer technology, cosmetology, healthcare, real estate, business, and more.
    - Without licensure from the Higher Education Coordinating Commission (HECC), a private career school cannot legally operate in Oregon.

- An apprenticeship program registered with the Oregon State Apprenticeship and Training Council (Bureau of Labor and Industries (BOLI), Apprenticeship Opportunities).

References:

Chapter 345 — Career Schools (2023 edition)

345.010 Definitions for ORS 345.010 to 345.340 and 345.992 to 345.997.

Expectations for a participant enrolled in a VR funded academic or vocational training

The VR counselor assures that ALL the following expectations are met and documented in the case file. VR participants pursuing an education or training program must:

- Attend educational and training services, except on-the-job training, at public educational organizations in Oregon. Any exception requires approval by the Deputy Director of Direct Services.
- Follow the institution's assigned course schedule and enroll only in the required training courses to successfully complete the program to achieve the intended employment outcome.
- Receive prior approval from the VR counselor for any elective classes or programs that are not necessary for graduation and require additional tools, supplies, or equipment.
    - Examples: scuba diving equipment, swimming pool pass, photography equipment, or art supplies.
- Academic progress: Participants must demonstrate satisfactory progress toward the completion of their academic or vocational training program. The timeline for completion shall be determined by the Program based on the structure of the training program, the participant’s individual circumstances, and the requirements necessary to achieve the employment outcome.
    - Generally, this would be two (2) years for an associate degree and four (4) years for a bachelor's degree.

  - Individuals must be enrolled at least the minimum amount of time necessary to maintain eligibility for financial aid in the attending institution.
  - Any exception to the student attending at least half-time enrollment is addressed with the branch manager.

- Notify the VR counselor prior to withdrawing from any class or withdrawing from the training.
- Make up any incomplete grade for a course in the major field of study within the academic calendar year.
- Receive approval from the VR counselor to retake any course that resulted in a failing grade.
- The decision to allow a course to be retaken is at the discretion of the VR counselor.
- The VR counselor must have adequate documentation to support the allowance of a repeated course.
- The VR counselor shall not fund additional retakes (meaning a third attempt) of a course that resulted in a subsequent failing grade, or the grade desired by the individual.
- Obtain and maintain the industry standard grade point average (GPA) required to maintain attendance and grant funding for the training program.
- If the industry standard is not set, then a 2.0 cumulative GPA is required to obtain and maintain VR funding.
- VR recognizes that in some situations, a student may encounter a situation that causes their GPA to drop below the minimum required threshold.
- VR may provide funding for up to one additional term/semester (e.g., probationary term/semester) to allow the student to bring their cumulative GPA back to the required minimum.
- At the end of this probationary term or semester, if the individual's cumulative GPA is still below the required minimum, VR will cease funding the academic course of study until the individual brings their cumulative GPA to the required standard.

- Submit the completion documents at the end of each term or semester to verify the earned measurable skills gains or credential attainment. Examples include:
    - A grade report.
    - A final transcript.
    - A certificate of completion, diploma, or degree.
- Report all financial contributions toward the cost of attendance to the Financial Aid Office (FAO). This includes scholarships and outside funding that is not already listed within the financial aid award letter. VR is not responsible for any over-award situations that may arise as a result of VR support.

Contact requirements for participants enrolled in training programs:

VR participants actively enrolled in either secondary or post-secondary education are exempt from meeting the 30-day check in requirements.

VR counselors must establish a regularly scheduled check-in with all individuals participating in an education program on a schedule that best serves the student's individual needs.

Counselors must ensure that they maintain contact with the student frequently enough to identify and mitigate problems that can impede satisfactory school progress (such as not attending class or not receiving accommodations).

At a minimum, VR counselors must have meaningful and substantive contact with the student at the completion of each term or semester to review attendance, grades and progress toward training program completion, financial status, and future-plans. More frequent contact may be required by the VR counselor should they deem this necessary.

Financial aid and comparable benefits:

All participants seeking VR support for academic and vocational training must apply for student financial aid using the Free Application for Federal Student Aid (FAFSA) and all other applicable comparable benefits. This information is used by the VR counselor to determine

the maximum financial contribution VR can provide on an annual basis that aligns with the academic year.

- All participants, including those in pursuit of a master's degree or higher, known to be in default on student loans, or who have received a Total and Permanent Disability Discharge must apply for FAFSA.
- If a participant is in default on student loans, they are not eligible for VR support for training from an institution that offers federal financial aid.
- If the program of study does not accept FAFSA funding, document that the client is not required to apply for FAFSA because it is not applicable. However, be sure to explore and consider any comparable financial aid options that may be available. (Work Source, STEP, SSP).

The participant must submit their FAFSA results to the financial aid office of the institution they plan to attend each academic year, by the designated deadline. The FAFSA must be completed annually and available to the VRC to determine the allowable financial support from VR.

The participant shall provide the VR Counselor with a copy of the accepted financial aid package for the VR case file as soon as it becomes available. This would include other comparable benefits allowed, such as STEP program funding.

Comparable benefits, including the Oregon Promise Grant, must be fully considered for all training, and is utilized prior to the Program providing funding. The Oregon Promise Grant must be used by participants who are eligible to receive it. The VR Counselor seeks these comparable benefits as early as possible during the case development process.

Examples of Comparable Benefits:

- Oregon Promise Grant
- Oregon Tribal Student Grant
- Need-based grants: PELL, SEOG/FSEOG, OOG
- Scholarships designated for tuition, fees, books, and supplies

- STEP (Support for Employment and Training Programs)
- WorkSource services

If the chosen training site does not offer federal financial aid, the VR counselor must document how comparable benefits are explored and alternate training sites that do offer federal financial aid are considered. This confirms the need to attend a non-financial aid eligible site.

Note: Merit based scholarships are not considered comparable benefits.

Understanding and calculating VR's maximum financial contribution

VR uses a worksheet to calculate the maximum financial contribution available to an individual. This VR Financial Aid Calculation Worksheet must be completed each academic year or whenever there is a change to the participant's financial aid package. The information needed to complete the worksheet must be up-to-date and obtained from the individual's accepted financial aid award letter issued by the institution they are attending. (If the student does not receive the SAI on the award letter, then the student must provide FAFSA submission summary.)

By using the individual's financial aid account at the institution they are attending, VR is better able to tailor the funding contribution to the specific circumstances of the individual.

The VR program has implemented a process to determine the maximum contribution toward academic or vocational training. This calculation is completed each academic year and is used to update the individualized plan for employment (IPE) with accurate financial information, based on data from the Free Application for Federal Student Aid (FAFSA) and the specific institution the individual attends. The calculation follows a formula that aligns with the FAFSA process, using the Student Aid Index (SAI) to determine financial aid award amounts.

The Student Aid Index (SAI) is a measure of a student's financial need, derived from the information provided in the FAFSA. The SAI is a numerical value that represents a student's financial circumstances and is used to assess their eligibility for need-based financial aid. The

SAI is consistent across all institutions the student applies to and attends, ensuring a uniform measure of financial need.

Determining the participant contribution

The formula to determine the maximum VR contribution:

VR subtracts the Student Aid Index, Financial Aid Awards, and Unallowed VR Expenses from the Cost of Attendance. The remaining amount is the Maximum VR Contribution allowed each academic year, which cannot exceed the Cost of Attendance at the institution the individual is attending:

Cost of Attendance

- Student Aid Index (SAI)
- Financial Aid Awards
- Unallowed VR Expenses (examples: room & board, loan fees, personal, miscellaneous, etc.)

= VR Maximum Contribution

Once the SAI and other financial aid sources are applied, the Program may contribute toward tuition, fees, books, transportation (including parking passes), and supplies. The Program's contribution cannot exceed the Cost of Attendance (COA) for each academic year.

Note: VR will use the Free Application for Federal Student Aid (FAFSA) and institutional information to determine its contribution, even if terminology or calculations change. While terms may evolve, VR consistently relies on the financial data provided by FAFSA and the institution the individual attends to assess and adjust its maximum contribution.

Individuals are responsible for reporting all financial contributions toward the cost of attendance to the Financial Aid Office (FAO). VR is not responsible for any over-award situations that may arise as a result of VR support.

When an individual attends an academic and vocational training program at an institution that awards FAFSA grants, VR uses the Student Aid Index (SAI) instead of the Financial Needs Test (FNT). Any mandatory contribution identified through the Financial Needs Test is not used to calculate the maximum amount of VR support for academic or vocational training nor applied to any other part of the Individualized Plan for Employment (IPE).

Recipients of Supplemental Security Income and Social Security Disability Income

Any individual who is eligible for and currently receiving Social Security Benefits under Title II (Social Security Disability Insurance - SSDI) or Title XVI (Supplemental Security Income - SSI) of the Social Security Act is exempt from making a financial contribution towards individualized plan for employment (IPE) services. When completing the VR Financial Aid Calculation Worksheet, all calculation parameters remain the same except that the Student Aid Index (SAI) is not be used in the calculation.

Allowable academic and vocational training costs

VR's financial assistance for a participant's academic or vocational training program must not exceed the cost identified as the public in-state rate.

VR generally supports an academic or vocational training program at the college, university, or vocational training site closest to the client's home.

The Deputy Director of Direct Services must approve any request to support participant room and board, regardless of the degree or certification the individual seeks. This level of approval assures consistent, statewide decisions are made. Approval is based on the individual's specific disability support needs and accessibility requirements.

Equipment, tools, books, or supplies required to participate in an education or training program may be paid for by VR under the "Other Goods and Services" subcategory.

All transportation support must follow VR policy outlined in the Transportation Services. As a reminder, the least cost option always applies.

Examples of maximum VR contribution for academic or vocational training

The following examples show how the Program determines the maximum VR contribution for academic or vocational training in cases where the participant is not an Oregon resident, studies out of state, or attends a private institution. In these instances, the Program must identify an in-state institution offering a comparable program, closest to the participant's home, to meet their employment goals. The cost of attendance for this comparable institution is used in the financial aid calculation and can be obtained from the institution's website or Financial Aid Office.

Note: All online programs must meet accreditation, authorization or licensing standards identified by the Higher Education Coordinating Commission (HECC). VR funding is limited to the amount an Oregon resident would pay for the same academic or vocational training program at a public Oregon institution.

Participant not an Oregon resident:

A participant who is not an Oregon resident is receiving Oregon VR services while attending college in Oregon. However, because their official residence is still out of state, they are charged out-of-state tuition instead of the lower in-state rate.

VR Contribution:
VR funding is limited to the amount an Oregon resident would pay for the same academic or vocational training program at a public Oregon institution.

Note: VR may not require a client be a resident of Oregon to receive services.

Participant studies out of state:

An Oregon resident chooses to attend a training program at an institution outside of Oregon. They may face higher costs than the in-state tuition rate.

VR Contribution:

VR funding is limited to the cost of attendance at a comparable academic or vocational training program at the public Oregon institution or the unmet need of the attending institution, whichever is less.

Participant chooses a private institution

A participant chooses to attend a private institution, where the cost of attendance is higher than that of a similar program at a public Oregon institution.

VR Contribution:

VR funding is limited to the cost of attendance for a comparable academic or vocational training program at a public Oregon institution.

Participant chooses an institution farther away when a closer option is available

If a participant selects an academic or vocational training program at an institution farther away when a closer option is available, they may face higher costs.

VR Contribution:

VR funding is limited to the cost of attending a comparable program at the nearest available institution to the participant's residence.

Disallowed training services

For an employed participant, VR shall not develop or fund academic or vocational training that is available through the employer staff development programs.

For a current high school student, VR shall not provide academic or vocational training services available through the secondary school system because it is a comparable benefit.

Monetary loans to participants are strictly prohibited. Under no circumstances, including supervisory pre-approval, shall VR make the student loan payment for the participant who accepts a student loan (per federal Higher Education Act).

VR shall not pay

- Bad debts, liens, or judgments (for example, defaulted student loans).
- Entertainment expenses, including costs of amusements and social activities (for example, fraternity, sorority, or social organization fees).
- Fines, court costs and similar expenses; or
- Consumer interest payments (for example, interest portion of student loan payment).

Academic accommodations

Academic institutions are responsible for providing reasonable accommodations. VR shall provide participants with information about services through the college or university office of services for students with disabilities.

References:

34 CFR § 361.5(c)(5) Applicable definitions

34 CFR § 361.48(b)(6) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services

Technical Assistance Center for Quality Employment. Fact Sheet On-the-Job Training in Vocational Rehabilitation: The Basics. No year.

Transportation services:

Transportation refers to travel and travel-related expenses necessary for an individual to participate in required vocational rehabilitation services. VR may provide transportation services when the individual requires the service to participate in or access a substantial service required by an individual to achieve an employment outcome.

Transportation services may include training in the use of public transportation, payment for other transportation resources and reimbursement for use of a private vehicle or vehicle

repair. Selection of transportation services must give preference to the least expensive alternative, while also considering the circumstances and special needs of the individual.

Transportation services must be prior authorized and provided only, if necessary, to enable an individual to participate in a required vocational rehabilitation service subject to the following:

- Where local public transportation is available and accessible to the individual, any reimbursement for transport must not exceed the public transportation rate. The counselor must provide written justification for preauthorization of transportation costs more than the least expensive public transportation service available to the individual.
- Where public transportation is not available or cannot be used because of the individual's disability, reimbursement may be authorized for the use of a private vehicle or other appropriate form of transportation.

VR shall reimburse transportation costs based first on:

- Published rates for public transportation in local metropolitan areas, and
- Averaging the Internal Revenue Service (IRS) standard mileage rates for the "Business" and "Moving/Medical" categories. VR updates the rate each January based on federal guidelines.

Mileage reimbursement:

VR uses a program-established rate of client mileage reimbursement if the client is provided with a transportation service in their individualized plan for employment.

- Effective January 1, 2026, the mileage reimbursement rate for VR clients is $0.47 per mile.
- The mileage reimbursement rate is in effect for the period January 1, 2026, to December 31, 2026, unless revised by program administration.

Note: Rates are updated annually based on federal guidelines.

Implementation and transition instructions:

The rate established for client mileage reimbursement is set at $0.47 per mile, without exception for the period 1/1/2025 2026 to 12/31/20252026.

Any VR client currently receiving mileage reimbursement other than $0.47 per mile must have their reimbursement rate corrected to $0.47 per mile for 1/1/2025 2026 to 12/31/20252026.

Local branch action required:

- Use the established rate of $0.47 per mile for client mileage reimbursement when authorizing this service.
- Identify clients that receive reimbursement at a rate other than $0.47 per mile.
- Inform them of the need to adjust to the current mileage reimbursement rate to ensure equal treatment and compliance.
- Review case vocational rehabilitation document to reflect the current mileage reimbursement rate of $0.47 per mile for the period of 1/1/2026 to 12/31/2026.

Authorized transportation services may include, but are not limited to:

- Fares, mileage, and travel costs associated with the use of public or private transportation, including parking fees and tolls, or
- Other pre-approved necessary and appropriate expenses related to travel.

References

34 CFR 361.48(b)(8)

Internal Revenue Service. 2026 Standard Mileage Rates, Notice 2026-10.

Internal Revenue Service (IRS). Newswire Bulletin updated: IR-2025-128 (12/29/2025).

Moving and relocation:

VR may authorize moving and relocation expenses up to $3,500 when VR has determined it is less costly than having the individual commute for employment when a job offer has been confirmed and a start date established.

Vehicle maintenance and repair:

Maintaining a private vehicle is the responsibility of the owner. VR does not pay for routine costs associated with maintaining a vehicle such as registration, insurance, vehicle depreciation costs and routine maintenance. Typical routine maintenance includes tune-ups, oil changes and new equipment (such as tires).

VR may assist with necessary repair expenses of an eligible individual's vehicle when the repair is essential to participate in a VR required service and the repair is the least cost option. These repairs must not be a routine maintenance expense.

VR must agree to and provide prior authorization for any repair service.

The cost of the repair must not exceed the retail value as listed in the "Kelley Blue Book."

The VR Program shall not approve funding for vehicle repairs to an eligible individual's existing vehicle unless the individual provides proof of insurance in an amount at or above the minimum coverage required by the laws of this state.

Vehicle insurance requirements:

The VR Program will not purchase insurance for a participant. Should extenuating circumstances exist, the program may approve reimbursement to an eligible individual for insurance premiums for a vehicle as follows:

- Approval must be made in writing by the branch manager.
- Approval must occur for a limited duration, must be reviewed monthly, and must cease once the participant's case is closed.

- Reimbursement shall not be more than the minimum coverage required by the laws of this state or, for vehicles purchased with VR Program funds, the minimum coverage required by this rule.
- For vehicle purchased with VR Program funds, the approval shall not exceed the duration of the program's security interest in a vehicle.

Vehicle insurance payouts:

Any insurance property liability payout for a vehicle purchased with VR Program funds shall be paid directly to the program while the program retains a security interest in the vehicle; this is the case unless that payout, or a portion thereof is connected to personal property the program did not purchase, or the vehicle was only partially funded by the program. The program shall apply those funds toward vehicle repair or replacement, as appropriate.

Any insurance personal liability payout or property liability payout that does not relate to property the program purchased shall be paid directly to the participant or injured party, not the program.

If the program partially funded the vehicle purchase and the participant contributed to its purchase, a portion of the property liability payout proportionate to the participant's investment in the vehicle should be paid directly to the participant and the remainder paid directly to the program.

Travel expenses for personal assistants:

VR may provide travel and related expenses for personal assistance services if such services are necessary to enable the applicant or eligible individual to travel to participate in a vocational rehabilitation assessment or service.

Reference:

34 CFR § 361.48(b)(8)

Purchasing Bicycles and e-Bikes:

Vocational Rehabilitation may purchase bicycles or electronic bikes (e-Bike or electric assisted bikes) for an eligible participant that requires this equipment.

- The purchase of an e-Bike should be an infrequent occurrence.
- Justification must clearly show why a traditional bicycle does not meet the needs of the individual.

Lack of transportation is not in itself justification for VR to purchase a bicycle or e-Bike. While an individual's inability to get to a place of employment does create a recognized barrier to employment, all other potential avenues of transportation must be considered prior to VR approving any transportation purchase.

A participant's ability to safely operate a bicycle or an e-Bike must be considered and documented in a case note.

Prior to the purchase of an e-Bike, justification must document why an e-Bike is necessary and appropriate. The VR counselor's branch manager must staff and approve the recommended purchase.

VR is limited to purchasing the least cost item that meets the requirements to overcome a barrier to employment. If the participant chooses to request a more expensive item, the participant must pay the difference.

- This difference in cost may not be applied toward the participant's mandatory contribution as required by the financial needs test (FNT).

A bicycle or e-Bike purchase must directly support a participant's specific employment outcome.

- The purchase of a bicycle or e-Bike should not be the goal of the Individualized Employment Plan (IPE) itself.

Purchases for self-employment plans that require a bicycle or e-Bike as an integral part of the business must be considered carefully and if approved, the least cost option that meets the participant's need is strictly enforced.

- Examples may include bicycle messengers, bicycle tour guides, bicycle delivery operators, bicycle vendors, and like services.

Evaluations necessary to help the counselor determine if a bicycle or e-Bike purchase may be included as part of a participant's individualized plan for employment (IPE) development are allowable prior to the IPE.

- Fiscal expenditures related to bicycle or e-Bike purchases other than assessments, evaluations, or other services necessary to determine the participant's eligibility or individualized plan for employment (IPE) requirements are not permitted prior to the participant being placed in an IPE.
    - Any services provided to the participant pre-IPE may be susceptible to Rehabilitation Services Administration (RSA) approval.
    - This means that the Business Operations Manager must be informed of bicycle or e-Bike purchases prior to their purchase.

Bicycle and e-Bike safety considerations:

Many e-Bikes on the market easily approach speeds more than 20 mph. The safety and protection of Program participants must be considered throughout the process of purchasing a bicycle or e-Bike.

The VR counselor must verify that the participant has the physical ability and judgement to safely operate the bicycle or e-Bike.

- For e-Bike purchases, the VR counselor may consider requesting that a qualified occupational therapist (QOT) evaluation be completed to determine the appropriateness of the purchase.

Oregon does not currently require an individual to carry insurance when operating an e-Bike. The State of Oregon does not require a license to operate one. However, this may change in the future. It is recommended that a VR counselor and participant discuss the need to obtain insurance in case of accident, theft, or other unforeseen possibility prior to an e-Bike purchase.

People riding an e-Bike may do so in bicycle lanes and on bicycle paths unless marked otherwise. E-Bikes are not permitted on mountain bike trails. E-Bikes may not be operated on a sidewalk. If there is no bike lane available, the e-Bike may use the lane with other traffic. Some cities and local municipalities have established additional restrictions on the operation of e-Bikes. Take this information into consideration as part of the planning process and conversation with the participant.

The minimum age in Oregon for operating an e-Bike is 16. While helmets are not required, they are strongly encouraged.

References:

Oregon Bicycling Manual - Online Edition

ORS 801.258 "Electric assisted bicycle." Definition.

ORS 807.020 Exemptions from requirement to have Oregon license or permit

ORS 814.405 Status of electric assisted bicycle

ORS 814.410 Unsafe operation of bicycle on sidewalk

Vehicle modification and purchase:

Vocational Rehabilitation may provide vehicle purchase and vehicle modification for eligible clients that require these supports. Because of the technical nature of these types of services, Oregon VR has a vehicle modification/purchase specialist position to assist counselors with this process.

Anytime a VR counselor believes it may be in the best interest of the client to pursue either a vehicle modification or vehicle purchase, it is highly recommended that staff involve this specialist as early in the process as possible.

In-depth checklists for both vehicle purchase and vehicle modification have been created to help guide individuals through this process and must be completed step by step when working through this procedure.

Process for purchase of vehicle:

Note: This section discusses the process of vehicle purchase and modification. For situations where the client already owns the vehicle and only requires VR's assistance with the modification, please see the section below on vehicle modification.

Step 1: Pre-evaluation requirements for vehicle purchase

Lack of transportation is not in itself justification for VR to purchase a vehicle. VR's purchase of a vehicle must overcome a disability-related barrier to the participant's employment.

A vehicle purchase must support a participant's specific employment outcome, and that outcome must require that the participant independently operate the vehicle.

Vehicle purchases should not be the goal of the Individualized Employment Plan (IPE) itself.

For participants working toward employment through a self-employment plan, VR shall not purchase a vehicle if the client's primary goal involves transportation.

- Examples include Uber, Lyft, taxi service, Grub Hub or Postmates, commercial motor vehicle operations or any type of shuttle operations.

VR is limited to purchasing the least cost item that meets the requirements to overcome a barrier to employment. If the participant chooses to request a more expensive item, the participant must pay the difference; this difference may not be applied toward the participant's mandatory contribution as required by the financial needs test (FNT).

Evaluations necessary to help the counselor determine if a vehicle purchase should be included as part of a participant's Individualized Plan for Employment (IPE) development are allowable prior to the IPE.

- Fiscal expenditures related to vehicle purchases other than assessments, evaluations, or other services necessary to determine the participant's eligibility or IPE requirements are not permitted prior to the participant being placed in an IPE.
- Any services provided to the participant pre-IPE may be susceptible to Rehabilitation Services Administration (RSA) approval.

Before VR may purchase a vehicle, the Vocational Rehabilitation counselor must verify that the participant does not have a vehicle that may be modified to meet the transportation needs of the participant's specific employment outcome.

- Any used vehicle must be evaluated prior to any vehicle modification being approved. The inspection or evaluation must be performed by an ASE certified mechanic.
- The ASE certified mechanic must state the vehicle is in an acceptable condition for the intended modifications for the participant's IPE. This does not apply to new vehicles.

Step 2 Vocational Rehabilitation Counselor (VRC) and participant requirements:

VR counselor must complete a vocational assessment and show support for the specific employment outcome that requires a vehicle purchase.

VR counselor must verify that the participant has a valid permit, driver's license, or the ability to obtain one. A copy of permit or license must be in the file.

- VR may consider the purchase and modification of a vehicle when necessary to allow the participant to successfully pass a driver's license examination if a modified vehicle is required for this examination.
    - This may only occur under exceptional circumstances and all other potential avenues must be exhausted prior to this being considered.

The participant's Individualized Plan for Employment (IPE) goal must clearly require the operation of the modified vehicle as part of the desired employment outcome and may not be considered solely to enable the participant to obtain a motor vehicle operator's license.

- In the event the participant does not pass the licensing exam or does not meet the requirements for a successful rehabilitation, VR retains ownership of the vehicle.

VR counselor must complete the financial needs test (FNT) with the participant.

- The maintenance, insurance and repair of a VR purchased vehicle will be the responsibility of the participant upon successful closure of the participant's case.
    - This must be discussed with the participant as part of the informed choice process prior to completing the vehicle purchase.

- In many or most circumstances, the participant will likely need to contribute toward the purchase of the vehicle as part of their required expected contribution.
    - The FNT must be calculated in accordance with OAR 582-070- 0030(2)(i).
- Any disability related cost(s) above and beyond normal household costs may be exempted or subtracted from the participant's income during the FNT.
- Having children in college, buying a car, making mortgage, or rent payments, household expenses not related to the individual's disability, etc. are not disability-related expenses and not above the norm for a household.
    - These items must not be exempted or subtracted from the participant's income.

Participant must sign and agree to all terms as written within the "Pre-agreement Vehicle Security Interest Agreement" (or Pre-agreement).

- The individual agrees to actively participate in all required activities as agreed to within their Individualized Plan for Employment (IPE) and to meet the requirements for a successful rehabilitation.
- VR will invoke its rights under the Pre-agreement and begin the process to repossess the vehicle and modifications from the participant if the participant fails to follow the agreements as outlined in the IPE or if they do not achieve a successful rehabilitation.

A copy of the Pre-agreement must be in the case file when reviewed by the VR director. The VR director's signature on the agreement at that time will signify VR's concurrence (in other words, agreement) with the vehicle purchase. Branch manager consultation must take place. The branch manager must agree that a vehicle is needed to overcome a disability-related barrier to employment.

Step 3: Initial case staffing with central administration

The branch manager will review the client's file and determine if it is ready for staffing and decision.

The branch manager helps the VR counselor schedule staffing with the deputy director of direct services, the regional manager, the business operations manager, and the policy & training manager.

Following the initial case staffing, the deputy director of direct services notifies the VR counselor and branch manager whether the VR counselor is authorized to proceed to the next step in the process.

Step 4: Driver evaluation process

The VR counselor requests that a Qualified Occupational Therapist (QOT) Driver Evaluation be completed and returned to the VR counselor.

The QOT report must address:

- The best type of vehicle needed and,
- Any adaptive equipment or modifications required by the participant to overcome barriers to VR services.

Note: The purchase must be the least cost option.

A specific vehicle cannot be identified during this evaluation.

- If a specific vehicle type is recommended by the QOT, this recommendation must be justified in the evaluation.
    - As an example, some mini vans have wider doors and higher ceilings that better accommodate powerchairs.
    - It is permissible for a vehicle model, type, or both to be included in the evaluation if in the best interest of serving the participant.

Recommendations for vehicle modifications must be limited to equipment needed to overcome the participant's barriers to safe motor vehicle operation.

Recommendations made for modifications or adaptive equipment that are cosmetic or do not directly address a disability-related barrier to safe motor vehicle operation will not be considered in the bid process.

- However, these modifications or adaptive equipment may be paid for by the participant if the individual so chooses.

Specific “name brand” adaptive equipment or assistive technology should not be included in the evaluation unless it is determined to be the only item available to meet the participant’s needs.

- When specific brand equipment is provided in the evaluation, the recommendation must be thoroughly explained and justified.
- For example, an evaluation might recommend a “Braun Model X87 powered retractable van ramp” rather than a “powered retractable van ramp.” In this example, specific rationale must be provided for why the Braun model is the only model available.

VR shall not approve technologies considered experimental or unproven by the Federal Trade Commission’s Bureau of Consumer Protection or that are not approved by the National Mobility Equipment Dealers Association (NMEDA).

The VR counselor reviews and accepts the recommendations, reviews with branch manager, and sends the participant electronic file and evaluation to the deputy director of direct services.

Step 5: Final file review process

The deputy director of direct services and business operations manager reviews the electronic file and all supporting documentation. If approved, the deputy director of direct services forwards the file to the director with their recommendation.

The director reviews the case and decides whether to purchase the vehicle. The director sends the decision to the branch manager and VR counselor.

- If approved, the deputy director of direct services will notify the branch manager and VR counselor that bid letters are completed by the VR Contracts Team and provide an estimated time of completion for this process.

Step 6: Request for bids, award, and Authorization for Purchase (AFP)

As part of the bid process, the VR counselor and participant must identify any unique parameters that could potentially affect the vehicle purchase bid process.

- Examples of this may be limitations on the distance a participant could travel for vehicle maintenance after closure or if a participant has had a previous negative relationship with a specific vendor.
- These conditions must be documented early in the process and shall be considered if allowable during the bid and contracting portion of this process.

Once all approvals are obtained, VR Contracts requests bids for vehicle purchases. After completion of bid submission, Central VR Administration (for example, regional manager, business operations manager, policy & training manager, and deputy director of direct services) evaluate bid submission and select the bidder to award the contract.

Note: Following the close out date for bid submission, the bid review process may take up to 30 days depending upon the complexity of the submissions.

The deputy director of direct services or representative notifies the branch manager and VR counselor of selected vendor or decision.

- Given the cost (and level of authority to spend), the appropriate position must initiate the Authorization for Purchase (AFP).

The VR counselor notifies the participant that the bidding process is complete, and purchase will be made after the “Vehicle Security Interest Agreement” has been signed. Participant must sign and agree to all terms as written within the final “Vehicle Security Interest Agreement” (or Agreement).

The individual agrees to actively participate in all required activities within their Individualized Plan for Employment (IPE) and to meet the requirements for a successful rehabilitation.

Reminder: VR invokes its rights under the Agreement and begins the process to repossess the vehicle and modifications from the participant if the participant fails to follow the agreements as outlined in the IPE or if they do not achieve a successful rehabilitation.

A copy of the Agreement must be in the case file when reviewed by the VR director. The VR director's signature on the Agreement at that time will signify VR's concurrence (agreement) with the vehicle purchase.

Step 7: Inspection prior to purchase

Participant acceptance of vehicle is scheduled in collaboration with a qualified occupational therapist (QOT). At time of delivery and prior to final vehicle acceptance, the QOT and participant will evaluate proper participant and equipment fit and the QOT:

- Reports acceptance or identifies any needed corrections, and
- Assures any needed corrections or adjustments have been made.

If driver training on the operation of adaptive equipment is required, the QOT assures training must be completed within 90 days of gaining possession of the modified vehicle.

Step 8: Release of vehicle to participant

The "Vehicle Security Interest Agreement" is enacted prior to release of vehicle to the participant.

- Participant is listed as the vehicle's owner and receives all registration documentation as required by the Oregon Department of Motor Vehicles.
- VR is listed as the security lien holder on the vehicle title.
    - As the security lien holder, VR retains possession of the vehicle title, pending the participant's successful rehabilitation.

The participant is responsible for maintaining the following minimum vehicle insurance requirements until the participant's VR case file is closed successfully:

- Bodily Injury (BI) $50,000 per person/$100,000 per accident
- Property Damage to Others' Property $40,000 per accident
- Property Damage (PD) equal to the value of the vehicle
- Personal Injury Protection (PIP) $30,000 per person, and
- Uninsured Motorist Bodily Insurance $50,000 per person/$100,000 per accident.

Note: VR shall reimburse the participant for the cost of insurance during the period the "Vehicle Security Interest Agreement" is in effect. The participant is responsible for insurance following the successful closure of the participant case file.

Participant affirms that they understand the conditions outlined in the "Vehicle Security Interest Agreement" prior to VR releasing the vehicle to the participant.

Participant agrees to actively take part in all requirements outlined in their individualized plan for employment to the best of their ability.

- If the participant does not actively participate in program services to the best of their ability, or if the participant cannot meet the requirements for a successful rehabilitation, VR shall invoke its right to repossess the vehicle and modifications as outlined in the "Vehicle Security Interest Agreement."

Step 9: Closure

The VR counselor notifies the branch manager and deputy director of direct services of pending successful case file closure within 30 days of anticipated event.

VR counselor ensures that VR releases its security interest in the vehicle within 60 days of successful casefile closure.

The VR counselor attaches this completed checklist to an ORCA case note.

Process for vehicle modification:

Note: This section discusses the process of vehicle modification. This is when the client already owns a vehicle and requires VR's assistance with the modification process. For situations where the client requires that VR both purchase and modify a vehicle, see the preceding section.

Pre-evaluation requirements for vehicle modification

The client must be determined eligible and be a participant in an Individualized Plan for Employment (IPE) before a vehicle modification may be considered.

Lack of transportation is not in itself justification for a vehicle modification. Modification of a vehicle must overcome a disability-related barrier to the participant's employment.

A vehicle modification must support a participant's specific employment outcome, and that outcome must require that the participant independently operate the vehicle.

Vehicle modifications must support the participant's employment outcome and not be the goal of the Individualized Employment Plan (IPE) itself.

VR is limited to purchasing the modification that is the least cost item that meets the requirements to overcome a barrier to employment and enables the individual to operate a motor vehicle safely.

Evaluations necessary to help the counselor determine if a vehicle modification should be included as part of a participant's individualized plan for employment (IPE) development and are allowable prior to the IPE.

Fiscal expenditures related to vehicle modifications other than assessments, evaluations, or other services necessary to determine the participant's eligibility or IPE requirements are not permitted prior to the participant being placed in an individualized plan for employment (IPE).

- Any services provided to the participant pre-IPE are susceptible to Rehabilitation Services Administration (RSA) approval.

Any used or used vehicle must be evaluated by an ASE certified mechanic and determined to be in sound mechanical condition and capable of supporting any required modifications.

The VR counselor notifies their branch manager that a vehicle modification is under consideration and has provided an initial justification.

Step 1: Vocational Rehabilitation Counselor (VRC) and participant requirements

The VR counselor must complete a vocational assessment and show support for the specific employment outcome that requires vehicle modification.

Verify that the participant has or can obtain a driver's license.

- They must provide verification to VR staff and a copy must be in the participant file.

VR may consider the modification of a participant's existing vehicle when necessary to allow the participant to successfully pass a driver's license examination if a modified vehicle is required for this examination.

- This may only occur under exceptional circumstances and all other potential avenues must be exhausted prior to this being considered.

The participant's Individualized Plan for Employment (IPE) goal must clearly require the operation of the modified vehicle as part of the chosen employment outcome and may not be considered solely to enable the participant to obtain a motor vehicle operator's license.

The participant must have both a current registration and insurance on an existing vehicle prior to VR being allowed to approve modifications.

- A copy of registration and insurance is required in the file before closure.

The VR counselor must complete the financial needs test with the participant and document the results in the participant's case file.

Step 2: Initial branch manager and VRC case staffing with central administration

The branch manager will review the file and determine if it is ready for staffing and decision.

The branch manager assists the VR counselor in scheduling staffing with the deputy director of direct services, the regional manager, the business operations manager, and the policy & training manager.

Following this staffing, the deputy director of direct services notifies the VR counselor and branch manager whether the VR counselor is authorized to proceed to the next step in the process.

Step 3: Driver evaluation process

The VR counselor requests that a Qualified Occupational Therapist (QOT) qualified vehicle modification evaluation be completed and returned to the VR counselor.

This report must address:

- Whether the participant's current vehicle may be modified to meet the goal, and

- Any adaptive equipment or modifications required by the participant to overcome barriers to VR services.

Recommendations for vehicle modifications must be limited to overcoming the participant's barriers to safe motor vehicle operation.

- Recommendations made by the qualified occupational therapist (QOT) for modifications or adaptive equipment that is cosmetic or does not directly address a disability-related barrier to safe motor vehicle operations shall not be considered in the bid process.
- Should the individual request modifications beyond those needed to safely operate the vehicle, the participant shall have the opportunity to purchase those items separate from the VR expense.
- The participant must pay the difference, and this difference may not be applied toward the participant's mandatory contribution as required by the financial needs test (FNT).

Modifications must meet any established requirements from the Federal Trade Commission's Bureau of Consumer Protection or those by National Mobility Equipment Dealers Association (NMEDA).

Note: VR may not purchase modifications considered experimental or unproven.

Specific "name brand" adaptive equipment or assistive technology should not be included in the evaluation unless it is determined to be the only item available to meet the participant's needs. When specific brand equipment is provided in the evaluation, justification for that recommendation must be thoroughly explained.

- For example, an evaluation might recommend a "Braun Model X87 powered retractable van ramp" rather than a "powered retractable van ramp." In this example, specific rationale must be provided for why the Braun model is the only model available.

VR shall not approve technologies considered experimental or unproven by the Federal Trade Commission's Bureau of Consumer Protection standards or are not approved by the National Mobility Equipment Dealers Association (NMEDA).

The VR counselor reviews and accepts the recommendations, reviews with branch manager, and sends the participant electronic file and evaluation to the deputy director of direct services.

Step 4: Final file review process

Deputy director of direct services and business operations manager review the entire electronic file and supporting documentation.

For modifications where the VR Program's total expenditure is less than $5,000 and all recommended adaptive equipment will not be permanently attached to the vehicle, this modification may meet the definition of rehabilitative technology.

- If the review committee determines that the modification meets these criteria, the purchase may proceed as rehabilitative technology.
    - The VR counselor and branch manager are notified that they may proceed with a local purchase outside of the bid process.
- The VR counselor needs to obtain three quotes and then proceed with the purchase directly according to spending authority.
    - This checklist may be closed at this point.

If this purchase does not meet the criteria for a rehabilitation technology purchase, continue the checklist process.

The deputy director of direct services notifies the VR counselor, branch manager and regional manager of the decision and returns the participant's electronic file to the VR counselor.

Step 5: Request for bids, award, and Authorization for Purchase (AFP)

As part of the bid process, the VR counselor and participant must identify any unique parameters that could potentially affect the vehicle modification bid process.

Participant preferences will be taken into consideration to the greatest extent possible and allowable.

Examples may include but are not limited to:

- Limitations on the distance a participant could travel for vehicle maintenance after closure or,
- Considerations of a participant's previous negative relationship with a specific vendor.

Note: These conditions must be documented early in the process and considered, if allowable, during the bid and contracting portion of this process.

When VR performs modifications on a vehicle the participant is purchasing, the vehicle must be either already purchased or have a scheduled delivery date prior to Contracts being allowed to proceed with the request for bids.

If the client is purchasing the vehicle and VR is paying for the modifications:

- Bid solicitation may not occur until the client has possession of the vehicle or the vehicle dealer provides a delivery date for the vehicle.

Once all previous requirements are met, the VR Contracts Team request bids for vehicle modifications.

- After completion of bid submission, Central VR Administration (for example, regional manager, business operations manager, policy & training manager, and deputy director of direct services) shall evaluate bid submission and select the bidder to award the contract.

Note: Following the close-out date for bid submission, the bid review process may take up to 30 days depending upon the complexity of the submissions.

The deputy director of direct services shall notify the branch manager and VR counselor of selected vendor or decision.

- Given the cost (and level of authority to spend), the appropriate position initiates the authorization for purchase (AFP).

The VR counselor notifies the participant that the bidding process is complete, and the modification will be made.

Step 6: Inspection prior to payment

Participant acceptance of vehicle modification is scheduled in collaboration with the qualified occupational therapist (QOT).

At completion of the vehicle modification, the QOT and participant:

- Check and evaluate proper participant and equipment fit, and
- Report acceptance or identify any needed corrections prior to acceptance.

If driver training on the operation of newly installed modifications is required, training must be completed within 90 days of the vehicle modifications being completed.

Step 7: Upon successful closure

The VR counselor places an electronic copy of the corresponding checklist in participant "case notes."

Oregon Forward Contracts (formerly Qualified Rehabilitation Facilities):

Oregon Forward Program:

The Oregon Forward Program, formerly known as a Qualified Rehabilitation Facility (QRF), is an Oregon state government procurement program. The Department of Administrative Services (DAS) manages and determines if a nonprofit is eligible to be a QRF.

The purpose of this program is to support **meaningful work opportunities** for Oregonians living with physical, mental, and developmental disabilities.

Designated qualified nonprofit contractors train and employ the individuals, most who are disabled, to provide goods and services procured by state and local government agencies.

An Oregon Forward contractor (OFC):

- Is a non-profit rehabilitation corporation that employs individuals with qualifying disabilities to provide products and services.

- Must employ individuals with qualifying disabilities for at least 75% of the hours of direct labor across the entire company.
- An OFC's mission must include providing vocational services that enable employment opportunities for individuals with disabilities.

Informed choice and employment with Oregon Forward contractors:

VR participants may wish to pursue employment in an occupation or at worksites supported by an Oregon Forward contract. The VR counselor may inform the participant about these opportunities, provide information and assistance about these openings through client choice counseling.

Local VR offices may maintain current information on employment opportunities at Oregon Forward locations.

VR staff may provide this information to individual interested in seeking employment with Oregon Forward contractors.

Evaluating Oregon Forward employer placements for competitive integrated employment:

VR Counselors are required to evaluate all potential job placements on an individual basis to determine if the position meets requirements for competitive integrated employment. A potential job opening may not be dismissed as non-competitive or segregated based upon a previous experience or worksite determination with an employment provider.

- VR placements and referrals may only be made to employment locations that meet the federal requirements for Community Integrated Employment (CIE).
    - If a client expresses interest in working at a worksite that may not meet the standards set forth to meet CIE, the participant has the right to choose to do so.
        - In these circumstances, VR helps research, apply for, and determine if the job is a good fit for their goals, skills, and abilities.

It is the VR counselor's responsibility to evaluate each potential employment placement individually, based on the information available about the specific job opportunity, to determine if the employment meets the CIE standards.

- Referrals to locations that do not meet CIE requirements do not count as a placements or successful rehabilitation under the job services contract.

Not every position with that business or provider participating in the Oregon Forward Contract Program will fail to meet the requirements for CIE.

- A placement with businesses or contracts that require a ratio-based number of employees with disabilities usually does not meet the requirements for CIE under Oregon rule interpretation. However, these businesses often have employment opportunities that may meet CIE.
- Examples include positions that are considered administrative support to the business or other openings posted for competitive hire and are not connected to the ratio requirements.

RSA requirements for competitive integrated employment:

The Rehabilitation Services Administration (RSA) requires state vocational rehabilitation agencies or programs (VR) to analyze job placements on a case-by-case basis to determine if the person's employment location meets the requirements for competitive integrated employment (CIE). (See Response to Significant Comments. Frequently Asked Questions: Criterion for an Integrated Employment Location in the Definition of "Competitive Integrated Employment" and Participant Choice.)

- Only job placements that occur at locations typically found in the community meet the requirements for successful closure and rehabilitation.

Worksite evaluation process:

To determine if an employment opportunity meets federal requirements for community integrated employment (CIE), the VR counselor (VRC) must ensure that the position:

- Pays at least minimum wage and offers a wage similar to other like positions pay individuals without a disability at the same or similar locations.
- Offers individual benefits similar to other employees working in the same or similar job classifications at the same or similar locations.
- Offers the individual the opportunity for advancement similar to what is available to other employees without disabilities in like positions.
    - Opportunities for advancement in some positions may be very limited. However, it is important to consider if the experience gained in this job might lead to advancement in other positions.
- Presents the individual an opportunity to interact, for the purpose of performing the duties of the job position, with other employees within the work unit, and at the entire worksite, and, as appropriate for the work performed, with other persons (e.g., customers and vendors) who are not individuals with disabilities (and who are not supervisory personnel or service providers) to the same extent that nondisabled employees interact with these persons.
    - Janitorial or maintenance work commonly occur during periods of time when an office location is otherwise empty of general staff.
- Is at a location typically found in the community.
    - Determining if a work location is one typically found in the community may be a subjective process. The VR counselor refers situations that are unclear to their branch manager, Policy and Compliance Manager, or the Deputy Director of Direct Services for staffing.

Note: Work locations that exist primarily to provide employment opportunities for people with disabilities are most likely not ones that are typically found in the community. (See RSA FAQ-22-02.)

Some situations that may indicate that the position does not meet the criteria for community integrated employment include:

- Employees with disabilities working alongside union employees but are excluded from union enrollment and benefits.
- Employees with disabilities solely interacting with a crew of other people with disabilities. Only the supervisor is a person without a disability.
- Employees with disabilities are hired into positions only open to persons with disabilities.

Vocational rehabilitation counselors are the state experts on community integrated employment settings. They must make determinations fairly and equitably as to the suitability of employment opportunities for individuals.

References:

34 CFR 361.5(c)(9) Competitive integrated employment

U.S. Department Of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration. Frequently Asked Questions. Criterion for an Integrated Employment Location in the Definition of "Competitive Integrated Employment" and Participant Choice (FAQ-22-02). (10/29/2021)

U.S. Department Of Education, Office Of Special Education and Rehabilitative Services, Rehabilitation Services Administration. Response to Significant Comments. Frequently Asked Questions: Criterion for an Integrated Employment Location in the Definition of "Competitive Integrated Employment" and Participant Choice. (10/29/2021)

Note: OSERS rescinded the January 2017 FAQs effective as of 10/21/2021. See https://rsa.ed.gov/statute-legislation-and-policy/sub-regulatory-guidance, in the body of the information about RSA FAQ.

Self-employment:

Purpose:

The purpose of the Vocational Rehabilitation (VR) self-employment services is to assist individuals, including those eligible for supported employment, in achieving self-sufficiency through successful competitive integrated employment. This is achieved when the individual earns a net profit equal to or more than the minimum wage for the county in Oregon that the individual works.

VR supports self-employment as a strategy to achieve employment outcomes for eligible individuals, including those who qualify for supported employment services.

Policy

Self-employment services are a set of services used to achieve an employment outcome. The self-employment process is a series of events or steps the VR counselor and participant and their team navigate together so the client achieves an employment outcome.

VR may contribute towards reasonable and necessary startup costs for an approved business to begin operations. VR supports may include information, technical assistance, training, and initial one-time business-related startup costs. The VR counselor works with the participant and their team to ensure the business is self-sustaining and equipped for long term success.

Specific conditions:

Business models that require more than $10,000 in startup costs, external capital, bank loans, or involve complex business concepts like franchises, require final approval from the Deputy Director of Direct Services.

Self-employment components:

The Vocational Rehabilitation (VR) program supports self-employment for individuals with disabilities, enabling them to start and run their own businesses with appropriate resources and support. Components of self-employment are:

Individualized Plans: All self-employment plans must align with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choices.

Comprehensive Support: VR provides extensive support to ensure businesses are self-sustaining and prepared for long-term success. The program aims to minimize reliance on external funding sources.

Scope of Support: VR support includes the provision of information, technical assistance, training, and initial one-time costs.

Self-employment definitions and examples:

"**Self-employment**" means working for oneself with direct control over work and with prices for products, services or both set to make a profit.

Examples of self-employment include:

- Gig workers earn income through mobile applications, like Uber, Lyft, Grubhub or Rover. Examples include delivery drivers, maintenance workers, or pet sitters.
- Gig workers, independent contractors, or freelancers who receive a 1099 (nonemployee compensation) NEC tax form.
- Individuals who rent a station in an established business (such as beauticians, massage therapists, tattoo artists).
- Anyone who contracts with or leases space in an establishment is self-employed. These individuals are not employed by the business.
- Small business owners with 100 or fewer employees.
- Microenterprise businesses with 10 or fewer employees.

"**Net profit**" means the amount of revenue the business earns after deducting all operating, interest, and tax expenses before file closure.

"**Feasibility Assessment**" means a determination of whether a business concept can be turned into a reality. To be feasible, an idea must be technically possible and have market demand.

"**Viability Assessment**" means an evaluation of whether a business concept can be profitable. To be viable, the business must generate enough revenue to cover its costs.

Note: Both feasibility and viability are critical factors to consider when starting a business. Nevertheless, viability takes precedence over feasibility, as pursuing an idea that cannot generate a profit is not considered sustainable.

Preliminary requirements

To comply with Oregon VR Policy for self-employment:

- The individual is eligible for Vocational Rehabilitation services.
- The business and individual meet all other VR requirements for services.
- The business complies with Internal Revenue Services (IRS) guidelines to demonstrate profitability, distinguishing it from a hobby. (Internal Revenue Service. FAQ. How do you distinguish between a business and a hobby? (Last reviewed or updated: 11/15/2023)
- The business meets the definition of competitive integrated employment.
- The individual must fully intend to earn at least a net profit equivalent to minimum wage or better based on hours worked per week.
- The VR participant must be the business owner or controlling partner of the intended or existing business.
- The individual must possess or is able to acquire the knowledge and skills necessary to produce the product or deliver the services required by the business.
- The individual must perform the core or essential functions of the business enterprise. Refer to 29 CFR 1630.2(n) Essential functions.
- The individual accesses loan funds or additional funding sources, if needed to qualify for VR support for a self-employment venture.

Building Space Requirements

If the VR participant rents or leases building space, a signed copy of the rental or lease agreement must be provided to the VR counselor.

- The agreement must remain valid for the projected duration in which the business is expected to earn at least a net profit equal to minimum wage or higher.
- If the VR participant sublets or is a subletter, a signed copy of the subleasing agreement (signed by all parties) must be provided to the VR counselor. The agreement must remain in effect for duration the business is projected to earn least a net profit equivalent to minimum wage or higher. (Refer to ORS 90.555 Subleasing agreements).

Capital expenditures

Capital expenditures for modifying homes or businesses as part of self-employment require prior approval from Rehabilitation Services Administration. (Refer to DCL-24-05. RE: Prior Written Approval Guidance for Formula Grant Programs Administered by the Rehabilitation Services Administration 9/30/ 2024).

- Capital expenditures for special purpose equipment are allowable as direct costs, if any item with a unit cost of $5,000 or more have the prior written approval of the Federal agency or pass-through entity. (Refer to DAS Accounting Manual, Capital and Non-capital Assets, Number 10.50.00.PR, effective January 2, 2002. The state has a lower threshold for the value of capital assets.).
- Capital assets are all tangible or intangible property used in an agency's operations that have initial estimated lives beyond a single year and have an initial cost (inclusive of ancillary charges necessary to place the asset into its intended location and condition for use) of at least $5,000. Items below $5,000 threshold should not be capitalized. Examples of capital assets include land, land improvements, buildings and building improvements, motor vehicles, equipment, and machinery, works of art and historical treasures, and infrastructure items such as state highways and airports.

Businesses not supported by VR

- Any business prohibited by federal or state law or that distributes, sells, or manufactures products prohibited by federal or state law.
- Business ventures that are speculative in nature or considered high-risk by the Better Business Bureau (or a similar organization).

Examples include, but are not limited to:

- Multi-level marketing schemes, investment schemes, buying and selling stock, day trading, and so forth.
- Unpredictable or unproven internet-based businesses, or book publishing.
- Non-profit 501(c)(3) or similar businesses are not supported. VR supports for-profit ventures.
- The business must be a legitimate, registered entity with the State of Oregon Business Registry.

Services not supported by VR

Vocational Rehabilitation is unable to provide support for the following services:

- Purchase of real estate
- Constructing, purchasing, leasing, or renting property
- Renting space within an existing business
- Refinance of existing debt
- Paying salaries
- Providing loans
- Deductible interest payments
- Paying taxes
- Covering franchise fees
- Funding research and experimental costs.

- Purchasing vehicles (except as permitted by VR's existing vehicle purchase policy – Refer to OAR 582-070-0025).
    - For instance, VR does not buy vans for delivery services or vehicles for Uber drivers.
- Purchasing of agricultural commodities, livestock or farm supplies for agricultural purposes - Refer to 49 CFR 395.2 "Agricultural commodity" and 49 CFR 395.2 "Livestock" and 49 CFR 395.2 "Farm supplies for agricultural purposes."
- Purchasing any type of business insurance
- Providing Operating capital in the form of cash
- Supporting ongoing day to day operations of the business

VR Requirements for self-employment

The process of using self-employment to achieve an employment outcome has several requirements.

Existing business requirements

Note: Individuals with an existing business seeking assistance with standard wage employment do not need to follow the self-employment process.

- Eligibility is based on the impact the individual's disability has on their ability to perform the essential functions of the business, not on the business's profit or success.
- The business and individual must meet all VR requirements for services.
- The individual must be the business owner or controlling partner of the intended or existing business.

Existing business documentation requirements

- Individuals must provide documented proof that the business is established and profitable, allowing the owner to earn at least a net profit equivalent to minimum wage or better. An example of proof is the most recent tax return, or a most recent profit and loss statement certified by an accountant.

- Individuals needing disability-related accommodations to maintain their existing business will receive these accommodations if they meet all other VR eligibility requirements.
- VR may assist in overcoming disability related employment barriers but does not support business expansion.

Independent contractor or freelancer requirements

Independent contractors and freelancers (gig workers), who report taxes using a 1099 tax form and do not require startup costs may follow the minimal requirements listed in the IPE Checklist, subject to branch manager approval.

These workers, known as “1099 employees” use IRS form 1099 to report their wages. 1099 contract workers who request startup costs need to follow the self-employment process as outlined in the self-employment step-by-step guides.

Social Security beneficiary requirements

The Social Security Administration (SSA) employs complex regulations to assess the income of beneficiaries who are self-employed, including those receiving Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), or both.

- Beneficiaries who have previously engaged in benefits planning must be referred to a certified benefits planner with specialized knowledge in self-employment income and exclusions.
- It is the responsibility of the Vocational Rehabilitation (VR) counselor to ensure that beneficiaries comprehend how and when their potential business earnings may influence their benefits.

Supported self-employment requirements

The VR self-employment process is available, if approved, for individuals who meet the definition for supported employment services in 34 CFR § 361.5(c)(54). Employment must be

performed in a competitive and integrated environment. Refer to 34 CFR § 361.5(c)(9) Competitive integrated employment.

Occupational or vocational training requirements

Policy Review: The Vocational Rehabilitation Counselor (VRC) must review the Academic and Vocational Training requirements outlined in the **Oregon VR Policy Manual**, prior to developing a training plan.

Self-Employment Outcome:

If self-employment is the desired employment outcome and requires occupational or vocational training, individuals must complete the self-employment process as stipulated before starting their training program.

Any exceptions to this require Branch Manager approval.

Individualized Plan for Employment (IPE) development requirements

The Rehabilitation Administration (RSA) requires a signed IPE before any funds are spent on the self-employment process. VR counselors work with the participant and their team to amend or revise the IPE to include self-employment preparation assessments and consultation as necessary.

> **Tailored plans:** As with any other individualized plans for employment (IPE, 34 CFR § 361.45), self-employment plans should be consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. There are no definitive tests of a person's ability and capacity to develop a successful business. Therefore, each individual and business concept need a documented individualized feasibility process.
>
> **Counselor's role:** Counselors are encouraged to set parameters around the feasibility activities to:

- Determine what additional information is necessary to make an informed decision to either move to the next step, or

- Consider alternative ways for the individual to gain employment.

Counselors may contact Policy with any questions or concerns.

Business planning: Individuals may be required to complete a comprehensive business planning process at the discretion of the counselor and branch manager.

Development: Create the IPE specifically for self-employment preparation services, to assess the business's feasibility and viability.

Feasibility and business plan: Participants may conduct feasibility activities and develop their business plan independently or with the services of a private business consultant. Upon approval from both the VRC and the Branch Manager, the IPE may be amended to include training services.

Startup costs: VR may contribute towards startup costs that are considered reasonable and necessary for an approved business to begin operation.

- Startup costs shall be added and amended in the plan once the participant completes training and receives any necessary licensure.

Self-employment case closure

Criteria to review file and establish benchmarks for closure:

During this monitoring period, the VR counselor works with the participant and their team. This ensures they are referred to resources for learning key strategies, business skills, and mentoring or coaching if needed and to ensure the business is successful and the individual's services have been completed.

Time for Profitability: Establishing a profitable business is a gradual process. Financial projections are estimates.

Break-Even Point: The business starts earning a profit once it reaches the break-even point. The Cash Flow Forecast worksheet shows the income needed for the business to break even and the expected month this will occur. This date serves as a benchmark for job stability.

Profitability Benchmark: If the business generates a net profit equivalent to at least minimum wage for 90 consecutive days, the case may be considered for successful closure.

Successful file closure criteria

Criteria for successful file closure

To qualify for successful file closure, the business must meet these criteria:

- **Competitive Integrated Employment:** The business must meet the definition of competitive integrated employment.
- **Self-Sustainability:** The business must be self-sustaining for a minimum of 90 consecutive days.
- **Supported Self-Employment:** For participants qualifying for supported self-employment, closure may occur a minimum of 90 days after the transfer to extended services.
- **Completion of Services:** All services listed in the Individual Plan for Employment (IPE) must have been completed, with no further services anticipated.
- **Net Profit Verification**: The participant provides documentation verifying their business earns a net profit equivalent to or exceeding the minimum wage for the county in Oregon in which they work.

Timeframe for Profitability

VR allows up to two years for the business to achieve a net profit equivalent to minimum wage.

- Extensions may be granted on a case-by-case basis with compelling justification, such as evidence of steady income growth within a specified timeframe. Branch manager approval is required for such extensions.

Sources of income verification:

Include at least one of the following types of documentation to verify income:

- Wage and Tax Statement for Self-Employed (1099)
- Profit and Loss Statement or Ledger Documentation
- Copy of Schedule SE (Form 1040 or 1040-SR) Tax Form
- Proof of payment for contractors who perform work on a contract basis
- Self-Employment Worksheet signed and attested to by the individual with other documentation showing earnings.
- Self-Employment Worksheet signed and attested to by the individual with other documentation showing earnings.

Income verification for self-employment must be documented in the IPE. Closure documentation may be required for up to one year after closure.

Closure requirements for supported self- employment plans

The VR counselor notifies case management entities when the individual is job stable and ready to transition to extended services.

- The business is considered job stable when it earns at least a net profit of minimum wage for 90 consecutive days.
- The VR case file will remain open for an additional 90 days after the participant has been transferred to extended services. Refer to the ODDS Worker's Guide-Job Stability with VR and Transfer to ODDS Job Coaching.

Unsuccessful self-employment closure

Conditions to close a case as unsuccessful:

All the following conditions must be met to close the case as unsuccessful:

- The business does not make a net profit equal to minimum wage or more within the agreed timelines listed in the individualized plan for employment (IPE) or within two years.
- In this case, The VR counselor discusses options with the individual and team to increase profits, consider wage employment, or close the file.
- If additional VR funding for business expenses beyond the initial $10,000 startup limit is requested:
    - The VR counselor must consult with the Branch Manager.
    - A new feasibility study and business plan from a business consultant is required.
    - The Deputy Director of Direct Services or Director must approve the new plan before amending the IPE.

Other criteria for unsuccessful self-employment closure

- The business is not profitable after two years, or with a one-year extension if approved.
- The participant is not interested in revising strategies to become profitable or has tried new strategies, but the business still cannot show a profit.
- The participant is not interested in seeking standard wage employment.
- If the individual disagrees with this decision, and the VR program is cannot support the individual's desire to pursue self-employment, a notice of proposed action must be provided to the participant.

Refer to the Notice of Proposed Action (NOPA) Field Guidance for further information.

- If a business is failing or has closed the VR counselor arranges with the individual to recover VR-purchased materials and goods as much as possible.

Successful closure for participants co-enrolled with Tribal VR

Federal regulations allow individuals eligible for Tribal VR programs to achieve an employment outcome through self-employment subsistence. Refer to 34 CFR 371.6(b) "Subsistence."

Subsistence means using culturally relevant and traditional methods to produce goods or services primarily for the household's own consumption or for noncommercial customary trade or barter. These goods or services are essential for the worker's livelihood.

Goods or services produced more than what the household consumes may be considered for successful closure. (Refer to Self-Employment Toolkit November 19, 2024.)

References:

29 CFR § 1630.2(n) Essential functions

34 CFR § 361.5(c)(9) Competitive integrated employment

34 CFR § 361.5(c)(53) Supported employment

34 CFR § 361.45 Development of the individualized plan for employment.

34 CFR § 371.1 American Indian Vocational Rehabilitation Services

34 CFR § 371.6(b) Subsistence

DCL-24-05. RE: Prior Written Approval Guidance for Formula Grant Programs Administered by the Rehabilitation Services Administration (9/30/ 2024).

49 CFR 395.2 Agricultural commodity

49 CFR 395.2 Livestock

49 CFR 395.2 Farm supplies for agricultural purposes

ORS 90.555 Subleasing agreements

582-070-0025 (2)(b)(A)(i) Vehicle repair, insurance, modification, and purchase

(Internal Revenue Service. FAQ. How do you distinguish between a business and a hobby? (Last reviewed or updated: 11/15/2023)

VRTAC QE. Self-Employment Toolkit (11/19/2024).

Internal Revenue Service. FAQ. How do you distinguish between a business and a hobby? (Last reviewed or updated: 11/15/2023)

Deaf and Hard of Hearing:

Services to persons who are Deaf or Hard of Hearing:

Oregon Vocational Rehabilitation may provide services to persons who are Deaf or Hard of Hearing. Our program recognizes this is a diverse population with many different types of strengths and needs. VR strives to assign the most qualified counselor available to meet the individual's needs.

Assuring appropriate modes of communication:

Appropriate modes of communication mean specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed-captioned videos, specialized telecommunications services, and audio recordings, Brailled and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials. (34 CFR §361.5(c)(4))

Not all VR offices have counselors fluent in American Sign Language (ASL) or have received specialized training in working with individuals who are Deaf or Hard of Hearing.

- Staff who pass the ASL Proficiency Test are eligible for a 5% bilingual differential.
- If the staff person passes spoken language proficiency tests, the ASL evaluation and use of those languages are required for them to do their work, they can receive a 10% multi-lingual differential.

In offices that do not have a counselor or staff who have passed the Oregon Department of Human Services (ODHS) language proficiency test, staff must obtain the support of a licensed and certified American Sign Language interpreter or team of licensed and certified interpreters (which may include a licensed Deaf interpreter), if necessary. Staff will not work with a participant who is Deaf without an interpreter unless that staff member has passed the ODHS language proficiency test and is considered proficient in American Sign Language (ASL).

Use of artificial intelligence (AI) generated transcription in virtual meetings has been shown to be ineffective and often inaccurate as a form of communication access. Do not rely on the AI generated transcription for clear and effective communication.

For additional information or more specific question, please contact the Programs Deaf and Hard of Hearing Specialist.

Effective communication and client preferences:

Individuals who are Deaf or Hard of Hearing have the right to clear and effective communication.

Providing clear and effective communication assures the participant is provided with the information needed to make informed choices and collaborate with the VR counselor throughout the rehabilitation process.

It is essential to ask the individual with the hearing loss about their language preferences and communication approaches in different environments (home, school, or workplace) to know what support works or does not work for each person.

Attention to the participant's preferred mode of communication means:

- For some individuals, the services of a licensed, certified American Sign Language interpreter or a team of licensed, certified sign language interpreters is necessary and appropriate.
- Some individuals, a qualified Communication Access Realtime Translation or CART transcriber is required.

- For others, assistive technology may be more appropriate or needed in combination with the communication supports listed previously. For example, an FM system, induction loop or video remote interpreting services may be appropriate.

VR honors an individual's request to work with specific interpreters they prefer to work with to the greatest extent possible.

- The choice of interpreters is a mix of the individual's preference, licensed and certified interpreter(s) availability, and the participant's receptive and expressive communication skills, style, and culture.
    - Sometimes this results in the need to hire interpreters who are skilled in oral transliteration (OTC) or tactile sign languages (tactile ASL or ProTactile).
- The individual may request specific interpreters for job interviews and onboarding because they trust those interpreters to select the appropriate level of English based on their training and work experience. The number of interpreters is limited statewide. Schedule an interpreter as soon as possible.

Supporting appropriate, preferred modes of communications

Hearing loss and its limitations are very specific to the individual. Ask the applicant or participant about their communication preference.

Licensed and certified sign language interpreters:

Interpreter credentials are important indicators of the interpreter's qualifications and conduct. Licensed, certified interpreters must pass national tests assessing language, interpretation, and communication skills and meet all licensure requirements in the state of Oregon.

As of January 2024, all practicing American Sign Language (ASL) and Deaf interpreters must be licensed through the Oregon Health Authority (OHA) Health Licensing Office. Licensees are governed by the Oregon Board of Sign Language Interpreters.

Interpreting professionals who attain national certification through the Registry of Interpreters (RID) for the Deaf are preferred for most VR activities.

For American Sign Language interpreters, the minimum certification offered by RID is:

- National Interpreter Certification (NIC) for ASL Interpreters without hearing losses
- Certified Deaf Interpreters (CDI) or Licensed Deaf Interpreters (DI)

Securing a licensed, certified interpreter

Resources to help you secure a sign language interpreter effectively are on the Oregon Vocational Rehabilitation Intranet. VR-Approved ASL Interpreters list.

VR staff must not use any other resource, including the ODHS Oregon Deaf and Hard of Hearing Services (ODHHS) for these services. Other ODHS programs are directed to use ODHHS. VR requires interpreters to have a background check. ODDHS does not require a background check for interpreters.

Securing a qualified CART transcriber

Clear and effective communication for individuals who are hard of hearing or become deaf later in life may require other types of communication access.

It may be appropriate to provide qualified communication access real time transcription (CART) services. CART provides a verbatim, real-time transcript of a meeting or event. It differs from C-Print or Typewell that are summary transcription services frequently used in education and higher education settings.

C-Print and Typewell may also be used if the individual with the hearing loss requests them. It is recommended that staff use CART as it provides a verbatim transcription.

A qualified CART provider can be found on the VR Language Access list.

Assistive technology

Assistive technology may amplify or clarify information by changing sound based to visual information to assist the person with the hearing disability.

VR staff may provide these types of assistive technology:

- UBI Duos
- FM systems
- Induction loops
- Bluetooth devices that pair with hearing aids to reduce/remove background noise to help the individual communicate more effectively
- Flashing alerts including fire alarms (hard wired in the offices)
- Teams or Zoom for communication access during virtual meetings
- On-demand Remote ASL interpreting services through ODHS' Video Remote Interpreting (VRI) contract for services.

Determining hearing loss or audiological evaluations:

When working with any participant who has a known or suspected hearing loss that is a barrier to employment, staff must obtain a comprehensive audiological evaluation.

VR may only use audiological examinations provided by:

- A licensed audiologist, or a hearing instrument specialist working under the direct supervision of a licensed audiologist (OAR 335-060-0007), or
- An Ear, Nose and Throat (ENT) physician who specializes in ear or hearing issues.

Oregon Vocational Rehabilitation staff may not use:

- OSHA-mandated occupational hearing screening tests,
- Hearing tests provided by hearing instrument specialists or
- Online testing sites that measure hearing loss for hearing aid dispensing.

VR requires a comprehensive audiological examination for any individual prior to the purchase of hearing aids.

VR may not purchase "over the counter" (OTC) hearing aids in place of prescription hearing aids.

Hearing Aid Purchase Criteria:

Hearing Aid Purchases:

In most situations, VR shall only purchase hearing aids for clients that are already in an individualized plan for employment (IPE).

- If hearing aids are required by an individual to complete their assessment of eligibility, VR may purchase hearings aids for this purpose. However, this need must be well documented in the individual's case notes.
    - The purchase of hearing aids prior to IPE should be a relatively rare situation.
        - Staff should coordinate with their manager, the VR Coordinator for Deaf and Hard of Hearing services, and the Business Operation Manager prior to a pre-plan purchase of hearing aids.

Hearing aid purchases must be tied to a plan goal and may not be listed as the sole reason the individual is participating in VR services besides counseling and guidance.

VR may purchase hearing aids for individuals that are participating in VR services so the individual may maintain or advance in employment.

VR individuals frequently return to the program to replace hearing aids. Counselors are expected to discuss the individual's financial responsibility to maintain the hearing aids to the greatest extent possible. This includes the purchase of replacement batteries and routine maintenance and necessary adjustments.

VR may purchase returning individuals new hearing aids if required for the individual to regain, maintain, or advance in employment. However, in instances where the individual appears to have damaged, lost, or ruined hearing aids previously purchased by VR through abuse, neglect or malintent, the VR counselor may request review by their manager or program administration prior to approving a second or subsequent purchase.

Hearing Aids, Financial Needs Tests and Comparable Benefits

The financial needs test is applied to the purchase of hearing aids. This means that any individual that has an expected financial contribution may be required to contribute to the cost of hearing aid purchases otherwise funded by the VR Program.

Hearing aids are considered Rehabilitation Technology. (See 582-070-0030, Limitations of Payments and RSA-PD-16-04.)

- VR is not required to seek out comparable benefits when purchasing hearing aids for an individual.
- However, if comparable benefits are available, it is appropriate for the VR counselor to ask the client to use those benefits if possible.

Example: If the client has medical insurance that covers part of the expense related to the purchase of hearing aids, it is appropriate to ask the individual to apply their insurance to this purchase. VR covers the unmet portion of the bill after insurance.

Hearing aid purchases follow all other requirements identified within the Authorization for Purchase (AFP) process.

2023 Health benefit provider directives

New legislation in the 2023 session provides directives to health benefit providers to support hearing evaluations and pay for hearing aids or assistive aids for:

- Enrollees who are 18 years of age or younger, or
- Enrollees who are students 19 to 25 years of age and enrolled in a secondary school or an accredited educational institution.

See **References** for the basis of this information.

Cochlear Implants & Bone Anchored Hearing Aids:

Cochlear implants (CIs) and bone anchored hearing aids (BAHAs) both require surgery, which may be inpatient, outpatient or day surgery.

VR support for either cochlear implants or bone anchored hearing aids may be provided, following the policy and procedure for covering other medical/surgical costs.

Note: Surgical procedures or medical restoration requires approval from the Deputy Director of Direct Services.

Costs covered by Vocational Rehabilitation:

Vocational Rehabilitation may cover these costs related to hearing aids, cochlear implants and bone anchored hearing aids:

- Hearing evaluations.
- An objective evaluation after the hearing aids is dispensed ("real ear testing," a hearing test where the individual is tested while using their hearing aids, or similar evaluation).
- Hearing aid(s), cochlear implant(s) and bone anchored hearing aid(s).
- Medical or surgical costs if cochlear implant(s) or bone anchored hearing aid(s) are prescribed.
- Hearing aid bundled with warranty.
- Ear molds.
- Hearing aid repair.
- Assistive technology to work with hearing aid (FM system, Bluetooth streamer).
- Short-term training costs to learn how to care for and use hearing aids, Tinnitus management classes or support groups.

Vocational Rehabilitation does not cover these costs related to hearing aids:

- Warranty cost in addition to the cost of the hearing aid.
- Over-the-counter hearing aids or other non-prescription hearing technology.
- Mail order hearing aids.
- "Hearing aids online cheap" or other non-prescription hearing aids ordered on the internet.

- Hearing aids that require “pre-payment.”
- Hearing aid batteries that are not bundled with the initial hearing aid purchase.

VR may not pay for hearing aid warranties as a separate purchase. If a warranty is included as part of a bundled package when purchasing the product, it is permissible to purchase the warranty. The warranty may not be bought separately.

Documenting hearing improvement:

Vocational rehabilitation counselors document quantitative outcome data after provision of hearing aids or other technology or communication aids. This means there is objective information to show that hearing aids have made a measurable improvement in the participant’s hearing.

Counselors document the hearing improvement. This could be done by:

- Document a comparison of pre- and post-provision of hearing aid audiograms or other objective scales to show hearing improvement, OR
- Document the hearing improvement gained in both quiet and noisy environments pre- and post-hearing aids.

Note: The program recognizes that this outcome data is not always provided by the individual. VR counselors are expected to try and obtain this data to the greatest extent possible.

Students with disabilities:

Effective communication and Pre-ETS activities for student who are Deaf

Accessible services for students who are deaf are not, in general, as readily available as for their hearing peers. Issues include access to direct communication, use of accommodations, negative attitudes about the potential for deaf students, and opportunities to authentically engage in the content or training opportunity.

Pay deliberate attention to ensure that students who are deaf have equal access to the pre-employment transition services (Pre-ETS) opportunities afforded to all students with disabilities. Specific age-related activities and examples across the required areas are outlined in the VR Services Sequence section.

Pre-ETS funds may be used for disability-related auxiliary aids and services to support students and students who are potentially eligible participating in pre-employment transition services (Pre-ETS).

- This includes American Sign Language (ASL) interpreters, communication access real time (CART) services, C-Print/Typewell, and other interpreter services.

Assistive technology for students with disabilities:

The Program collaborates with local education entities or other programs and agencies to provide other necessary support services.

- The Program and the local school system must collaborate and decide who pays for the other necessary support services.

If a student with a disability requires an auxiliary aid or service to access or participate in any of the pre-employment transition services, the Program must pay for the costs if no other public entity is required to provide the aid or service.

Note: The Program may only pay for this cost if the student is in an individualized plan for employment (IPE).

- Funding to purchase or acquire auxiliary aids and services are an allowable pre-employment transition services cost. The Program may use funds reserved for the provision of pre-employment transition services to pay for those auxiliary aids and services.
- If a student with a disability requires personal devices or services or individually prescribed assistive technology the Program has primary financial responsibility for vocational rehabilitation services:

- Comparable services and benefits must be considered and used when it does not impede the progress of plan activities as described in the individualized plan for employment (IPE).

Note: a student must be in an individualized plan for employment with the Program prior to VR funding these services.

- The student must participate in the financial needs test as appropriate.

Services that are not pre-employment transition services or auxiliary aids and services necessary for a student to access or participate in those services cannot be paid with funds reserved under section 110(d)(1) for the provision of pre-employment transition services. The services or auxiliary aids must be paid with non-reserved Program funds.

When a student requires a personal device to participate in pre-employment transition services only, the Program may loan the device, contingent on availability. The student must return the device when it is no longer required for participation in services.

References:

34 CFR §361.5(c)(4) Appropriate modes of communication

Department of Education, 34 CFR Part 361, State Vocational Rehabilitation Services Program, Notice of Interpretation. Federal Register, Vol. 87, No. 54. (3/21/2022) Pages 15889-15893.

Department of Education, 34 CFR Part 361, State Vocational Rehabilitation Services Program, Notice of Interpretation. Federal Register, Vol. 85, No. 40. (2/28/2020) Pages 11848 - 11857.

OAR 331-670-0010 Practice Standards.

OAR 335-060-0007 Licensure of Audiologists.

American Speech-Language-Hearing Association - definition of hearing evaluation

Policy Directive, RSA-PD-16-04. (June 14, 2017)

34 CFR §361.5(c)(4) Appropriate modes of communication

Department of Education, 34 CFR Part 361, State Vocational Rehabilitation Services Program, Notice of Interpretation. Federal Register, Vol. 87, No. 54. (3/21/2022) Pages 15889-15893.

Department of Education, 34 CFR Part 361, State Vocational Rehabilitation Services Program, Notice of Interpretation. Federal Register, Vol. 85, No. 40. (2/28/2020) Pages 11848 - 11857.

ORS 414 Medical Assistance

ORS Chapter 743A — Health Insurance: Reimbursement of Claims

743A.141 Hearing aids and assistive listening devices.

ORS Chapter 743B — Health Benefit Plans: Individual and Group

Chapter 750 — Health Care Service Contractors; Multiple Employer Welfare Arrangements; Legal Expense Organizations

Chapter 742 — Insurance Policies Generally; Property and Casualty Policies

OAR 331-670-0010 Practice Standards.

Considerations when serving Native American clients:

In recognizing the unique needs and cultural issues of Native Americans, the Rehabilitation Services Administration establishes grants to Tribal entities.

These grants help establish and operate vocational rehabilitation programs, commonly referred to as “121 programs.” These programs only serve individuals who are recognized members of a recognized Tribe.

The Oregon Tribal VR programs are in Warm Springs, Grand Ronde, Klamath, Umatilla, and Siletz. Tribal members may receive services from the Tribal program, the general agency or collaboratively by both programs.

The purpose of the 121 programs is to ensure that vocational rehabilitation services are available to Native Americans with disabilities. The programs seek to provide services to

Native Americans to the same extent those services are available to other significant groups of individuals with disabilities.

VR shall coordinate services with the four Native American rehabilitation programs. The counselor should contact the branch manager about the local plan to ensure input regarding provision of rehabilitation services.

Contact information for VR Tribal partners:

Confederated Tribes of Grand Ronde

9615 Grand Ronde Rd

Grande Ronde OR 97347

Office: 503-879-3098

Confederated Tribes of Siletz Indians

201 SE Swan Ave

PO Box 549

Siletz OR 97380

Office: 541-444-2532

Confederated Tribes of Warm Springs

PO Box C

Warm Springs OR 97761

Phone: (541) 553-4952

Confederated Tribes of the Umatilla Indian Reservation

46411 Timine Way

Pendleton OR 97801

Phone: (541) 429-7191

The Klamath Tribes

PO Box 436

Chiloquin OR 97624

Phone: (541) 783-2219 x 210

Considerations when working with clients who are veterans:

VR provides services that supplement entitled medical, training or rehabilitation benefits to military veterans. Veterans are eligible for vocational rehabilitation services on the same basis as other individuals with disabilities.

Provision of services when working with clients that are veterans:

VR provides services to veterans intended to supplement existing veterans' benefits. The Department of Veteran Affairs (VA) medical benefits exist for service-connected disabilities.

The VA also provides rehabilitation services for veterans with service-connected disabilities. VR shall not provide disabled veterans services the participant can secure from the VA, unless use of VA services causes a substantial delay in services.

Other service considerations for clients who are veterans:

VR must make veterans aware of other services available to them due to their military service. Services to veterans may be a comparable benefit and may include:

- U.S. Department of Veterans Affairs benefits:
- Disability Compensation
- Pension

- GI Bill
- Veterans Benefits Administration, Veteran Readiness and Employment (VR&E)
    - Veteran Readiness and Employment (Chapter 31) – with disability
- Dependents' Educational Assistance
- Home Loans
- Life Insurance, and
- Traumatic Injury Insurance.
- Veterans' benefits for family health care; or
- Dependents of deceased veterans may be eligible for educational or other survivor benefits.

Filing for veterans' benefits:

When the individual's entitlement to veterans' benefits is unknown, the counselor must contact the nearest veterans' services officer for claims assistance.

Veterans service organizations may be available to assist an individual apply for benefits.

VR shall advise the veteran to apply for veterans' benefits when:

- The disability is service connected, or
- The veteran is 100 percent disabled.

Other organizations may also provide information and assistance obtaining benefits.

- For example: Disabled American Veterans, Paralyzed Veterans of America, or the Veterans of Foreign Wars.

If the veteran elects to pursue a VA claim, VR shall advise the veteran that the Veterans' Service Office or recognized veterans' organization may act as an agent on the veteran's behalf.

Supported employment for individuals with most significant disabilities:

Supported employment:

Supported employment means competitive integrated employment (CIE) for individuals with a most significant disability, including youth with a most significant disability who:

- Have historically not had opportunities for competitive integrated employment, or employment has been interrupted or intermittent because of a significant disability, and
- Because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support by VR through another agency.

The VR Program may only fund extended services for youth with a most significant disability. If a youth with a most significant disabilities does not have extended services (long-term supports) available, and extended services are required to maintain employment, the VR counselor may assist this individual for up to four years, or until the individual turns 25 and no longer meets the definition of a “youth with a disability.”

Note: While the VR Program is restricted to funding extended services to youth with a most significant disability, the Program may provide supported employment services, to all individuals with a most significant disability, including youth with a most significant disability.

Although VR is unable to fund extended services for individuals 25 and older, VR can share available services and supports and refer individuals to other State agencies for such services.

- Federal regulations do not allow an individual to be found ineligible because the source of extended services is not formally identified during the eligibility process.
    - Natural supports should be considered as an option for long-term supports if appropriate.

Note: Supported employment funds are only used to support and maintain individuals with a most significant disability in their employment. This includes a youth with a most significant disability.

Note: This section does not apply to Individual Placement and Support (IPS) supported employment.

Reference:

34 CFR § 361.5(c)(53)(A)(B)

Definitions

Customized employment: means competitive integrated employment, for an individual with a significant disability, that is—

- Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability;
- Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and
- Carried out through flexible strategies, such as:
    - Job exploration by the individual; and
    - Working with an employer to facilitate placement, including:
        - Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs.
        - Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review) and determining a job location.
        - Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and
        - Providing services and supports at the job location.

Most significantly disabled: Most significantly disabled means an individual with a significant disability who meets VR's criteria for most significant disability.

- The individual has a severe mental or physical impairment that seriously limits two or more functional capacities in mobility, communication, self- care, self-direction, interpersonal skills, work tolerance or work skills in terms of an employment outcome.

Significantly disabled: Significantly disabled means an individual with a disability who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome.

- The individual is expected to require multiple vocational rehabilitation services over an extended period.

Youth with a disability: Means an individual with a disability who is not:

- Younger than 14 years of age; and
- Older than 24 years of age.

Eligibility criteria for supported employment

The individual must meet general eligibility for VR services, as well as meeting the following conditions to be considered for supported employment:

- Individuals must meet the requirements for an individual with a most significant disability (MSD) as determined by placement into priority one designation.
- Competitive integrated employment has been interrupted or intermittent because of a significant disability; or
- Competitive integrated employment has not historically occurred.

Vocational assessment for clients receiving supported employment:

The decision to use the supported employment services should be based on findings from the comprehensive assessment and in consultation with the consumer.

- Assessment for supported employment will follow current assessment policy and procedures through VR Services.

Note: Assessments are considered VR services and are not reported or funded via supported employment funds.

Except for any assessment supplementary to the comprehensive assessment of rehabilitation needs, information brought by the individual and members of their team will replace the need for extra assessments, to the maximum extent possible.

- The client's support team can be a valuable source of information and may consist of case management entities (service coordinators and personal agents), parents, guardian, housing staff, facility staff, school representatives, individual placement, and support (IPS) employment specialists.
- Team sharing of documentation can shorten the timelines for eligibility and plan preparation.

When working with a student with a most significant disability, WIOA requires VR to align with and reflect the student's individualized education program (IEP).

The team can be helpful in gathering school materials and data.

Counselors must document in the eligibility determination how specific functional limitations verify the need for supported employment services versus other employment options.

Reference:

34 CFR § 361.5(c)(37)(v)(A) Ongoing supports definition

Supported employment individualized plan for employment:

The individual, support agency, service provider(s) and other significant members of the participants support team, shall coordinate to develop the clients supported employment IPE.

Supported employment individualized plan for employment (IPE)

The supported employment individualized plan for employment must include the supported employment goal, the rationale used to determine the goal, and a goal for the number of hours per week the individual intends to work.

- Vocational rehabilitation counselors should always consider the maximum number of hours possible based on the individual's needs, preferences, and choice.
- A description of all supported employment services needed by the individual, including ongoing support services, customized employment, and extended services.

Note: These could be supported through natural supports if available.

- The potential for the maximum use of natural supports whenever possible should be considered.
- The source of extended services, or if it is not possible to identify the source of extended services at the time the IPE is developed, include a description of sources applied for and that there is a reasonable expectation that those sources will become available.
- For example, a youth with a most significant disability applied for entitlement benefits. Examples include SSI/SSDI or Medicaid, Developmental Disability Services, and so forth.
- Describe the coordination of services between VR and other federal or state programs.
- If job skills training (job coaching) is provided, the expectation is that this will be provided onsite, in an integrated setting for the maximum number of hours possible based on the individual's goal and informed choice.
- A description of job stability criteria, and who will be responsible for collecting and reporting to the VR counselor.

Ongoing supported employment services:

Ongoing support services are services needed to support and maintain an individual with the most significant disability, including youth with the most significant disability, in supported employment.

Ongoing supported employment services occur from the start date of employment (e.g., after job placement) until the transition to extended services.

Individuals receiving supported employment services are eligible for all services VR provides.

Note: Job development and search and placement services are considered individualized VR services. These services may not be purchased using supported employment funding.

Ongoing support services may only be provided to individuals with a most significant disability after job placement. Ongoing support services end when the individual's supports transition to extended services is provided by another entity.

Ongoing support services are identified in the IPE based on the individual's disability related employment need(s), and consist of:

- Any specific assessment that supplements the vocational assessment of rehabilitation needs.
- Providing skilled job trainers (job coaches) who assist the individual for intensive job skill training at the work site.
- Job analysis.
- Job development and training. This service would be for individuals working on a short-term basis toward competitive and integrated employment.
- Social skills training.
- Regular observation or supervision of the individual.
- Follow-up services including regular contact with the employers, the individual, the parents, family members, guardians, advocates, or authorized representatives of the individual, and other suitable professional and informed advisors to reinforce and stabilize the job placement.
- Facilitation of natural supports at the worksite.
- Any other service identified in the scope of vocational rehabilitation services.
- Any service similar to the foregoing services.

Reference:

34 CFR § 361.5(c)(37)(v)

Job stability for supported employment clients:

Each participant in a supported employment plan receives individualized services.

Once an individual participating in a supported employment plan achieves competitive integrated employment, that is consistent with the individual's strengths, abilities, interests, and informed choice of the individual, the VR counselor and participant will begin the transition to long term supports.

Note: Transition to extended services can occur at any time. VR may not expedite a participant's transition to extended services until the individual is ready, however no later than 24 months after the individual enters supported employment, unless a longer period is established in the IPE.

All anticipated VR services must be completed prior to the client's transition to extended services.

- If VR services are required following the client's transition to extended services, VR counselors will amend the IPE if needed and the 90-day job-stability restarts, while extended services provided by another entity continue.

Transition to extended services for supported employment clients:

Extended services:

Extended services are ongoing support services and other appropriate services identified, needed, and agreed upon in the IPE. Extended services are provided once the participant is stable on the job and no longer needs VR services to maintain employment.

- An extended service provider is the entity that provides extended services when VR services are no longer needed for job performance.

- An example of extended services would be job coaching services paid for by Medicaid waiver services through county developmental disability programs, brokerages, or mental health agency funding.

Note: This was previously termed “long-term support services” through VR. Resources for extended services could include, but are not limited to:

- County developmental disability services
- Mental health agency funding
- Social Security work incentives
- Coworker natural support systems
- Family members, friends
- Oregon income cap trust funds

Extended services may only be funded by VR for:

- Youth with the most significant disabilities for up to four years, or
- Until the individual turns 25 and no longer meets the definition of a youth with a most significant disability. Whichever event occurs first.
- For example, a youth with a most significant disability who requires extended services but is not eligible for Medicaid Waiver services is not eligible for extended services when they are age 25.
- The counselor must identify another source of extended services for the youth to ensure there is no interruption of services.

Note: VR may not provide extended services to an individual who is not a youth with a most significant disability.

The VR counselor coordinates with the appropriate case management entity to transition the client to extended supports.

Job stable date

The date this transition occurs is entered into ORCA as the job stable date. This date:

- Is determined jointly by the VRC and the County Developmental Disability Service Coordinator or Brokerage Personal Agent.
- Designates the transition of VR ongoing support services to extended services and are paid for by another entity.
- Indicates the required 90 days of stability in the work setting must be met after transitioning to extended services.
- If the Office of Developmental Disabilities Services (ODDS) funds extended services, the date of transition to ODDS funded services is listed on the Change Form (through the county developmental disability program - CDDP or through a brokerage).
- Request a copy of this form and place it in the participant's service record.

An individual using other extended service providers or who choose to self-pay must provide a written statement documenting the start date, the type of extended services necessary, and how often the extended services are provided.

Reference:

34 CFR § 363.53 What requirements must a designated State unit meet for the transition of an individual to extended services?

Employment outcome-file closure for supported employment clients:

The VR counselor follows the case for a minimum of 90 days from the job stable date. Following this waiting period, if VR services are not required and the participant remains stable, VR may prepare to close the file as successful.

The VR counselor follows procedures for successful file closure as outlined in the VR Procedure Toolkit, in addition to the following requirements:

- A successful supported employment outcome is achieved once the following requirements are met:
    - The VR counselor and participant agree the job is satisfactory and consistent with the vocational goal in the IPE, including the type of work, and the maximum number of hours listed in their IPE, and
    - All IPE services have been completed, and no further services are anticipated from Vocational Rehabilitation, and
    - The employer agrees the participant is performing well, or at a level where they can accurately complete the required job tasks with a reasonable level of support.
        - Based on community rehabilitation provider reports, and employer follow-up in a competitive integrated employment setting.

The counselor assures that there is a smooth and effective transition to extended services (or natural supports) with no break in support services.

The community rehabilitation provider provides information about natural supports that have been developed to help the participant maintain employment to the case management entity.

References:

34 CFR § 361.5(c)(54) Supported Employment Services

U.S Department of Education Office of Special Education and Rehabilitative Services October 29, 2021, FAQ 22-02

Sections 7(20)(A) and 102(a)(1) of the Rehabilitation Act

Sections 29 U.S.C. §§ 705(20)(A) of the Rehabilitation Act

Sections 722(a)(1) of the Rehabilitation Act

Vocational Rehabilitation Portion of the State of Oregon Workforce System Combined State Plan 2020-2023

Supported employment - individuals working on a short-term basis in non-competitive employment:

Important note: This section describes federal guidelines that allow for non-competitive integrated employment on a short-term basis if the client is otherwise working towards competitive integrated employment at the conclusion of this period.

Federal rule allows for an individual to work on a short-term basis toward competitive and integrated employment. It is rare that an individual in Oregon would be employed in an integrated, non-competitive position.

- Following the Lane v. Brown Settlement Agreement in September 2020, the State of Oregon eliminated funding and support for sheltered workshops in non-integrated settings. Employment First policies were instituted that support competitive and integrated employment opportunities for all.

An individual with a most significant disability, whose supported employment in an integrated setting fails to meet the criteria for competitive integrated employment, (defined in 34 CFR 361.5(c)(9)), may be permitted to work on a short-term basis toward competitive integrated employment in a nonintegrated setting.

VR staff must give serious consideration before approving short-term employment in a noncompetitive environment for an individual with a most significant disability. Follow these steps:

- Consult with a branch manager prior to implementing short-term employment in a noncompetitive environment.
- Prior to entering noncompetitive supported employment, the individual must have completed up to 24 months of supported employment services before an initial six-month short-term basis may be considered.
- The individual must meet the criteria for supported employment, and
- Consider if the individual can reasonably anticipate achieving full competitive integrated employment (CIE) within six months of the achievement of the time-limited supported employment outcome.

- This service is based on the needs of the individual, and
- The individual has demonstrated progress toward competitive earnings.

If all conditions are met, the individual may be permitted to pursue employment in nonintegrated settings.

- The six-month short-term period begins when the individual enters an integrated, noncompetitive position.

Note: In exceptionally limited circumstances, a period not to exceed 12 months in a nonintegrated setting may be considered if a longer period is necessary.

Prior to entering noncompetitive supported employment, the individual must have completed up to 24 months of supported employment services before an initial six-month short-term basis may be considered.

Any youth considering the possibility of seeking employment in a sub-minimum wage setting must receive documented counseling in accordance with all provisions outlined in Section 511 of the Rehabilitation Act.

Reference:

Short-term Basis 34 CFR 363.1(c)

United States v Oregon / Lane v. Brown

Supported employment funding:

The VR program uses funds provided under this part only to supplement and not supplant Title I funds.

VR receives Title VI supported employment funding each fiscal year relative to the population of Oregon and not less than $300,000 or 1/3 of 1 percent appropriated for the fiscal year the allotment is made; whichever amount is greater.

The VR Program's Title VI, Supported Employment Program, funds supported employment services for individuals with most significant disabilities, after job placement and prior to transition to extended services.

The number of individuals eligible to receive supported employment services far exceeds Title VI funding, therefore the Program utilizes Title I funding to support individuals equitably.

VR reserves and expends 50 percent of the supported employment allotment to provide supported employment services, including extended services, to youth with the most significant disabilities to assist youth in achieving an employment outcome in supported employment.

The VR Program will expend no more than 2.5 percent of the State's allotment for administrative costs. The VR Program or other agencies will provide, directly or indirectly through public or private entities, non-Federal contributions in an amount that is not less than 10 percent of the costs of carrying out supported employment services for youth with the most significant disabilities with Title VI funds.

References:

34 CFR 363.11

34 CFR 363.20

34 CFR 363.22

Vocational Rehabilitation Portion of the State of Oregon Workforce System Combined State Plan 2020-2023

Services available through the Office of Developmental Disability Services (ODDS)

In Oregon, the Office of Developmental Disability Services (ODDS) provides long-term, extended services funded through Home and Community-Based Services (HCBS) waivers.

Some of these services include the following:

- Long-term job coaching after job stabilization.

- Discovery (including the development of a profile to assist with a job search).
- Benefits counseling.
- Small group supports.
- Employment Path (for those not eligible for a similar service under IDEA).
- Job development if the service is not available through VR due to order of selection.
- On the job attendant care
- Other services include but are not limited to: Community transportation, behavior supports, respite care, modified diet, home modifications, 24-hour Group Home, Foster Care, In-Home, Supported Living, Day Support Activities, and attendant care. Note that providers are expected to support personal care support needs within each service, and personal care support needs are included in the service rate.

References:

34 CFR § 361.5

34 CFR § 361.5(c)(11) Customized employment

34 CFR § 361.5(c)(19) Extended services

34 CFR § 361.5(c)(37) Ongoing services

Special consideration for Project SEARCH participants:

Project SEARCH is a nine-month nationally recognized internship program that provides employment training for adults with intellectual and developmental disabilities. Participants in this program gain employment skills in a nontraditional, complex, competitive, and integrated workplace.

The Oregon Department of Human Services Office of Developmental Disabilities (ODDS) and Vocational Rehabilitation help identify eligible individuals whose vocational outcome matches the Project SEARCH internship work experience rotations.

Steps to identify referrals for Project SEARCH:

The VR statewide Project SEARCH coordinator coordinates with branch offices about upcoming Oregon Project SEARCH opportunities.

Project SEARCH community rehabilitation providers (VR contractors) may be invited by each VR office to provide information and outreach about their program. Contractors are encouraged to recruit as early as possible, but at least three months prior to starting their program.

Counselors from each office located near a Project SEARCH program consider individuals from their caseload who might benefit or be interested in applying for an internship.

VR counselors provide information about the Project SEARCH program to clients (and their team) and assist with the application process for those interested in applying.

Eligibility for Project SEARCH internship:

Eligibility for Project SEARCH may be established when:

- Individuals must be eligible for both the Office of Developmental Disability Services (ODDS) and Vocational Rehabilitation, and, students must graduate with a regular high school diploma, and be eligible for ODDS services, OR,
- Students who are no longer eligible for services under IDEA (meaning they have completed the school year within which they turn 21, or until a regular high school diploma is attained).

Transition age students with disabilities eligible for VR services exception:

Note: Vocational Rehabilitation and ODDS received an exception for Project SEARCH to serve transition-aged students with disabilities age 18 to 21 who are eligible for services. This exception was initially approved for a one-year period beginning in August of 2023. However, ODDS and VR have agreed to extend the exception period through March 2025 for these individuals. During this period, VR will fund one-hour per week of career exploration services while ODDS will fund five hours per week of employment path for PROJECT SEARCH participants.

Project SEARCH internships:

Internships are determined through an application and interview process. If an individual is accepted, they will be expected to do the following:

- Maintain attendance and participation in the Project SEARCH program.
- Participate in the internship site for six hours a day, Monday through Friday.

Note: VR funds an hour per day for career exploration, and ODDS funds five hours per day for Employment Path services.

Project SEARCH job coaching requirements:

VR cannot pay for job coaching during the internship.

When VR clients are hired by the Project SEARCH host site:

- The IPE is amended to include direct placement and direct retention services.
- Additional services can be added to the plan. For example, the plan could be amended to include job coaching.

When individuals exit the Project SEARCH program and want competitive and integrated employment, the IPE must be amended to include job placement services.

Authorization for purchase (AFP) procedures for Project SEARCH:

VR pays for the instructional time under career exploration as the service category for Project SEARCH for each intern.

The current rate is $23 per hour for one hour a day, five days a week. VR does not pay for instruction time if the individual is absent or during holidays or breaks.

The Project SEARCH manager may provide an estimate of the number of days the interns are anticipated to attend. The vendor will ensure that VR is only billed for actual days each intern attends.

All authorizations for purchase must be issued prior to the start date for services.

The VR counselor will issue an AFP for career exploration prior to the first day of the month for the anticipated hours. Group AFPs for multiple interns are not allowed.

Track Three Service Qualifications:

Qualifying for Track Three Services:

There are three categories from which a participant may qualify to receive Track Three Job Placement Services.

Note: For each category the listed requirements must be met prior to service delivery.

- Please refer to the Track Three Qualification Form and Track Three Qualification Form Instructions available on OWL for additional information.

Three categories qualify for Track Three Job Services:

Automatic Qualification Criteria for Track Three:

A client may automatically qualify for Track Three Job Placement Services when either of the following criteria are met:

- Individual applying for services with Vocational Rehabilitation has previously participated in Sheltered Workshop Services, or
- Individual has been identified as having an ONA Score of:
    - 4b (Behavior), or
    - 4m (Medical), or
    - ONA score of 5

The VR counselor must ensure there is documentation on file that satisfies at least one of the Automatic Qualification Criteria.

This may include:

- A copy of the client's Individual Support Plan (ISP) demonstrating the required ONA score OR

- Verification from VR or the Oregon Office of Developmental Disabilities that the person was previously a participant in a sheltered workshop.

The VR counselor must review, sign, and date the Track Three Qualification Form.

- The automatic qualification does not require Branch Manager approval.

Other Qualification Criteria for Track Three:

A client may also qualify for Track Three Supports if they meet at least three of the four criteria listed below. The individual:

- Requires long-term 1:1 supports.
- Requires intensive employment customization.
- Requires Oregon Intervention System (OIS) trained staff.
- Has received Track Two job development for at least six months AND has not achieved their employment goal AND after receiving counseling and guidance chose to seek Intensive Customized or Supported Employment Services

The VR counselor must review, sign and date the Track Three Qualification Form.

The Branch Manager must review and sign the Track Three Qualification Form.

Exception Criteria for Track Three:

If an individual does not meet the previous qualification criteria and the VR counselor believes the individual may benefit from track three services, then:

- The VR counselor must explain how the participant would benefit from Track Three Services based on an assessment of functional limitations and other available reports reflecting a substantial impact to employment that requires intensive employment customization.
- The VR counselor must provide:
    - A description of individualized functional limitations in the narrative boxes.

- The description must provide client specific examples of the more general functional limitation.

The VR counselor must review, sign and date the Track Three Qualification Form.

The Branch Manager must review and sign the Track Three Qualification Form.

Note: For additional information see: Track Three Qualification Criteria Form Instructions.

Track Three Payments:

Track Three invoices will be paid at the local office level using an Authorization for Purchase (AFP).

Youth Services:

The Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA) in 2014 expands the responsibility of Vocational Rehabilitation to take an active role in supporting youth and students as they transition into the workforce.

Youth services are for individuals aged 14 up to age 25, that are preparing for employment with a focus on building skills, exploring interests, and learning about community supports.

Definitions specific to student and youth with disabilities:

"**Auxiliary aids and services**," with respect to pre-employment transition services (or Pre-ETS) are only available for students eligible for VR services or have been determined potentially eligible for VR services. These auxiliary aids and services include:

- Qualified interpreters
- Qualified readers
- Acquisition or modification of equipment or devices, and
- Other similar services and actions that ensure equal access to information materials, services, and activities available to students with disabilities participating in Pre-Employment Transition Services.

Auxiliary aids and services do not include:

- Personal devices (for example, computers, laptops, and tablets)
- Prescribed devices (for example, eyeglasses, hearing aids and wheelchairs)
- Readers for personal use or study
- Home or vehicle modifications, and
- Attendant care or other required ADL services.

"**Coaching**" services means long-term coaching or one-on-one supports during the work experience are only for eligible students with a VR transition IPE.

Coaching as a program service is only allowable for work-based learning experiences when the student with disabilities is determined "eligible" by the VR Program and has a signed Individualized Plan for Employment (IPE).

- These services may be provided by other agencies if the student is "potentially eligible" for VR Program services.

"**Potentially eligible**" students with disabilities who have not applied for services from VR are considered potentially eligible they have not been determined eligible.

- These students are considered recipients of services from VR if they are receiving Pre-ETS.

Potentially eligible means students with disabilities who are:

- Verified to receive pre-employment transition services
- Considered qualified individuals under the Americans with Disabilities Act to receive pre-employment transition services, and
- Not yet determined eligible for the VR Program and do not have an approved individual plan for employment.

These students may not receive any VR Program services other than pre- employment transition services until they apply, are determined eligible for VR services, and have an approved individual plan for employment (IPE.

The term is applicable only when implementing the requirements governing pre-employment transition services.

Potentially eligible students may continue to receive pre-employment transition services needed services until they reach high school graduation, reach the age of 22, or a decision of eligibility has been made and therefore they are no longer considered potentially eligible.

Students who apply for services and are determined ineligible may no longer participate in pre-employment transition services because they are no longer considered potentially eligible.

"**Student with a disability**" is defined as an individual who is between the ages of 14 and 21 and in a recognized educational program receiving special education services under an Individualized Education Program (IEP), or who is covered under the provisions of Section 504 of the Rehabilitation Act, regardless of whether the student has applied for or been determined eligible for VR services.

A recognized educational program includes:

- Secondary education programs, non-traditional or alternative secondary education programs (including home schooling)
- Post-secondary education programs, and
- Other recognized educational programs such as those offered through the juvenile justice system.

"**Youth with a disability**" means an individual with a disability who is not younger than 14 and up to 25 years old.

Pre-employment transition services (Pre-ETS):

Pre-ETS represent the earliest set of services available for students with disabilities who are eligible, or potentially eligible, for VR services.

Pre-ETS are designed to help students identify career interests, which may be further explored through additional Vocational Rehabilitation services, such as transition services and other individualized VR services.

Both vocational rehabilitation agencies and schools are required by law to provide certain transition services and supports to improve students with disabilities' post-school outcomes.

Pre-employment transition services (Pre-ETS) required activities:

Pre-ETS consists of the following five required activities for students with disabilities. These services are "required" because:

- The federal funding agency requires that VR provide them. This is how the funding agency named this group of services for students with disabilities.
- Students are not required to participate in any or all these services.

VR shall arrange and provide these activities for Pre-ETS students:

Activity #1 — Job exploration counseling:

Job exploration counseling may:

- Be provided in a classroom or community setting and include information on in-demand industry sectors and occupations.
- Include interest inventories and identification of career pathways, and
- Include a discussion of the student's vocational interest inventory results and labor market information that pertains to those specific interests.

Activity #2 — Work-based learning experiences:

Work-based learning experiences may include:

- In-school or after-school opportunities, or experiences outside the traditional school setting (including internships) provided in an integrated environment in the community.

- Coordinating school-based programs of job training and informational interviews to research employers, worksite tours to learn about necessary job skills, job shadowing or mentoring opportunities in the community.
- Work experiences to explore the student's area of interest through paid and unpaid internships. Work experiences do not include pre-apprenticeships or registered apprenticeships.
- Supported short-term paid work experience. This is considered a career exploration service during the student's transition process and is thus a component of the IPE. With supported short-term paid work experiences, instructional training is provided.

Activity #3 — Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education:

Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education may include:

- Information on class offerings, career options, the type of academic and occupational training needed to succeed in the workplace and career fields associated with pathways, and
- Advising students and parents or representatives of academic curricula, college application and admissions processes, completing the Free Application for Federal Student Aid (FAFSA), and sharing resources that may be used to support the student in education and training that may include disability support services.

Activity #4 — Workplace readiness training to develop social skills and independent living:

Workplace readiness training to develop social skills and independent living:

- May include programming to develop social skills and independent living, such as communication and interpersonal skills, financial literacy, job- seeking skills, understanding employer expectations and "soft skills" necessary for employment.
- If an instructional trainer is needed, this service should be coordinated with the local educational agency (LEA).

Activity #5 — Instruction in self-advocacy including instruction in person-centered planning:

Instruction in self-advocacy including instruction in person-centered planning may include:

- Peer mentoring, including peer mentoring from individuals with disabilities working in competitive integrated employment.
- Lessons in which students learn about their rights, responsibilities and how to request accommodations for services and supports needed in transition from secondary to post-secondary education and employment.
- Sessions where students share thoughts, concerns, etc., to prepare them for peer mentoring opportunities, and
- Informational interviews or volunteering for boards, etc., and participation in youth leadership activities.

Who can receive pre-employment transition services (Pre-ETS):

VR shall provide Pre-ETS services to all students with disabilities who:

- Are potentially eligible or eligible for VR services, or
- May need and request Pre-ETS.
- Are eligible for an Individual Education Program (IEP) or have a documented disability or have a disability under Section 504 of the Rehabilitation Act.
- Are age 14 to 21, in school, and participating in a secondary or post- secondary school leading to recognized credentials.

Pre-ETS Service and Eligibility Requirements:

All students and youth with disabilities who choose to apply for VR services, even if they are still receiving Pre-ETS, are subject to all relevant requirements for eligibility, Order of Selection, and the development of the individualized plan for employment (IPE).

Students with disabilities shall not be required to apply or be determined eligible for VR services before receiving Pre-ETS.

Pre-employment transition services (Pre-ETS) coordination:

VR must coordinate and provide individualized and appropriate Pre-ETS required activities to students who request specific services. Students may not receive all services depending on their individualized needs. Pre-ETS provided by VR may not duplicate services already provided by the local educational agency (LEA) through IDEA.

VR is responsible for services identified in the individualized plan for employment (IPE); the local education agency (LEA) is responsible for services required for transition under the individualized education plan (IEP). VR staff collaborate with LEAs and community partners to develop a local school plan to deliver Pre-ETS in a manner that maximizes staff resources, minimizes duplication, and coordinates team efforts.

VR staff serving students or youth with a disability are expected to participate in coordinated activities consisting of:

- Attending IEP meetings, when invited
- Working with the local workforce development boards, one-stop centers and employers to develop work opportunities for students with disabilities (including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships)
- Working with schools to coordinate and ensure the provision of Pre- Employment Transition Services, and
- When invited, attend person-centered planning meetings for individuals receiving Social Security benefits.

Frequency of contact for students receiving Pre-ETS:

Frequency of contact should be based upon the needs of the student. VR staff must work with the student's school team to identify the needs of the student, which will help to dictate the necessary frequency of contact.

Note: The 30-day required contact frequency for VR clients does not apply to student receiving Pre-ETS.

References:

Part 361 - State Vocational Rehabilitation Services Program

OAR Chapter 582, Division 150

Oregon VR Portion of Combined State Plan

Side by Side View of Transition Services

Transition services:

As a student approaches the time to leave high school, it is important that preparations for adult life are well underway. For early transition planning and active participation in decision making to occur, the student with disabilities and members of their planning team need to be well-informed about the student's abilities, needs and available services.

Local educational agencies (LEAs) and the VR Program participate in planning meetings to help students and family members make critical decisions about this stage of the student's life and their post-school goals.

During the planning process, schools, and the VR Program work together to identify the transition needs of students with disabilities. These needs may include assistive or rehabilitation technology, orientation and mobility services or travel, training, and career exploration through vocational assessments or work experience opportunities.

VR services are provided only to those individuals with disabilities, including youth with disabilities, who have been determined eligible for services and the services have been described in an approved IPE.

All students and youth with disabilities who choose to apply for VR services, even if they are still receiving Pre-ETS, are subject to all relevant requirements for eligibility, Order of Selection, and the development of the Individualized Plan for Employment (IPE).

Note: Students that have been determined eligible and are receiving Pre-ETS prior to being placed in a closed priority category with a wait list may continue to receive any and all Pre-ETS services.

General provisions for students and youth with disabilities in transition:

"**Transition services**" means a coordinated set of activities for a student or youth with a disability. VR shall use evidence-based and best practices to serve students and youth with disabilities, including those with the most significant disabilities, who are in transition.

To accomplish this, the VR Program shall collaborate with other agencies at the state administrative, regional, and local levels, including but not limited to the:

- Oregon Department of Education
- Oregon Department of Human Services programs, including the Office of Developmental Disabilities
- Oregon Health Authority, Health Systems, Mental Health Services and Addiction Services
- Oregon Youth Authority
- Local school districts and high schools, and
- Federally recognized Tribal rehabilitation programs.

Outreach to students with disabilities, families, and educators:

Whether the student's next step is employment, or entering a postsecondary training or educational program, they need to be informed of the services available to support them as they transition out of high school.

To facilitate a seamless delivery system of services from school to post-school activities, VR must reach out to individuals who have been identified as students with disabilities who need transition services, their families, and educators to ensure they are informed of services available to them.

Outreach must occur as early as possible during the transition planning process and must include, at a minimum:

- A description of the purpose of the VR Program

- Eligibility requirements
- Application procedures, and
- Scope of services that may be provided to eligible individuals.

VR is a partner in supporting the transition of students from school to post- secondary education or an employment outcome by providing the following activities (when the activities have been determined allowable):

- Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces.
- Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently; participate in post-secondary education experiences; and obtain, advance in, and retain competitive integrated employment.
- Providing instruction to school transition personnel and others supporting students and youth
- Providing information about innovative, effective, and efficient approaches to achieve the goals of transition.
- Coordinating activities with transition services provided by LEAs under the IDEA.
- Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel to achieve seamless transition.
- Developing model transition demonstration projects
- Establishing or supporting multi-state or regional partnerships involving the state, LEAs, VR agencies, developmental disability agencies, private businesses, or other participants to develop transition systems, and
- Providing information and strategies to improve the transition to post- secondary activities of members of traditionally unserved and underserved populations.

Youth with disabilities no longer in school:

Transition planning is critical for any youth with a disability, whether they are in school or not. A VR counselor can help youth with disabilities explore careers and identify a career path leading to their vocational goal and the services and steps to reach that goal.

VR services are provided only to those individuals with disabilities, including youth with disabilities, who have been determined eligible for services and the services have been described in an approved IPE.

A youth with disabilities who does not meet the definition of a “student with a disability.” This means that youth with disabilities may not receive pre- employment transition services. Youth with disabilities may receive:

- Transition services as group transition services, prior to or after applying for VR services.
- Individualized transition or other VR services, after being determined eligible for the VR Program and under an approved IPE.

Individualized transition services provided under an approved IPE to a youth with a disability eligible for the VR Program may consist of, among other things:

- Job exploration counseling, including assessments and vocational guidance and counseling.
- Work adjustment training.
- Vocational/occupational training or postsecondary education, and
- Job development services, including job search, job placement and job coaching services.

Contracted services for youth in transition:

The Youth Transition Program (YTP), the Oregon School for the Deaf and the summer work-based learning experience programs and others are contracted to provide Pre-ETS and other youth services.

Oregon Youth Transition Program (YTP):

Established in 1990, YTP prepared youth with disabilities for employment or career-related postsecondary education or training. What began as a three-year federal grant to seven schools spread to a majority of Oregon high schools. By 2023, approximately 30,000 youth have received services through YTP.

As a result of Rehabilitation Services Administration monitoring, the VR Program began to make changes to this program. More information about those changes is forthcoming.

Oregon School for the Deaf:

VR contracts for services to students at the Oregon School for the Deaf. A private nonprofit is contracted to provide services to Deaf students. Staff from that nonprofit who are Deaf or fluent in American Sign Language (ASL) and knowledgeable about Deaf culture and practices provide services to the students.

Summer work-based learning experiences:

Summer work-based learning experience programs apply to participate in the VR sponsored program for students with disabilities. These programs allow potentially eligible or eligible students to engage in work-based learning experiences.

For more information, please access the following resources:

A Transition Guide to Post-Secondary Education and Employment for Students and Youth with Disabilities (2020).

Individualized plan for employment (IPE) for students or youth with disabilities:

When a student or youth with a disability chooses to apply for VR services and is found eligible, an IPE should be developed as early as possible and no later than 90 days after the determination of eligibility.

The IPE must include all substantial and secondary services necessary for the individual to reach the identified employment outcome.

The IPE should be developed based on informed choice and in accordance with VR IPE guidelines listed in the "Assessment for Individual Plan for Employment (IPE) development" section of this manual.

IPEs for students or youth with disabilities should:

- Not duplicate any federally funded programs available to subsets of students.
- Coordinate the services with the Individualized Education Program (IEP) or 504 services plans for the individual's goals, objectives and services identified in the education program.
- Include any Pre-ETS services a student with a disability receives.
- Contain a description of the employment outcome or may include a description of the individual's projected post-school employment.
- Include the specific transition services and supports the student or youth needs to achieve the employment outcome or projected post-school employment goal, and
- Include documentation of the educational goals and subsequent educational outcomes to be attained that are directly tied to the employment goal. This includes secondary education services such as a high school diploma.

The employment goal must be consistent with the general goal of competitive integrated or supported employment (see OAR 582 Division 72).

Important Note: The IPE should identify substantial services the student or youth needs that are not generally available to all students or youth in the local education agency.

Employment outcome — youth IPE content:

In the case of a plan for an eligible individual who is a student or youth with a disability, the employment outcome may include part-time work or be a description of the youth's projected post-school employment outcome.

Although most clients' exploration is completed during the assessment phase, students' and youths' IPE can include services intended to help determine or narrow the employment outcome.

Examples of youth transition services that may be included in the IPE for our clients aged 14 up to 25 are:

- Skill development
- Work-based learning experiences (paid or unpaid)
- Job shadows or informational interviews
- Participation in employment-related programs from partner agencies
- Participation in self-employment planning, and
- Fees for licensing, certification costs and tuition for post-secondary institutions once the employment outcome has been more thoroughly defined.

References:

OAR 582-150-0045 (3)

34 CFR § 361.46(a)(1) and (2)(ii)

See page 22 of the Office of Special Education and Rehabilitative Serviced Transition Guide for sample of coordinated and aligned IEP and IPE services.

Coordinating Transition Services and Postsecondary Access. Guidance on Requirements Under the Idea and the Rehabilitation Act. Office of Special Education and Rehabilitative Services, Office of Special Education Programs, Rehabilitation Services Administration. U.S. Department of Education. (January 2025)

Dispute Resolution:

Request to review a VR decision:

Oregon Vocational Rehabilitation (VR) strives to resolve disputes fairly and quickly.

Participants who are dissatisfied with any VR decision or determination that affects the provision of vocational rehabilitation services shall have available a selection of agency-level

dispute resolution options including problem solving, informal resolution, mediation, impartial fair hearing, and formal administrative review.

- This review is considered an appeal of the decision made by VR staff.

Notice of dispute resolution rights:

VR shall provide the participant with written notice of available dispute resolution options:

- At the time of application
- When participant is assigned to an Order of Selection priority category
- At plan development, and
- Whenever services are reduced, denied, suspended, or terminated.

Such notice shall include information regarding the participant's right to request assistance from the Client Assistance Program (CAP) and provide current contact information for CAP.

Notice of Proposed Action (NOPA):

An individual affected by actions taken by state agencies has a right to be informed of their rights and remedies with respect to the actions.

A Notice of Proposed Action (NOPA) is a formal letter that informs individuals seeking VR services of a proposed action or decision regarding their case.

A NOPA may be required when a decision has been made to take any of the following actions:

- Reduction in Client Services
- Suspension of Client Services
- Termination of Client Services
- Denial of Client Services

If a VR counselor plans to reduce, suspend, terminate, or deny a requested service and the individual agrees with this decision, a NOPA is not required.

- In this circumstance, the VR counselor must clearly case note what the action or decision is, that agreement was reached, when and how the discussion occurred, and any other agreements that resulted from the discussion.

However, when an impasse (failure to agree) occurs regarding a reduction, suspension, termination or denial of a service, the VR Program must provide a notice of proposed action (NOPA) to the individual.

Notice of Proposed Action (NOPA) review requirements:

The branch manager must review and sign all NOPAs.

The branch manager must review the case file for accuracy and affirm that the decision is documented appropriately and aligns with regulation, rule, and policy. The manager will also review the draft NOPA completed by the VR counselor to confirm that it aligns with program mandates and expectations.

Once the branch manager verifies the completeness of the case file documentation and draft NOPA, they will forward the draft NOPA to a program compliance analyst for review prior to issuing the NOPA to the individual.

Note: A NOPA produced solely due to a lack of contact or participation from the client does not require a compliance analyst review.

A review by a program compliance analyst is required for all NOPAs, except for termination of services due to no contact. The program compliance analyst will review the case file and the draft NOPA for accuracy and indicate any recommended actions needed prior to completing the NOPA process.

Note: A program compliance analyst review and guidance are highly encouraged prior to initiating the NOPA process.

Content of a NOPA:

A NOPA must provide the individual with the information and facts of the case that were used to make the decision to reduce, terminate, suspend, or deny the requested service. This

statement should be easily understood and be supported by the documentation in the case file.

The NOPA should explain the reason the decision was made and list all the regulations, rules or policies that support the decision to reduce, terminate, suspend, or deny the requested service.

The NOPA must also explain any actions the individual may take to resolve or change the program's proposed decision.

Staff are required to use the VR Program templates to ensure all legally required parameters are provided to the individual. Staff are not allowed to alter the language of the NOPA that addresses the rights of the individual and the legal authority that governs the VR Program.

A branch manager or the appointed designee of Administration must sign the NOPA.

The NOPA must be mailed on the date provided as the "date of notice." It is recommended that the NOPA be sent certified mail when possible. A copy of the NOPA shall be placed in the individuals' file.

Termination of services due to no contact:

A NOPA is required prior to closing the file of an individual who has not maintained contact with the Program.

In this situation, the VR counselor must ensure that there is documentation that they have done due diligence to engage or reengage the individual with VR services.

Typically, this will include multiple contacts using various modes of appropriate communication to contact the client.

The file may be closed after 30-days after the Date of Notice of the NOPA if there is no contact from the individual.

If the individual contacts the office or requests Dispute Resolution, as outlined in the NOPA, the file must remain open until they either reengage with services or reach a resolution through available options of Dispute.

Note: A copy of all no-contact NOPAs must be sent to the Policy, Compliance and Quality Assurance Manager via email when one is sent to a client. This is not required for NOPA's unrelated to no-contact or failure to participate in services.

NOPA timeline:

VR may not take the action proposed in the NOPA until the waiting period specified in the NOPA has expired.

- For termination of services due to no contact, this is 30 days.
- All other NOPAs, including reduction in services, termination of services for reasons other than no contact, suspension of services or denial of a requested service, the waiting period is 60 days.

Once a NOPA has been issued, no action regarding the decision can be taken until the conclusion of the NOPA process is final.

Note: For NOPAs based on a proposed suspension or termination of services, the service must not be ended until the waiting period has expired.

Note: Should a client respond to the NOPA, or request mediation or dispute resolution, the VR counselor should coordinate with their compliance analyst to determine the appropriate course of action.

Documentation of request for dispute resolution:

Any participant's written request to appeal a VR decision shall be documented in the participant's case file and VR shall retain a copy of all formal and informal written requests. Additionally, documentation concerning the disposition or results of the appeal must be retained in the participant's file.

Continuation of services during the NOPA period:

If a participant filed a formal mediation or fair hearing request, VR shall not suspend, reduce, or terminate vocational rehabilitation services, including evaluation and assessment services and those services authorized under the Individualized Plan for Employment (IPE), until:

- Informal resolution concludes successfully.
- VR and the participant sign a mediation agreement, or
- An impartial hearing officer issues a final order.

Services may be suspended, reduced, or terminated at the request of the participant, or when there is evidence that the participant has obtained services through misrepresentation, fraud, collusion, or criminal conduct.

Representation under NOPAs:

A personal representative, CAP attorney, private attorney or other advocate may represent the participant at any point during the dispute resolution process.

VR is not responsible for any legal fees incurred by the participant during representation.

Generally, VR is represented at mediation and hearing by a hearing representative who is a VR employee.

An assistant attorney general from the Oregon Department of Justice may represent VR at proceedings involving complex issues.

Dispute resolution options:

VR shall always attempt to resolve any issue at the least possible formal level. The participant or participant's representative may request a review of any determination by VR that affects the provision of Vocational Rehabilitation services by choosing from the following dispute resolution options.

Problem-solving:

A client may request that their counselor engage in problem-solving with the client to resolve a dispute regarding the client's vocational rehabilitation services.

A “Notice of Proposed Action” is not required for the client to request problem- solving. For purposes of problem-solving, a dispute does not necessarily involve an action or decision that entitles the client to mediation or hearing rights.

The counselor may include a supervisor or other appropriate VR staff in the meeting to resolve the issue. The client may have a representative or support person present during the discussions.

Problem-solving may occur at any time prior to the client requesting a hearing or mediation. A client’s request to engage in problem-solving does not exempt the client from complying with applicable legal timeframes to request a hearing or mediation.

Informal resolution:

Informal resolution may occur at any time after the participant files a request for hearing, mediation, or both. VR encourages participants to resolve disputes and disagreements at the local office level at any time.

Resolution may occur through discussion and problem-solving involving the participant, counselor, and other administrative staff, as appropriate. If the Client Assistance Program or other advocate represents the participant, VR shall notify the representative of any settlement offers.

If the subject of the mediation or hearing request is resolved through the informal dispute resolution process, the resolution shall be confirmed in writing by the parties, and:

- The client shall withdraw the request for mediation or a hearing, or
- If the client fails to withdraw the request for hearing, the VR Program shall issue an order dismissing the client's hearing request if:
    - The matter has not yet been assigned to an impartial hearing officer, or
    - The matter has already been assigned to an impartial hearing officer.

Mediation:

Mediation is a cooperative discussion and problem-solving process facilitated by a neutral third party trained in mediation who is not an VR employee.

Mediators are assigned from an approved list maintained by the Department of Justice (DOJ). Either the participant or VR may object to the selection of a particular mediator and request assignment of an alternate mediator from the approved roster. VR shall pay the cost of mediation.

Mediation is a voluntary process for VR and the participant. If either VR or the participant declines mediation, VR shall provide written notice to the participant that mediation is declined and advise the participant of the right to request further appeal.

If the participant requested mediation within 60 calendar days of the VR decision in dispute, the participant may request a fair and impartial hearing within 60 calendar days of the date of the written notice that mediation is declined.

If VR and the participant agree to mediation, a mediator is assigned. The mediator is not a decision maker but rather assists the parties in negotiating satisfactory settlement terms and conditions described in a written mediation agreement.

The mediator prepares the agreement, which is signed by VR and the participant. It is customary for the mediator to sign as well. The mediation agreement shall be incorporated into the IPE if applicable.

If mediation concludes successfully by addressing all the issues in question and results in a signed written agreement, the participant shall withdraw any pending requests for a hearing in writing. If the hearing request was already assigned to an impartial hearing officer, VR shall request the pending hearing request be dismissed.

If VR and the participant do not reach an agreement, VR shall provide written notice to the participant that the mediation process has ended and will advise the participant of the right to request further appeal.

If the participant requested mediation within 60 days of the VR decision in dispute, the participant may request a fair and impartial hearing within 60 calendar days of the date of the written notice that mediation has ended.

A participant may request dispute resolution through mediation by completing the VR "Request for Mediation" form (available at any VR office and on the VR website).

A request shall include the participant's name, address, telephone number, date and a concise statement explaining the basis of the disagreement and how the participant would like the issue(s) resolved.

All mediation discussions are confidential; no party may use any evidence in any subsequent VR impartial fair hearing or other administrative or civil proceeding.

Neither VR nor the participant nor the mediator shall retain any other written record of these mediation discussions.

Impartial fair hearing:

A participant has the right to request an impartial fair hearing to review a written decision as presented in a NOPA, or to contest a delay affecting delivery of vocational rehabilitation services.

VR must receive a participant's request for hearing no later than 60 calendar days after the date of the decision or delay at issue.

- No later than 30 calendar days for NOPAs based on lack of contact or participation from the client.

The 60-day deadline may be waived if an impartial hearing officer determines good cause exists for a delay in filing.

- An unforeseen circumstance beyond the control of the participant, such as extended illness requiring significant medical care or illness or death of a family member, is considered good cause justifying a late hearing request filing.

Unlike mediation, an impartial fair hearing is like a court proceeding. The impartial hearing officer (IHO) guides the hearing process, maintains order, administers oaths, reviews, and admits evidence, rules on issues of relevance, and may question witnesses and the parties to elicit additional information or clarify issues.

- The impartial hearing officer (IHO) issues a final decision based on the relevant administrative regulations, statutes and rules, VR policy, and information presented by the participant and VR at the hearing. VR bears the cost of the hearing process (IHO's time).
- VR will provide the participant copies of documents and evidence submitted to the impartial hearing officer (IHO). VR shall not pay for the participant's representation or preparations.
- VR is not obligated to assist in preparing the participant's case (conduct discovery, organize and assemble exhibits, pay for service of subpoenaed witnesses, etc.).
- VR maintains a roster of impartial hearing officers who are independent contractors. IHOs are assigned on a rotational basis unless the participant and VR agree to assign a particular IHO outside the rotation.
- The participant and VR may request that the assigned IHO withdraw from the hearing assignment because of a potential or perceived conflict of interest or other disqualification. If the IHO withdraws, an alternate IHO is assigned.
    - An IHO who refuses to withdraw must provide a written explanation to the participant and VR supporting the decision to retain the hearing assignment.
    - Either requesting party may appeal the decision not to withdraw to the VR administrator, whose decision is final.

The request shall be in writing, identify the VR decision at issue and describe how the issue could be resolved to the participant's satisfaction. The participant or, if appropriate, the participant's representative shall sign the hearing request.

- The participant shall use the "VR Request for Impartial Fair Hearing" form (available at any VR office and on the VR website) to request a hearing.

Upon request, VR shall help the participant or participant's representative complete the hearing request. In this circumstance, VR will ask staff from another ODHS program or an outside agency to help the participant or participant's representative complete the hearing request.

- If VR believes the hearing request is not complete, VR will contact the participant or participant's representative promptly to obtain a corrected request. If the hearing request is corrected, VR will forward the corrected hearing request to the assigned impartial hearing officer (IHO).

If the participant prefers to proceed under an original, uncorrected hearing request, VR shall forward the request to the IHO and VR may request dismissal of the request.

The IHO shall provide the participant an opportunity to respond to the request for dismissal before issuing a written decision.

- If the IHO denies the VR request to dismiss, the hearing request is set for a pre-hearing conference and subsequent hearing on the merits.

The participant may withdraw a request for an impartial fair hearing for any reason at any time before there is a final order.

VR may close the participant's dispute resolution file if the participant submits a written withdrawal before the hearing request has been assigned to an IHO. After assignment, the IHO shall validate a written or oral withdrawal by issuing a written order of dismissal.

The impartial hearing officer shall schedule the hearing at a time no later than 60 calendar days after the date VR received the participant's hearing request, unless VR and the participant have agreed to an extension of time in writing.

The hearing shall be held in a location that is accessible and convenient to the participant and agreed to by the impartial hearing officer (IHO), participant and VR.

Prior to the hearing, the impartial hearing officer shall conduct at least one pre- hearing conference in person or by telephone, unless the participant and VR agree that a pre-hearing conference is unnecessary.

The pre-hearing conference provides an opportunity for the IHO to:

- Consider a request to dismiss a hearing request as incomplete, abandoned or improperly presenting issues unrelated to vocational rehabilitation services.
- Identify, simplify, and clarify issues for hearing.
- Facilitate discovery (information held by the participant or VR and requested by one party of the other)
- Facilitate settlement or partial resolution of issues in dispute, and
- Consider other motions as appropriate.

The participant and representative may review the VR case file prior to hearing and review the VR evidence prior to and during hearing.

- VR may withhold from review information considered potentially harmful if such information will not be offered in evidence at hearing.

At hearing, the participant and VR may present opening and closing arguments, introduce evidence, call witnesses, examine, and cross-examine witnesses, and object to relevance and admissibility of evidence and witness testimony.

The VR hearing representative may not make legal argument addressing such issues as jurisdiction, constitutionality of statutes or rules, interpretation of case law and application of judicial decisions to facts presented at hearing.

The impartial hearing officer (IHO) shall issue a decision no later than 30 calendar days after the completion of the hearing and shall provide copies of such decision to the participant, participant’s representative, and the VR dispute resolution coordinator.

The IHO shall base the decision on the approved State Plan, the Federal Rehabilitation Act, federal Vocational Rehabilitation regulations, relevant state statutes and administrative rules, and/or VR policy and procedures.

The decision is a final order and may be implemented 21 days after the decision is issued, unless VR and the participant agree in writing to waive further review; in that case, the decision may be implemented sooner than 21 days.

Formal Administrative Review (FAR):

A formal administrative review is available once an IHO has issued a final order following a fair and impartial hearing.

- A reviewing official, who is the director of the Oregon Department of Human Services or the director's designee, shall conduct the review.

If dissatisfied with the IHO's decision or any part of the IHO's decision, both VR and the participant may request an impartial review of the decision by filing a "Request for Formal Administrative Review" within 20 days after the impartial hearing officer's decision has been mailed.

On receipt of a timely "Request for Formal Administrative Review," the VR dispute resolution coordinator shall promptly notify the reviewing official and the parties to the impartial hearing officer decision.

The VR dispute resolution coordinator shall provide the entire hearing record to the reviewing official.

- The record consists of the audio recording of the impartial fair hearing and any pre-hearing conference(s) if recorded, all exhibits submitted at the hearing (considered and admitted) and supplemental record of the case (procedural history, from the filing of the hearing request to the request for formal review).

The reviewing official shall provide both parties with an opportunity to submit additional evidence and information relevant to a final decision concerning the matter under review.

- Each party shall provide copies to the opposing party of any materials submitted directly to the reviewing official.

The reviewing official must receive all written materials no later than 20 days after the filing date of the "Request for Formal Administrative Review."

The reviewing official may not overturn or modify the hearing officer's decision, or any part of that decision, that supports the position of the participant unless the reviewing official concludes, based on clear and convincing evidence, that:

- The decision of the impartial hearing officer is clearly erroneous based on contradiction to the approved State Plan, the federal Rehabilitation Act, federal vocational rehabilitation regulations, or state regulations and policies that are consistent with federal requirements.

The reviewing official shall make an independent, final decision following review of the entire hearing record and provide the decision in writing within 30 days of the "Request for Formal Administrative Review."

The decision of the reviewing official is a final order and shall be implemented unless directed otherwise by a state or federal court.

Review by Oregon Court of Appeals:

A participant may request judicial review of a VR decision by the Oregon Court of Appeals. VR shall promptly notify the attorney general's office at the Department of Justice and the Oregon Department of Human Services when a participant files for appellate review.

The participant may file a civil suit in state or federal court.

Appeals by VR:

The administrator or administrator's designee shall approve any decision by VR to challenge a ruling by an impartial hearing officer, reviewing official or court of law.

Client Assistance Program

The purpose of the Client Assistance Program (CAP) is to assist, advise and advocate for individuals applying for and receiving services available under the Rehabilitation Act.

CAP assists in resolving issues and concerns between VR, service providers and the participant. The advocacy CAP provides is tied to the individual's rights under the Rehabilitation Act.

CAP may serve as the participant's representative during mediation, fair hearing, or other appeals.

CAP assists participants by providing information on:

- Benefits and services available through programs authorized under the Rehabilitation Act, and
- The participant's rights in connection with those services and benefits.

A participant may request CAP assistance and advocacy with respect to services directly related to vocational rehabilitation as well as all projects, programs and facilities funded by Rehabilitation Services Administration (RSA).

- This includes assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure protection of the rights of individuals seeking or receiving services. CAP shall facilitate access to services funded under the Rehabilitation Act.

Eligibility for CAP representation:

Any applicant or participant of a program funded under the Rehabilitation Act is eligible for CAP assistance. This includes potentially eligible students receiving Pre-Employment Transition Services.

Designated liaison between VR and CAP:

Informal contact occurs between CAP advocates and VR staff as the participant's needs are identified.

Designated primary liaisons are responsible for helping to address program and procedural concerns.

- The designee for CAP is Disability Rights Oregon.
- The designee for VR is the deputy director of direct services.
- CAP will assign cases on an individual basis and requires participant consent to discuss individual matters.

Responsibilities for VR and CAP:

VR agrees to do the following:

- Actively promote cooperation with CAP to resolve concerns related to rehabilitation services.
- Whenever informing participants of their rights, inform them of CAP services and how to obtain them.
- Actively promote the use of CAP to assist in resolution of a participant's service issues.
- Respond to CAP requests for information in a timely manner.
- Allow CAP to read and/or copy participant file data upon signed, written consent from the participant.
- Seek input from CAP to help develop and implement policy and procedure relative to mutual populations, and
- Keep CAP informed of policy amendments related to participant eligibility, scope, and extent of services.

CAP agrees to do the following:

- Provide information to eligible applicants in keeping with the standards of the Rehabilitation Act.
- Advise participants about and obtain their consent regarding advocacy efforts.
- Obtain written approval to discuss a participant's case with VR.
- Maintain participant confidentiality standards, and
- Limit requests for copies of file data to specific information necessary to resolve the relevant issues.

Coordination and communication between VR and CAP:

VR and CAP should encourage communication, both verbal and written, as appropriate. Communication at all levels is in support of improved understanding and resolution of mutual concerns.

VR and CAP shall make every effort to enhance dispute resolution and avoid adversarial relationships.

Formal meetings will be arranged at times and locations mutually agreeable to both CAP and VR.

- CAP staff may communicate directly with VR when a participant has a need beyond general information and referral.

Either CAP or VR may request involvement from the other agency if within the parameters of participant rights.

CAP services shall emphasize “good faith” negotiation. Dispute resolution options available to CAP on behalf of the VR participant include:

- Communication and clarification
- Facilitated discussion.
- Settlement and negotiation
- Formal mediation
- Formal Administrative Review
- Fair hearings, and
- Appeals to the Oregon Court of Appeals and other judicial remedy.

Both agencies agree to develop and maintain a summary of procedural documentation that VR and CAP will use in joint staff orientation. Such training will occur within the context of each party’s ongoing new staff orientation process.

References:

Requirements of Notice ORS 183.415

OAR 582-020 Dispute Resolution and Review of Determinations of Rehabilitation Services

Case file documentation:

The management of the VR Program is largely reflected in each participant's case file documentation. One key to program success is the VR staff's ability to demonstrate accurate and timely decisions that:

- Comply with the law.
- Are made in partnership with the participant, and
- Lead to the delivery of substantial services for the eligible individual, ultimately resulting in competitive integrated employment.

Documentation responsibilities cannot be delegated and must be entered into ORCA directly by the individual completing the action being documented.

VR staff use case notes to compile information resulting from interactions with the participant, the participant's family or representative, referral sources, service providers and others.

Case notes should establish a sound record of program effectiveness and efficiency in the following ways:

- Convey compliance with federal and state laws regarding:
    - Use of funds, and
    - Decisions in service delivery.
- Document the VR counselor's decision-making and application of the VR process.
- Provide a clear and concise explanation of the participant's progression through the rehabilitation process.
- Explain any causes for delay, planned interventions and the result of interventions.
- Document how services were seamlessly provided to the participant during absence(s) of the VR counselor of record, and
- Record any counseling and guidance provided.

Official record of services: The electronic file is the official record of services.

Electronic file documentation is used to verify that data in ORCA is accurate, complete, and supported.

At a minimum, VR counselors must assure that all programmatic decisions, actions, discussions, work in progress and services are documented as provided in 34 CFR § 361.47 Record of services.

What not to include in file documentation:

VR staff must be aware that case notes are legal documents and are subject to internal and external audit and review, subpoena for legal action or appeals, and review by the participant or others with a valid release of information.

Content that is included in case notes must be based on facts relevant to the VR case. Do not include unnecessary comments that are not relevant to the individual's disability or VR needs.

Do not include the following in a case note:

- Information duplicated in other sections of ORCA or on other forms or reports unless:
    - The information is significant to that case note (if so, summarize the information.), or
    - The case note is a summary, such as in:
        - A diagnostic interview
        - A vocational assessment, or
        - Case notes from elsewhere.
- Information that is not directly related to the identified disability, or
- Information that is not relevant to VR services.

When there is potentially sensitive information that is relevant to the identified disability or VR services, VR staff should consult with their branch manager prior to including this information in a case note in ORCA to ensure it is appropriate to do so.

Much of our work is completed via electronic communication. As a reminder, email correspondence between Vocational Rehabilitation and our clients is considered a form of official communication.

- This communication should be carefully drafted and refined just as you would for any other official correspondence.

This policy applies to all Vocational Rehabilitation staff including employees, volunteers, trainees, and interns.

ORCA is the electronic case management system used by Oregon VR. The primary functions of ORCA are to:

- Serve as an electronic case management system that collects data
- Automate data collection to be used for program management; and
- Meet federal reporting requirements under the Workforce Innovation & Opportunity Act (WIOA) and the Rehabilitation Services Administration (RSA).

Case noting email conversations:

It is best practice to summarize information from an email conversation with a client in an electronic case note in ORCA. This avoids errors in altering the meaning of an email when copying or cutting and pasting an email message.

The case note about the email must contain:

- The sender’s information
- Date and time of correspondence
- Everyone who was sent the message, and
- A concise summary of the conversation.

Dated and time-stamped email correspondence in its entirety should rarely be transferred directly into an ORCA case note unless:

- After carefully reviewing the entire conversation, you ensure that it addresses a specific situation, topic, or decision, and
- You believe the best way to capture the discussion, or decision is to directly transcribe the exchange. Some reasons that might be appropriate are:
    - The message may deal with a complex issue that has many pertinent details to be discussed and negotiated.
    - The complex issue is best explained through including the entire message.
    - The message demonstrates a decision.
    - The email conversation was contentious and needs to be included as a reference.

Electronically stored emails may not be altered or edited and must include a complete record of the discussion to include email conversation "chains."

- Cutting and pasting a portion of a conversation may remove the context of the discussion or alter its intent.

Attaching an email conversation as a PDF to an ORCA case file is not recommended.

Note: In circumstances where it is important to capture the entire contents of an email communication or the communication is particularly complex, it is acceptable to save the email to an ORCA case note.

- When electronically capturing the ORCA case file to archive it, attached files do not automatically print and may be missed.

Case notes are a public record:

Any information provided in a case note should be considered a legal and potentially public document. Information held in these files may be reviewed as part of any audit or review process.

Additionally, case notes serve to document the ongoing interactions and service process between VR and the client. Therefore, case notes may be included in a dispute resolution procedure.

Privacy and security issues related to ORCA:

Data privacy and security must be maintained when documenting email communication in the official electronic file.

Double check to assure that only information about the applicant or participation is documented in that person's official electronic file.

Assure that any information copied into a client's case note from an email only concerns the applicant or participant.

Permitted use of electronic signatures:

Electronic signatures are permitted for all documents that require the signature of an individual to apply, receive or acknowledge the delivery of Vocational Rehabilitation services and information.

VR may only accept electronic signatures when VR can verify the identity of the individual that signed the document.

Electronically signed documents may be:

- Completed using any commercial, secure program or application designed for electronic signature creation (for example, DocuSign, Adobe Sign, AwareSign) or,
- Signed by the individual using the mouse draw function, or
- By providing a signed documented using a pre-selected signature style, or
- Electronically signed documents must be retained and maintained under the same provisions required for other documents of the same classification or type.

If an electronic signature is not accepted by agencies, vendors or contractors, VR must obtain and provide an original hand signed document if requested.

Definition of electronic signature

"Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record. (Source: ORS 84.004 Definitions for ORS 84.001 to 84.061(8))

A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

If a law requires a record to be in writing, an electronic record satisfies the law. If a law requires a signature, an electronic signature satisfies the law.

(Source: ORS 84.019 Legal recognition of electronic records, electronic signatures, and electronic contracts)

References:

34 CFR § 361.47 Record of Services

RSA-PD-19-03 Instructions for the Completion of the Case Service Report (RSA- 911) for the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program

ORS Chapter 84 Electronic Transactions

OAR 125-600-005 Guidelines for the Use of Electronic Signatures by State Agencies

OAR 582 Division 1 Definitions

DHS-100-004 Minimum Necessary Standard for Releasing Personally Identifiable Information

Quality Assurance and Continuous Quality Improvement

(In revision – will update soon)

Vendors, purchasing and payments:

The ability to purchase goods and services to meet the unique vocational needs of VR participants carries special responsibilities.

Counselors must make good use of public funds and ensure the use of qualified vendors who provide culturally sensitive services. Additionally, counselors must support participants in making informed choices about vendors.

Check general email multiple times to ensure timely communication

General program email inboxes must be monitored multiple times per day to ensure time-sensitive communications, including invoices and vendor follow-ups, are promptly reviewed and addressed.

Complete all invoices for payment in seven (7) days of receipt

All invoices with complete supporting documentation must be processed for payment within seven (7) days of receipt from the vendor.

Please see Participant Invoices and Payments in the VR Procedure Toolkit for more detailed procedural guidance.

Discrimination is prohibited

It is VR policy not to discriminate against a vendor based on sex, race, creed, ethnic origin, or disability. It is also policy, to avoid favoritism in the selection or use of a vendor when it results from a deliberate action (or lack of action). VR may select a vendor based on:

- Cost
- Geographic proximity to the participant
- Quality of service
- Performance of vendor
- Vendor cooperation
- Participant preference

Note: VR ultimately determines whether to support and fund that choice.

- Possessing or obtaining appropriate licensure, or
- Program length.

VR staff shall give program length, quality, performance, and cost consideration. VR ultimately determines whether to support and fund the choice of vendor; the VR Program is not required to use an inadequate or inappropriate vendor even if selected by the participant.

Use of qualified vendors:

VR shall purchase goods and services from qualified vendors, in accordance with state licensure laws, certification standards, state purchasing regulations and federal vocational rehabilitation regulations.

Vendor guidelines:

Vendor selection shall use the following standards:

Professional services:

To provide services to VR, licensable professionals must hold current licensure for the appropriate organization as required by law.

Medical or psychological consultant services

- VR medical or psychological consultants may recommend a vendor of professional services any time when other selection methods are unable to identify an appropriate vendor, or special circumstances exist that dictate the use of a particular vendor.
- The VR counselor must ensure that the vendor selected meets VR standards related to the use of professional services. Any time VR chooses a vendor based on a consultant's recommendation, documentation in the case file is required.

Service organizations:

All service organizations such as hospitals or mental health clinics must possess appropriate certification.

Commercial vendors:

Any commercial vendor must conform to all applicable state and local laws and regulations. If an item is available at a savings via state price agreement, VR shall purchase the item from the vendor with whom the state holds the agreement.

In the absence of a price agreement, VR shall purchase items or services on a least-cost basis.

Training vendors:

Training vendors (universities, colleges, private schools, on the job (OJT) trainers, online schools, etc.) shall conform to all applicable licensing and certification requirements.

To the maximum extent available, VR shall use Oregon public educational organizations for training.

All other vendors:

VR shall select other vendors for the specific skill required by the rehabilitation setting.

Considerations for vendor selection:

Geographic proximity:

Other factors being equal, VR shall select the vendors in the area closest to the participant's residence.

Vendor performance:

Goods and services provided by VR shall be of high quality and reasonable cost. Vendors shall demonstrate a willingness to cooperate in meeting both VR and participant needs.

VR staff who experience poor performance on the part of any vendor shall report the situation to their supervisor for further review and action.

Accessibility:

VR shall refer participants to vendors whose services meet compliance with the Civil Rights Act and Section 504 of the Rehabilitation Act of 1973. VR shall exercise special care in selecting programs that are accessible to participants with mobility impairments.

Conflict of interest in vendor selection:

VR shall not select a vendor when any VR staff or family member would profit by the selection. Whenever there is a potential or actual conflict of interest, the affected staff person shall notify the branch manager or immediate supervisor in writing.

Single source:

When there is only one vendor in reasonable proximity to the participant's residence, VR shall use the vendor if the vendor meets all other standards. VR staff shall document the use of a single source vendor on the authorization for purchase.

Participant preference:

If the participant has a preferred vendor, VR will use the service of that vendor if the vendor meets all applicable standards. VR staff shall provide appropriate documentation if required. If the participant's preferred vendor does not meet appropriate standards, VR shall use an alternate selection that meets all VR standards.

VR preference:

VR shall make the choice of vendor if:

- The participant does not have a preference after having an opportunity to exercise informed choice, or
- The participant is unwilling to select a vendor and no special circumstances exist.

VR staff shall make the selection from the pool of local professionals who are otherwise qualified to provide the necessary service, with care given to include all potential vendors.

Authorizations and payments:

VR shall pre-authorize all purchased goods and services in writing. Purchases shall comply with state and VR purchasing requirements.

Obligation to pay:

VR authorizes payment for services with the following attributes:

- The quality of the service(s) is adequate.
- Performance indicators reports are documented and received.
- Charges for the services are billed within two years of the authorization date, and
- Charges are at the usual rate for the public or at a lesser, negotiated rate.

Authorization required:

VR shall provide a completed authorization for purchase (AFP) or other valid state of Oregon purchasing document to each vendor prior to purchase of any service.

Participant expenditures:

VR may reimburse a participant for services if the VR counselor or other authority authorizes the expenditure(s) prior to the actual purchase.

Manager approval:

When a purchase requires the manager's approval, the manager shall sign the AFP. When the manager is unavailable, the manager's designee may sign the AFP along with the authorizing counselor.

Vendors: purchasing and payment:

Services not authorized:

The following services and expenditures are not authorized at any time:

- Any participant-incurred debt.
- Any service(s) obtained by the participant prior to the date of application.
- Purchase of land or stationary buildings
- Fines or penalties such as traffic violations, parking tickets, library fines, any late fees.
- Expungements, set asides or dismissal fees. This includes other related expenses to remove previous arrest, charge, conviction, or past legal action.
- Breakage fees or other refundable deposits.
- Contributions and donations.
- Entertainment or recreation costs.
- Including tips and gratuities for services
- Payments to the participant's credit card companies.
- Authorizations for supermarkets or grocery stores for food items.
- Purchase of club or vendor memberships (for example Amazon Prime, Costco).
- Warranties.
    - VR may not purchase warranties. However, warranties that are included as part of the purchase price or included in a package "bundle" are permissible.
    - Maintenance outside of the definition as set forth in 34 CFR § 361.5(c)(34).
    - Over the counter hearing aids

References:

34 CFR § 361.50(c) Payment for services.

582-070-0030 Limitations of Payments

Payment review process:

Counselors shall review all invoices before approving payment. If an invoice does not match a plan service, the counselor shall not make payment and forward the bill to the branch manager. VR must resolve any irregularity before payment.

Purchasing authority:

Through the delegated authority of the Oregon Department of Administrative Services (DAS) the ODHS Office of Contracts and Procurement ensures legal and contract compliance in the procurement process. Specifically, it has the responsibility to solicit, purchase and contract for trade services (for example, janitorial contracts), information technology (for example, servers, computers, and software), equipment leases, and goods and services valued at over $5,000.

For further information on purchasing authority limitations, see Client Purchasing on the VR Procedure Toolkit.

Verbal authorization allowances and process:

Services to individuals must be specifically prior-authorized and are not considered approved or billable until the vendor receives a completed “Agency Authorization for Purchase” (AFP) form.

Only in extreme emergencies may services be prior authorized verbally. Any such verbal authorization must be documented promptly and followed with a written AFP within 72 hours.

VR shall not provide verbal authorization for services contractually negotiated and/or approved by the Department of Administrative Services (DAS).

Comparable benefits and services:

Comparable services and benefits are services and benefits, including accommodations and auxiliary aids and services, that are:

- Provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits.
- Available to the individual at the time needed to ensure their progress toward achieving the employment outcome in their IPE.
- Commensurate to the services that the individual would otherwise receive from VR.

As defined here, comparable services and benefits do not include awards and scholarships based on merit.

Determination of availability for comparable benefits:

Before providing an accommodation or auxiliary aid or service or any VR services, except those that are exempt, to an eligible individual or to members of the individual's family, VR must determine whether comparable services and benefits are available, unless such a determination would interrupt or delay:

- The progress of the individual toward achieving the employment outcome identified in the IPE.
- An immediate job placement, or
- The provision of VR services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by appropriate qualified medical personnel.

Exempt services related to comparable benefits:

The following Vocational Rehabilitation services are exempt from a determination of the availability of comparable services and benefits:

- Assessment for determining eligibility and vocational rehabilitation needs.
- Counseling and guidance, including information and support services to assist an individual in exercising informed choice.

- Referral and other services to secure needed services from other agencies, including other components of the statewide workforce development system, if those services are not available under this part.
- Job-related services, including job search and placement assistance, job retention services, follow-up services and follow-along services, and
- Rehabilitation technology, including telecommunications, sensory, and other technological aids, and devices.

Examples of comparable benefits include, but are not limited to:

- Workers' compensation benefits – various benefits and services for individuals with a job-related injury
- Temporary Assistance for Needy Families (TANF) – cash assistance, housing, childcare and job preparation for low-income families with children
- WorkSource Oregon – regional and local one-stop centers helping with job preparation and job placement.
- Veterans Administration – educational, rehabilitative, and medical benefits for veterans with service-connected disabilities
- Medicare or Medicaid – medical benefits to a person
- Private insurance – may provide medical, vision, dental or mental health treatment.
- Student financial assistance programs – grants and supportive services for students in postsecondary education
- Oregon Health Plan – Oregon state Medicaid program providing free or low-cost health care coverage to Oregon residents with limited income.
- Available local free or reduced cost medical, medication, and dental programs, or
- Native American Tribal benefits.

Applying for comparable benefits:

All participants are required to apply for and use all available comparable benefits prior to VR expending its funds.

The participant is obliged to cooperate in applying for or otherwise securing comparable benefits and services. If a participant appears eligible for any comparable benefit and refuses to apply, VR may not use federal funds for that service.

Interim use of VR funds while awaiting a comparable benefit determination:

When a decision on a comparable benefit is pending, VR may provide funding to expedite services.

VR may provide services prior to completion of a comparable benefits assessment if use of such benefits would significantly delay or prevent the provision of rehabilitation services.

If, after maximum effort, availability of a comparable benefit cannot be determined within 60 days, VR will consider that resource unavailable to the participant and will document this information.

Duplicate payments related to comparable benefits:

When pending comparable benefits become available, a duplicate payment may exist. Duplicate payments are not permissible. VR shall document and reconcile duplicate payments. VR shall reduce future funding or obtain reimbursement to offset duplicate payments.

In the event VR cannot recover a duplicate payment, VR staff shall clearly document this fact, and the efforts made to recover the payment.

Reference:

34 CFR § 361.53

Order of Selection:

Order of Selection overview:

VR must be able to provide the full range of vocational rehabilitation services (section 103(a) of the Act and 34 CFR § 361.48), as appropriate, to all eligible individuals.

If vocational rehabilitation services cannot be provided to all eligible individuals in the state who apply for the services (including vocational rehabilitation services in the Oregon portion of the Combined State Plan), then an order must be followed to select eligible individuals to be provided vocational rehabilitation services. (34 CFR 361.36(a)(1))

For the purposes of serving individuals with disabilities under an Order of Selection, a single, statewide waitlist is created. There are several reasons to create this list. The list allows the Program to:

- Monitor the state demand for services.
- Create a list to equitably allow service to individuals when resources are available.

Federal law (34 CFR 361.36) requires state vocational rehabilitation programs to set priorities for serving those with the most significant disabilities first when resources are insufficient to serve all eligible individuals with disabilities.

Services under Order of Selection:

A state vocational rehabilitation program must implement an order of selection when it anticipates that it does not have sufficient fiscal or personnel resources or both to fully serve all eligible individuals. (See Section 101(a)(5)(A) of the Rehabilitation Act of 1973 and 34 CFR 361.36(a)(1).)

Order of Selection is a single, statewide waitlist for individuals needing VR services.

- The list is sorted by the individual's disability priority category and their date of application.
- When a person comes off the wait list, those with the oldest application date and highest disability priority category are selected first.

Operations under the waitlist when in an Order of Selection:

The VR Program Director, Deputy Director for Direct Services, and Business Operations Manager will monitor caseload distribution and financial resources, while working with branches to make decisions related to an Order of Selection.

The Director of VR consults with the State Rehabilitation Council regarding opening or closing a priority category under an Order of Selection. (See 34 CFR 361.36.) (OAR 582-100-0005 Determination of Need for an Order of Selection)

The VR Director provides regular updates to the State Rehabilitation Council (SRC) on the status of the statewide waitlist and any anticipated changes as appropriate.

Open compared to closed priority categories

During an Order of Selection, priority categories are considered either open or closed.

An open category means that the VR Program has removed all waitlist requirements for that particular priority category and no individual in the priority category remains on the waitlist.

- Eligible individuals assigned to an open category develop an individualized plan for employment (IPE) and may receive the full range of vocational rehabilitation services.

A closed category means that the waitlist process remains active for that priority category, or there are still individuals waiting to be released from that priority category. New eligibilities are placed on the waitlist based on their date of application.

- Eligible individuals assigned to a closed category are placed on a statewide waitlist for services. If VR has additional resources to serve more individuals, those waiting on the statewide waitlist may be released.

Service priorities under an Order of Selection:

The Rehabilitation Act requires a state to serve individuals with the most significant disabilities first. As a result, an individual who is in priority category one is always served before an individual in any of the other priority categories, regardless of application date.

Who is served first within a priority category level is determined by application date. The intent of the law is to ensure that those who have the greatest need are served first.

VR counselors provide information and referral to individuals on the waitlist about other recommended resources in the community, such as Workforce or One Stop Centers, to help meet their needs.

Person with a proposed "no cost plan" when the Order is announced:

No priority consideration may be given for individuals assigned to a closed priority category during the Order of Selection if that participant's individualized plan for employment anticipates only no-cost services. Priority consideration is not granted to individuals assigned to a closed priority category during the Order of Selection if their individualized plan for employment includes only no-cost services.

- Although an individualized plan for employment is initially anticipated to have no costs, a future amendment may involve (contain) costs. When the plan is developed, all costs cannot be known.
- All individuals who are not already in a signed individualized plan for employment prior to the date the VR Program enters order of selection must be placed on the waitlist if their priority category is closed.
- The Program may not consider the anticipated cost of services as part of the eligibility and priority placement considerations.

Persons in plan development when the Order is announced:

Plan development is that period of service between eligibility and the individualized plan for employment being in place. Individuals in plan development have not achieved the status of having an individualized plan for employment.

- If the person is in plan development at the time the Order of Selection is implemented, all services must stop.
- An individual may participate in career exploration (pre-eligibility). Services with a job developer are allowed. This should be extremely rare. Only services to determine the

person's eligibility are allowed. Only this service is authorized on the authorization for payment (AFP). Any additional services are blocked when a participant is on the waitlist after eligibility is determined.

- If the individualized plan for employment (IPE) is in service status in ORCA, the individualized plan for employment is considered to be implemented. (RSA Questions and Answers, 2020. See Q2, page 2.)
- If a category is fully open and it becomes closed, a person assigned to that category and in plan development will move to the waitlist.

Note: An application does not need a signature. A plan must have both the counselor and participant signatures.

Program administration and initiating Order of Selection:

Please refer to the TAC-QE document, "Navigating Order of Selection – A resource for VR Agencies" (2025) for details.

An additional resource is the VRTAC-QM Guide to Order of Selection.

Services that continue under an Order of Selection:

VR continues to provide an eligible individual all agreed upon services, listed in their signed individualized plan for employment (IPE) if that individual started receiving IPE services prior to the effective date of the Order of Selection. The Program may:

- Provide an applicant with assessment and evaluation services that are necessary to determine VR Program eligibility and priority category.
- Continue to provide pre-employment transition services to a student with a disability if that student started receiving services prior to being determined eligible for VR Program services.
- Continue to support self-employment as a tool to achieve an employment outcome for individuals interested in this service.

- Continue to provide academic and vocational training necessary to support an eligible participant to achieve a suitable and agreed upon employment outcome as indicated on the individualized plan for employment.
- Provide information and referral services to an eligible individual who is not receiving services under the Order of Selection.

Order of Selection and eligibility:

An individual's eligibility for VR services remains the same under the Order of Selection.

Individuals must have a qualifying physical or mental impairment. This physical or mental impairment must result in a substantial impediment to getting, keeping, or advancing in a job. Finally, the individual must require vocational rehabilitation services to prepare for, get, keep, or advance in a job.

Timelines to process applications (34 CFR 361.41(b)) and determine eligibility (34 CFR 361.42) under Order of Selection remain the same.

The eligibility determination process establishes the individual's priority category level. The individual's priority category level and date of application determine the spot on the waitlist.

Order of Selection and implementing the waitlist:

Following the announcement that the State VR Program has entered into an Order of Selection, all new applicants are placed on the state's waitlist once found eligible for VR services if their assigned priority category is closed.

All individuals not in a signed individualized plan for employment prior to the Program entering into an Order of Selection, or their assigned priority category is switched from being open to closed, must be placed on the waitlist. This includes:

- New applicants once found eligible for VR services.
- Current VR participants who are in eligibility determination or plan extension.

- Current participants who do not have an approved individualized plan for employment (IPE) signed by both the individual and their VR counselor prior to the state entering an Order of Selection.
- Current VR participants in extension to the 90-day deadline to complete a signed plan (IPE) are moved to the waitlist.
    - 34 CFR 361.45(e) Standards for developing the individualized plan for employment. The individualized plan for employment must be developed as soon as possible, but not later than 90 days after the date of determination of eligibility, unless VR and the eligible individual agree to the extension of that deadline to a specific date by which the individualized plan for employment must be completed.

This does not include individuals that are currently in a signed plan but are undergoing revision, amendment, update, or plan review.

Order of Selection and current participants:

Individuals currently in a signed individualized plan for employment (IPE) when the Program enters an Order of Selection may continue to receive all approved services.

- Any needed plan updates, revisions or amendments may continue during the life of the case as long as the individual was in an individualized plan for employment before the Order of Selection process started.
- New services may be added to existing plans if the individual was in a signed individualized plan for employment before the start of the Order of Selection process.

All application, intake, and eligibility criteria remain the same for new applicants under an Order of Selection.

- Staff must enter referrals or intakes in the Referral Module of ORCA within three business days of receiving the individual's information. Any service request by the individual or a referring partner must be entered into the Referral Module.

- Initial intake or application appointments occur at the first available opportunity following the request for an appointment.
- VR counselors must make an eligibility determination within 60 days of receiving the individual's application.
- Any necessary assessments and evaluations needed to determine eligibility, priority category level, or both are required even when a state is operating under an Order of Selection.
- Once an individual is determined to be eligible, they are placed on the Order of Selection waitlist caseload at the branch office nearest the individual’s residence.

Individuals found eligible for services during the eligibility process enter the waitlist following this determination.

- The VR program must (34 CFR 361.36(e)(3)) provide services to any recipient who has begun to receive services regardless of the severity of the individual's disability services. Specific groups are then described.
- “Begun” in this context has been interpreted to mean entered into a signed individualized plan for employment (IPE) prior to the date the Program enters into an Order of Selection. An individual is not considered to have begun services until those services are authorized and agreed to in the participant’s signed individualized plan for employment. Services provided to an individual prior to entering a signed individualized plan for employment are only authorized to determine the person’s eligibility for services.

Priority category levels under Order of Selection:

When VR’s projected fiscal and personnel resources are inadequate to provide the full range of appropriate services to all eligible individuals, the administrator of VR implements VR’s Order of Selection procedure.

By law, this procedure must ensure that individuals with the most significant disabilities are served first. Their priority category and date of application determines the order of service.

Priority category one:

The VR Program shall assign an individual to priority category one and serve them first based on date of application.

The Program shall assign an individual to priority category one if the individual:

- Has been determined eligible for services under 34 CFR 361.42.
- Is classified with a most significant disability and:
    - Has a severe mental or physical impairment that seriously limits three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and
    - Is expected to require multiple vocational rehabilitation services over an extended period in order to achieve or maintain a successful employment outcome.

Priority category two:

The VR Program shall assign an individual to priority category two if the individual:

- Has been determined eligible for services under 34 CFR 361.42.
- The individual is classified as a person with a significant disability and:
- Has severe mental or physical impairments that seriously limit one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and
- Is expected to require multiple vocational rehabilitation services over an extended period in order to achieve or maintain a successful employment outcome.

Priority category three:

VR shall assign all other individuals, who do not qualify for the other priority categories and who have been determined eligible for services under 34 CFR 361.42, to priority category three.

Prohibited factors in determining priority under Order of Selection:

VR counselors shall not attempt to influence the participant's priority level in order to place the individual higher or lower on the program's waitlist.

VR shall not consider the following factors to determine an Order of Selection priority category:

- Duration of residency provided the individual is present in the state. The state may not require residency as part of the eligibility for services.
- Type of disability.
- Age, sex, race, color, or national origin.
- Source of referral, such as IPS, ODDS, community rehabilitation programs, or schools.
- Type of expected employment outcome.
- The need for specific services except as provided for in OAR 582-100-0021 Limited Exception for Maintenance of Employment.
- Anticipated cost of services; or
- Income level of the individual or individual's family.

Source: 34 CFR 361.42(c)(1)-(2)

Presumptive eligibility and setting priority level under Order of Selection:

If VR establishes an Order of Selection, individuals receiving Social Security benefits under Title II or Title XVI of the Social Security Act and presumed eligible are permitted to be placed on the Program's waitlist (34 CFR 361.42(a)(3)).

Individuals receiving Social Security benefits under Title II or Title XVI of the Social Security Act are assigned to Priority category Two unless additional documentation supports their placement in Priority category One.

Changes to priority level during Order of Selection:

Individuals on the waitlist may request a change to their priority level if their circumstances change.

Any time an individual seeking VR services experiences a change in their condition, a re-evaluation of their eligibility and priority category level may be conducted.

Individuals are notified in their initial eligibility and priority category letter that, if new information is available regarding their condition, they may provide it and seek a re-evaluation.

Order of Selection and students with disabilities:

Provision of services under an Order of Selection:

Students with disabilities are not exempt from any of the Order of Selection requirements for VR services.

Students who apply and are determined eligible for VR services are assigned to a disability priority category in accordance with VR's Order of Selection policies and procedures. (See Order of Selection and who enters the wait list).

Students who have **not yet applied for or been determined eligible (or potentially eligible)** for the VR program are:

- Not subject to the Order of Selection requirements for the provision of pre-employment transition services; and
- May receive any of the five required pre-employment transition services they may need so long as they continue to meet the definition of a student with a disability.

However, if a student with a disability **needs individualized VR services in addition to pre-employment transition services**, the student:

- Must apply, be determined eligible, and assigned a disability priority category (see Order of Selection and who enters the waitlist) and
- Is subject to the Order of Selection requirements.

Assignment to an open disability priority category:

Eligible students assigned to an "open" disability priority category (meaning there is no one waiting for services in this category) may:

- Receive pre-employment transition services and any other VR service they may need on their approved individualized plan for employment (IPE).
- Continue to receive pre-employment transition services as long as the individual continues to meet the definition of a student with a disability.

Assignment to a closed disability priority category:

Eligible students assigned to a closed disability priority category and placed on a waitlist for VR services:

- Continue to receive any of the five required pre-employment transition services (Pre-ETS) they may need while on the waitlist, if they received **at least one Pre-ETS prior to their eligibility determination** being made. (34 CFR §361.36(e)(3)(i))

Eligible students assigned to a closed Order Of Selection category and placed on a waitlist for VR service **before receiving at least one Pre-ETS service may not receive Pre-ETS until**:

- Their disability priority category is open, or
- They are removed from the waitlist and an individualized plan for employment (IPE) is developed.

Limited exception to maintain employment under Order of Selection:

The Program may provide an eligible individual with specific services or equipment necessary to maintain their current employment pursuant to OAR 582-100-0021 Limited Exception for Maintenance of Employment.

Qualification for services to maintain employment:

Individuals at immediate risk of losing their job due to a disability-related barrier may request necessary Program services in order maintain their current employment. (OAR 582-100-0011(1)(c).)

If an individual is at risk of losing their current employment due to a disability related barrier, they must present documentation to support the potential loss of employment. The person's potential loss of employment must be directly connected to a disability-related barrier. There must also be VR program services that may help remedy the loss of employment.

When the VR counselor and individual discuss their determination of eligibility, the VR counselor must state that the individual is going on the waitlist. The VR counselor informs the individual that if their situation changes and they may lose their employment, they may contact VR.

The branch manager must review the individual's request and agree that the person is at immediate risk of losing their employment due to a disability related barrier before the case can move forward.

- Staff must determine if the individual is eligible for this exception within 15 calendar days of receiving the documentation supporting their request for limited exception services.

To be eligible to receive services under this exception, the individual must meet all these requirements:

- Be eligible for services under 34 CFR 361.42.

- Be at immediate risk of losing their current job if not provided with specific services or equipment in the near future, which means no more than two months or 60 calendar days.
- Not otherwise be able to receive Program services or equipment under the Order of Selection. This means the individual is not already receiving services through an individualized plan for employment (IPE) with the program.

Serving individuals at risk of losing employment:

It is expected that these exceptions should be relatively rare.

- If an individual's current job is at risk due to a disability related barrier, VR must attempt to expedite the application and eligibility process, if possible, in order to best serve the individual.
- The individual must still complete, or have already completed an application, and be determined eligible.
- The individual must provide documentation of the potential loss of employment as quickly as possible to allow time to be reviewed as part of the intake and eligibility process.
- The branch manager reviews the participant's documentation and determines if the individual meets the requirements for job stabilization services under an exception to the Order of Selection waitlist.
- If found eligible to receive these services, and already assigned to the waitlist, the individual is removed from the waitlist and assigned to a counselor for services.

Documentation that potential loss of employment is disability related

There is no single example of a situation where a person may be at risk of losing their employment. Every situation is unique and requires a high degree of understanding from the VR counselor.

Some indicators may be that the individual reports:

- Their request for accommodation has been disregarded, ignored, or denied.
- Their supervisor comments that the individual's behavior related to their disability is interrupting their work or relationship with their co-workers.
- Their work performance has been unfairly scrutinized due to their disability compared to a coworker with the same job.
- The employer has assigned excessive tasks or increased performance standards beyond what is stated in the individual's job description, the individual's ability, or both. Even after disclosing their disability and requesting reasonable accommodation, the employer did not consider or provide reasonable accommodation. In this case, the risk of job loss may be disability related.
- They have received less favorable or unfair or challenging assignments at work that are made more difficult due to their disability, or which appear designed to force them out. This may be an indicator that the job loss is disability related.

The individual may discuss these or other instances with VR staff. Staff must document this information in case notes. Examples of work evaluations or emails between the individual and their supervisor may help confirm these types of issues. Encourage the individual to share any evidence or documentation of these situations.

Staff are NOT required to contact and discuss the issues with the employer. This may be a breach of the individual's confidentiality and privacy.

Limitations to services under the loss of employment exception under Order of Selection:

A VR participant receiving services with an exception to the Order of Selection waitlist due to an imminent loss of employment may only receive those services deemed necessary to maintain that person's employment.

- Section 101(a)(5)(D) of the Rehabilitation Act and 34 CFR 361.36(a)(3)(v) specifies that services or equipment that an individual needs to maintain current employment may be provided, but not other services an individual may need for other purposes.

End of limited exception:

When services for a limited exception come to an end, the participant may either be closed or returned to the waitlist depending on the individual's needs.

- If the individual successfully retains their job when the agreed upon and necessary services are provided, and the job is retained for 90 days. The individual's file may be closed successfully.
- If the individual successfully retains their job but wants additional services beyond what is permitted under this exception, the individual's file must be returned to the waitlist in order to receive those services.
- If the individual is not able to retain their job after receiving services from VR, the individual has the option of requesting file closure or returning to the waitlist to receive services.

A participant receiving services under this exception may potentially reach a point where no additional services are available from the VR Program.

- Should this happen, the VR counselor should discuss this situation with the participant and offer to place the individual back on the waitlist to receive further services once they are removed from the waitlist or recommend file closure.
- If the participant disagrees with the VR counselor's decision and believes additional services should be provided, the participant may request dispute resolution.

Criteria that do not qualify for the limited exception to loss of employment under the Order of Selection:

Individuals that are at risk of losing their current employment for reasons not related to their disability do not qualify for consideration under this exception.

Voluntarily leaving employment does not qualify:

The Program shall not determine that an eligible individual is at immediate risk of losing their current job if that risk is based on the individual choice to voluntarily leave their current employment.

Employer, non-disability related situations:

This may include things like mass layoffs, company downsizing, or seasonal employment.

References:

Section 101(a)(5)(A) of the Rehabilitation Act of 1973

> Section 101(a)(5)(A) of the Rehabilitation Act of 1973
>
> SEC. 101. State Plans. (A) Plan Requirements. — (5) Order of Selection for Vocational Rehabilitation Services. (A) show the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services.

34 CFR 361.5(c)(30) Individual with a significant disability

34 CFR 361.36 Ability to serve all eligible individuals: order of selection for services.

34 CFR 361.36(a)(1)

34 CFR 361.36(a)(3)(v)

34 CFR 361.36(e)(3)

34 CFR 361.41(b) Processing referrals and applications.

34 CFR 361.42 Assessment for determining eligibility and priority for services.

34 CFR 361.42(a)(3) Presumption of eligibility for Social Security recipients and beneficiaries.

34 CFR 361.42(c) Prohibited factors

34 CFR 361.45(e) Standards for developing the individualized plan for employment.

34 CFR § 361.48 Scope of vocational rehabilitation services for individuals with disabilities.

34 CFR 361.48(a) Pre-employment transition services.

OAR 582-100-0005 Determination of Need for an Order of Selection

OAR 582-100-0011 Provision of Services under an Order of Selection

OAR 582-100-0021 Limited Exception for Maintenance of Employment.

Oregon portion of the Combined State Plan

FAQs for the State VR Agency's Election to Serve Eligible Individuals (regardless of an OOS) Requiring Specific Services or Equipment to Maintain Employment (i.e., job jeopardy) (c. 2020)

COVID-19: VR, AIVRS, and BEP Programs: Part 2 (FAQ-21-01) (10/16/2020) See Q2, page 2.

TAC-QE, Navigating Order of Selection – A resource for VR Agencies (2025)

VRTAC-QM Guide to Order of Selection (c. 2020)

ICAP Under Order of Selection:

Inclusive Career Advancement Program Purpose:

- The Inclusive Career Advancement Program, or ICAP Grant, helps individuals with disabilities train for and find employment in a high-demand field.
- Participants work with a team of disability and employment experts who help these individuals find their way to a career, not just a job. ICAP services are tailored to match individual interests, strengths, abilities, and employment needs.

ICAP Funding:

- The Oregon ICAP Grant is funded as a Disability Innovation Fund (DIF) Grant by the Rehabilitation Services Administration. This grant is scheduled to end 9/30/2026, with

Career Coaching ending 6/30/2026. This grant has the potential to end sooner if all client service dollars are expended.

- The ICAP Grant is funded outside of the VR Program. The ability to support and participate in these supports depends on the availability of these grant dollars. When all grant dollars are expended, this program will end.
- Clients enrolled in ICAP services through Oregon Vocational Rehabilitation must acknowledge that all ICAP funded supports will terminate upon the projected final date of the grant program, or sooner if all funds are exhausted.
- Under an Order of Selection, if an individual's ICAP funding ends, and the individual requests additional program services, then the individual will be placed upon the wait list (if applicable), based upon their disability priority category and date of application to the VR Program.

ICAP Eligibility:

- Individuals requesting services under the ICAP Grant must meet all regular VR Program eligibility requirements. These requirements are identified in the VR Program Eligibility Section of this manual.
- ICAP is only available for an individual with disabilities who meet all eligibility requirements for services under the Vocational Rehabilitation requirements.
- Additionally, ICAP participants must apply for and be interested in qualified training programs at a community college to achieve a two-year degree or career pathway certificate leading to employment.

Note: Services in the VR Program must be related to obtaining an employment outcome. Only education and training necessary to achieve employment, advance in employment or retain employment may be approved.

Request for ICAP services:

- ICAP career coaches at a participating community college refer individuals to the ICAP program.

- The colleges participating in the ICAP program include:
    - Blue Mountain Community College
    - Central Oregon Community College
    - Chemeketa Community College
    - Clackamas Community College
    - Columbia Gorge Community College
    - Klamath Community College
    - Lane Community College
    - Linn-Benton Community College
    - Mt. Hood Community College
    - Portland Community College
    - Rogue Community College
    - Southwestern Oregon Community College
    - Umpqua Community College
    - Treasure Valley Community College

Serving new ICAP clients in an Order of Selection:

The Disability Innovation Fund (DIF)-Plan:

- Individuals who apply for and are found eligible to receive ICAP services after the Order of Selection has been enacted must be put in a special plan referred to as a DIF-Plan.
- A DIF-plan is a unique plan for individuals who are engaged in ICAP services paid entirely by ICAP Grant dollars and are therefore exempted from the Order of Selection criteria.

Note: Individuals already in a signed Individualized Plan for Employment that are participating in ICAP Grant Services, are not required to be placed into a DIF-Plan. Only

individuals that are requesting ICAP supports not already in a signed IPE when the VR Program enters Order of Selection are required to be entered into a DIF-Plan.

Note: As the funding for the ICAP Grant exists outside of the regular VR Program allocation, ICAP participants are able to receive DIF funded services while assigned to a closed category while the Program is operating under an Order of Selection. No requirement exists to prioritize clients in this funding stream due to disability priority categorization or date of application.

- A DIF-Plan will expire upon the completion of the ICAP Grant Period (6/30/2026) or upon the exhaustion of all available client service dollars under this grant. The DIF-Plan must contain language clearly explaining the expected grant end dates and the possibility of early termination should the grant funding end or be expired.
- DIF-Plans may only include services reasonably expected to conclude prior to the expiration date of the grant period. Services expected to be required beyond the period of the grant's establishment may not be included in the DIF Plan.
- Under an Order of Selection, clients that will require services after the expiration of the grants period will be placed upon the Order of Selection Waitlist (if applicable) upon the grant's completion and will have a new IPE created once that individual is removed from the waitlist.
- Clients in a DIF-Plan may receive all plan services authorized under the ICAP grant. All VR services are available to DIF participants. There are no DIF services that are not a part of the VR program services.
- Clients receiving VR services under a DIF-Plan must sign an acknowledgement letter recognizing the time-limited nature of this plan due to the expiration of grant funding within the program.

ICAP Services under an Order of Selection:

- VR clients receiving services under the ICAP grant are eligible to receive all program services approved under the grant restrictions.

- Services to those served by a DIF-plan are time-limited to the period allocated by the grants funding.
- All ICAP plans must have information about ICAP funding and the possibility that funding may end before they reach their educational goal.

Prioritization of services under ICAP during an Order of Selection period:

- Due to both the finite nature of funds available under the ICAP Grant, and the time-limited duration of this grant, the VR Program may be required to make determinations as to prioritizations of funding for individuals seeking services under this grant.

Prioritization of funding will be given to individuals based upon their date of application to the VR program. If more than one client shares the same date of application, prioritization is given to those individuals closest to successfully completing their educational goal.

Information and referral:

Information and referral services are an inherent part of the VR process. These are focused sessions to connect the individual to needed services.

- Information and referral services are the act of making appropriate referrals to other agencies or providing information on how to access the resources that a potential participant may need.

VR is required to track and report the number of participants provided with information and referral as part of an Order of Selection.

- All referrals provided to participants must be documented in ORCA and reported in the Program's annual report.

Referrals are made to appropriate programs and service providers best suited to address the specific rehabilitation, independent living and employment needs of an individual with a disability (34 CFR § 361.5(c)(15)).

Before making the referral required, VR must—

- Explain to the individual that the purpose of the vocational rehabilitation program is to assist individuals to achieve an employment outcome (34 CFR § 361.42(a)(4)(i), 34 CFR § 361.5(c)(15)).
- Provide the individual with information concerning the availability of employment options, and of vocational rehabilitation services, to assist the individual to achieve an appropriate employment outcome (34 CFR § 361.52).
- Inform the individual that if they initially choose not to pursue an employment outcome now, they can seek services from VR at a future date. VR may serve them in the future if they choose to pursue an employment outcome (34 CFR § 361.5(c)(15)).

Information and referral to eligible individuals who are not served under Order of Selection criteria:

VR provides information and referral to individuals that apply to the Program, are eligible for services under the Program, or that already receive services with the program. This includes individuals who are waitlisted under the agency's Order of Selection. The Program:

- Provides accurate vocational rehabilitation information and guidance using appropriate modes of communication assists them to prepare for, secure, retain, advance in, or regain employment; and
- Refers individuals with disabilities to other appropriate Federal and State programs, including other components of the statewide workforce development system.

Assuring adequate, accurate information and referral for persons on the waitlist:

VR must provide adequate, timely and accurate information and referral information to individuals not able to be served by the VR Program due to an Order of Selection (34 CFR 361.37(a) and (c)). This means the VR staff counselor must:

- Refer the individual to local, federal, or state programs, including programs carried out by other parts of the statewide workforce development system, best suited to address the specific employment needs of that individual with a disability.
- The referral should include:
    - The name of the agency or program that is expected to provide the services.
    - A point of contact within the agency or program that the individual is being referred to when possible.
    - Information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment.

Document information and referral services to individuals on the wait list when in Order of Selection:

VR is required to report the number of eligible individuals who are not being served that are on the wait list during an Order of Selection, and who received information and referral (34 CFR 361.37(d)). The VR counselor must document in ORCA when an individual has received information and referral.

Counselors may access sample letters in ORCA to make referrals. Information and referral services provided must be documented in the individual's electronic file.

Note: When possible, the referral must include agency, point of contact or person in the other agency that the participant is being referred for as well as the services. (34 CFR 361.37(c)).

Participant contacts requirements while on the Order of Selection waitlist:

Regular updates about the Order of Selection are posted on the VR public facing website (Vocational Rehabilitation Services). This information includes:

- The status of priority categories;
- If available, estimates when individuals may be released from the waitlist; and
- Other information of particular interest related to the status of the Order of Selection.

Participants, partners, and interested parties are encouraged to check this resource regularly.

For individuals unable to access this information on the website, the VR program encourages these individuals to reach out to their local VR office for additional information.

Appropriate modes of communication:

As stated previously in the policy manual, individuals applying for rehabilitation services have the right to access documents and forms in the clearest and most effective mode of communication (for example, translator or interpreter services, or an alternate format).

Follow-up communication during the Order of Selection must also ensure appropriate modes of communication are used with the individuals on the waiting list.

Any information and referral are shared in the appropriate mode of communication for each individual.

Notification of release from the waitlist:

When the VR Program begins to release individuals from the waitlist, participants are identified at the statewide level based solely upon their disability priority category and their date of application.

Each month, individual branches are notified of the names of individuals that are to be removed from the waitlist.

- Release from the waitlist is based entirely upon the participant's disability priority category and their date of application, regardless of the branch they applied for services.

After the branch is notified, participants are assigned to a counselor caseload within three business days, and the notification process begins.

VR recognizes that not all individuals being released from the waitlist decide to pursue services when notified of their release from the Order of Selection.

- The number of new participants released from the waitlist in future months is partially dependent on how many participants choose to enter services when eligible to be released from the waitlist. Staff must be diligent in attempting to locate and determine a participant's intentions.

Once notified that a participant is released from the waitlist, the 90-day clock to enter plan begins. VR counselors have 90 days to enter a participant coming off of the waitlist into an IPE unless a valid plan extension reason is presented.

Individual is not available or cannot be reached:

If a participant cannot be reached or does not respond to a notification that they are released from the waitlist and are eligible to begin services, every effort must be made to contact the person in a timely fashion.

Unless the participant has previously expressed a different preferred form of communication, the branch must:

- Attempt to contact the individual first via both email and telephone if possible.
- If the person doesn't respond within five business days, a second attempt must be made using both email and telephone if appropriate.
- If the individual hasn't responded within five business days of the second attempt, a letter must be mailed to the individual's address on file.
- A third attempt to contact the individual via both email and telephone should be attempted as well.

No Contact NOPA under an Order of Selection:

If the individual does not respond within five business days of the third attempt, a No-Contact Notice of Proposed Action (NOPA) must be mailed to the individual in accordance with NOPA policies.

- This notice must inform the individual of the Program's attempts to contact them and the steps that have been undertaken to try to reach the participant.

- The notice must also state that if the individual does not respond to the NOPA within 30 days of receiving the notice, their case will be closed. If the individual again wishes to participate in VR services, they may apply for services at a later date. This case may not be reopened.
- If a participant does not respond to the No-Contact NOPA within 30 days, their case may be closed.

Additional dispute resolution rights under Order of Selection:

When the State Program enters into an Order of Selection, additional dispute rights are made available to individuals impacted by this decision. These rights are explained in Oregon Administrative Rules Chapter 582, Division 20.

The following topics are examples of items that may be challenged through the Dispute Resolution Process when operating under an Order of Selection.

Level of priority determination:

A participant's disability priority category level may be disputed. If an individual believes their disability priority category level is inaccurate, they may challenge this determination through dispute resolution processes.

Additionally, If a participant provides additional documentation that they feel changes their priority category, and after a re-evaluation their priority category does not change, the participant may challenge this determination through the dispute resolution processes.

Limited exception for imminent loss of employment:

If a participant does not receive an exception due to a potential imminent loss of employment, they may dispute the decision through the dispute resolution process.

Denial of additional services to maintain employment:

If a participant is provided with services to maintain employment and requests services beyond what the Program believes is necessary to maintain their current employment, the participant may dispute this decision through the dispute resolution process.

References:

34 CFR § 361.5(c)(15) Employment outcome

34 CFR 361.37(a) and (c) Information and referral programs.

34 CFR § 361.42 Assessment for determining eligibility and priority for services.

34 CFR § 361.42(a)(4)(i) Achievement of an employment outcome.

34 CFR § 361.52 Informed choice.

OAR Chapter 582 Division 20 Dispute Resolution and Review of Determinations of Rehabilitation Services

OAR 582 Division 100 Order of Selection for Vocational Rehabilitation Services

Fiscal

Federal Financial Reporting Requirements

Policy

Oregon VR must expend and account for federal awards to comply with all applicable federal and state laws and procedures. VR ensures that expenditures align with federal regulations by maintaining sound financial tracking systems. These systems support accurate reporting as required by the terms and conditions of the award.

The VR Program must manage grant funds according to the Grant Award Notification (GAN) and submit all federal reports on time as required.

Process

Oregon VR established internal control procedures and assurances for the federal reporting requirements. The assigned administrative positions are responsible for accessing, reviewing, and implementing the internal control procedures and reporting to the Rehabilitation Services Administration (RSA) in the given timeline.

The month prior to the submission deadline, the Program Manager (or designee) responsible for submitting the report states:

- what report is due and the due date,
- any applicable RSA updates related to the report,
- who must provide the data,
- who configures the report,
- who approves and certifies the report,
- when the report will be submitted, and

- other applicable requirements so that all executive management is informed of the deadline and requisites.

The assignments are as follows:

Report	Report name, assignment, due date
ETA-9169	WIOA Statewide Annual Performance is assigned to the ORCA Data & IT Manager. This report is submitted annually by October 1.
RSA-911	Performance of the VR Program is assigned to the ORCA Data & IT Manager and is submitted quarterly: by November 15, February 15, May 15, and August 15.
RSA-17	Financial & Programmatic Performance is assigned to the Business Operations Manager and is submitted semi-annually. April 30 and October 30, with the final report submitted by January 28 (30 days after the end of the reporting period if the report is not the final report; and 120 days after the end of the reporting period if the report is the final report).
SF-425	Financial & Programmatic Performance is assigned to the Business Operations Manager and is submitted annually by October 30. The final report must be submitted no later than 90 days after the period of performance.
ED 80-0013	Certification Regarding Lobbying is assigned to the Director of VR and is submitted annually by September 1.
SF-424D	Assurances-Construction Programs is assigned to the Director of VR and is submitted annually by September 1.

RSA-692	Grant Reallotment is assigned to the Business Operations Manager and is submitted annually, by August 15.
RSA-722	Resolution of Appeals is assigned to the Policy Manager and is submitted annually by December 30.

Responsible Staff

- VR Business Operations Manager
- Youth Manager
- Data and IT Manager
- Policy Manager
- VR Director
- VR Executive Management
- Quality Assurance Team
- Project Manager

RSA Prior Written Approval

Policy

Rehabilitation Services Administration (RSA) approval must be obtained prior to incurring certain costs that are subject to the RSA prior written approval mandate. This federal requirement is in addition to VR's established State and Program procurement processes and procedures.

Process

VR personnel must address all state and program procurement processes and determine if RSA prior written approval is required prior to obligating any funds. If RSA

prior written approval is required, requests should be complete and submitted to RSA no later than 30 days before the proposed obligation.

Most of the required categories are Administrative in nature, with few instances that require action from non-management Direct Services personnel.

This approval does not absolve VR personnel from completing other established and required State and Program procurement processes and procedures.

The following categories are applicable to Oregon VR and require RSA prior written approval before any program funds are obligated:

- Compensation - personal services;
- Compensation-severance;
- Cost sharing;
- Equipment and other capital expenditures;
- Fines, penalties, damages, and other settlements;
- Fundraising and investment management costs;
- Goods or services for personal use;
- Insurance and indemnification; *
- Organization costs;
- Pre-award costs;
- Rearrangement and reconversion costs;
- Revision of budget and program plans (DIF only)
- Travel costs.

Note: Oregon VR is prohibited from the purchase of vehicle insurance. VR may reimburse a client for vehicle insurance under limited circumstances. See: Oregon Administrative Rule 582-070-0025, and Vehicle Purchase and Modification section of the policy manual for guidance.

In addition, the program has decided that Chamber of Commerce membership requests will continue by means of the RSA prior approval form. The form will be used internally to track and verify that chamber memberships are meeting VR requirements, and approval will be granted by the VR Business Operations Manager. Therefore, Administrative Specialists will submit the form with a price quote and a letter from the chamber explicitly stating they will not use the funds for any lobbying activity.

RSA continues to provide an exception to prior written approval for equipment purchases under an approved IPE for the eligible participant.

Equipment, in this context, means any tangible personal property having a useful life of more than one-year and a per-unit cost of $5,000 or more. The per-unit cost may include ancillary charges, as applicable (taxes, duty, freight, freight insurance, installation). This exemption does not include capital expenditures.

Examples of equipment may include (but is not limited to):

- Adaptive equipment
- Rehabilitation Technology
- Technology equipment and systems
- Vehicle modifications

Procedures

Direct Service Managers and Administrative Managers & Personnel: RSA prior written approval is required for all stated categories.

> Direct Service Managers and Administrative Managers & Personnel: RSA prior written approval is required for all stated categories.

- Compensation - personal services;
- Compensation-severance;
- Cost sharing;

- Equipment and other capital expenditures;
- Fines, penalties, damages, and other settlements;
- Fundraising and investment management costs;
- Goods or services for personal use;
- Insurance and indemnification; *
- Organization costs;
- Pre-award costs;
- Rearrangement and reconversion costs;
- Revision of budget and program plans (DIF only)
- Travel costs.

Direct Services Personnel: RSA prior written approval is required if an eligible individual's proposed equipment purchase of $5,000 or more is not included in an approved individualized plan for employment (IPE). Purchases of client equipment prior to a signed IPE should be rare. Equipment cost cannot be fragmented into smaller pieces to avoid submission for RSA prior written approval. The per-unit cost may include ancillary charges, as applicable (taxes, duty, freight, freight insurance, and installation).

See RSA Prior Written Approval Procedure Toolkit and Request Process.

When RSA prior written approval is required, personnel will complete the RSA prior written approval request form and submit the form to the Business Operations Manager for review. Attach other required documentation, as applicable.

Prior to submittal, basic considerations are required to determine if the request is allowable, reasonable, allocable, and necessary. If there are uncertainties, contact vr.businessoperations@odhs.oregon.gov.

Requests should be completed and submitted no later than 30 days before the proposed expenditure. Proposed capital expenditures, construction, and establishment

projects take longer to review depending on the complexity of the project, therefore allocate more lead time. RSA will respond in writing with their decision. The Business Operations Manager will notify the appropriate VR personnel of the approval.

It is important to understand that RSA's approval of a proposed expenditure does not mean it is allowable and allocable. When RSA grants prior written approval, it does so based on the information provided by VR. RSA cannot be responsible for knowing the underlying facts of the expenditure and VR must maintain appropriate documentation.

References

2 CFR 200.407 Prior written approval (prior approval)

2 CFR Part 200 Subpart E - Basic Considerations

DCL-24-05 Prior Written Approval Guidance for Formula Grant Programs

Administered by the Rehabilitation Services Administration. (10/1/2024)

VRTAC-QM 2025 Prior Approval Resource Tool

Indirect Costs

Policy

Oregon VR must ensure indirect cost charges are reasonable, allocable, and that all costs budgeted or reimbursed are allowable. Indirect costs are defined, assigned, and treated consistently.

Oregon VR, a program under Oregon Department of Human Services (ODHS), utilizes the ODHS Cost Allocation Plan that is distributed through the Office of Financial Services (OFS). The Oregon Public Assistance Cost Allocation Plan (PACAP or Plan) provided by OFS describes the procedures used to identify, measure, and allocate costs incurred in support of programs administered by Oregon Department of Human Services (ODHS).

The assigned Federal Cognizant Agency is the Department of Health and Human Services.

Process

Oregon VR established internal control procedures and assurances for indirect costs. The assigned administrative positions are responsible for accessing, reviewing, and implementing the internal control procedures. In addition to the indirect internal control, responsible staff should review the Cost Allocation Guide for State and Local Governments Section VII.

Oregon VR utilizes the ODHS cost allocation plan that ensures expenses are allocated consistently. This plan is updated annually and located on the Office of Financial Services internal webpage. The plan details the methodologies used to allocate costs and utilized to maintain transparency and accountability in the use of vocational rehabilitation funds.

The Oregon Department of Administrative Services (DAS) operates and maintains the Relational Standard Accounting and Reporting System (RSTARS), a comprehensive statewide financial management system commonly referred to as the State Financial Management Application (SFMA). SFMA is the official financial management system of ODHS.

SFMA is designed to accumulate financial information using a formal data classification structure. Individual accounting events are assigned a series of classification elements to completely identify the accounting impact of each transaction. After entry into the system, the classification elements facilitate the summarization of the data in a variety of ways, serving as the primary means through which SFMA can produce financial information.

Oregon VR is tasked with the responsibility of assigning expenditures as direct or indirect costs as defined in 2 CFR 200, and ensuring these costs are allowable.

Indirect costs (see definition) refers to reasonable, allocable, and allowable expenses that are not directly tied to the provision of services but are essential for supporting those services. Indirect costs are defined and applied consistently. These costs are typically common in purpose and equitably beneficial to multiple cost objectives. These expenditures can include costs such as: ODHS Shared Services (e.g., IT, HR, etc.), other administrative costs, salaries for supervisory staff, and overhead expenses that facilitate the delivery of services. In general, these expenses do not require RSA prior approval and cannot be included in a direct cost recovery or reimbursement. When proposed indirect costs are included in contracts, interagency agreements, memorandums of understanding, etc., Oregon VR will review and ensure that the indirect costs included in the agreement, are determined as allowable. (See Reasonable Costs internal control for discussion on Allowable, Documented, Reasonable, Allocable, and Necessary (DRAAN)).

Responsible Staff

- VR Business Operations Manager
- OFS-VR Grant Accountant
- Office of Financial Services
- Office of Contracts and Procurement
- Contract Administrator(s)
- Agreement Writer(s)

Contract Administration

Contract administration is the management of all actions that ensure a contract between an agency and a contractor is satisfactorily performed and the responsibilities of both parties are properly executed. Effective contract administration minimizes or eliminates problems and potential claims and disputes.

VR staff training requirements for contract administration

All VR staff members involved in contract administration must complete the Department of Administrative Services (DAS) Contract Administration Training Certificate prior to signing or administrating any aspect of a contract.

A copy of the training certificate must be provided to your supervisor.

- These trainings are available on the Workday platform under training.

Note: Authorizations for Payment (AFPs) are considered contracts. Anyone involved in the signing of an AFP, authorization of an AFP, or the payment of an AFP must complete the Contract Administration Training Certificate.

VR staff members may **not** engage in any potential solicitation or contracting discussions with any vendor prior to meeting and coordinating this effort with the VR Contracts Team

Contract Administration Plan

Prior to entering into any new contract, VR Staff must complete a Contract Administration Plan for each individual contract.

This form is available on the Oregon DAS Forms, Templates and Guidance Library website.

Note: A Contract Administration Plan is not required to issue an Authorization for Purchase (AFP).

The Contract Administration Plan includes:

- Information on the summary and scope of services to be covered by the contract,
- A listing and schedule of the expected contract deliverables,
- A contract risk management plan,
- A contract performance management plan,
- A contract monitoring plan, and

- A contract closeout plan.

Contract Risk Assessment:

A Contract Risk Assessment must be completed for each individual contract separately.

This assessment must be completed to determine the appropriate insurance requirements specified in the contract.

Note: A Contract Risk Assessment is not required to issue an Authorization for Purchase (AFP).

The risk assessment process evaluates risks associated with executing a contract. It transfers risk by requiring the contractor to purchase appropriate insurance and secure a bond. Risk transfer language is generally contained in the DAS purchasing contract templates.

Contacts with greater than normal risk:

If there is a greater than normal possibility of risk associated with a contract, a risk evaluation must be performed through the State Department of Justice.

OAR 137-045-0015 requires contract administrators to submit Contracts and Amendments to the Department of Justice for legal sufficiency approval when:

- The contract exceeds $150,000, or
- The amendment adds funds so that the amended contract exceeds $150,000 (or adds $150,000 since the last legal sufficiency review).

Note: Contract administrators shall not fragment or segregate transactions for the purposes of circumventing the legal sufficiency approval requirement.

Contract insurance requirements:

Contract insurance requirements must be determined for each separate contract using the contract risk assessment tool.

Note: Similar or like contracts may not always need the same insurance requirements and must be evaluated independently.

Note: Contract insurance is not required to issue an Authorization for Purchase (AFP).

Staff must use the contract risk assessment tool and contract insurance templates to determine insurance coverage requirements.

If the contract insurance template determines that insurance coverage is not required, you may delete the requirement from the contract language.

Note: when using the insurance template, you may only delete language where "not required" is indicated.

VR staff cannot modify or delete the following sections:

- The opening paragraph (except to modify to show the actual section or exhibit number).
- Workers' compensation & employers’ liability
- Excess or umbrella insurance
- Additional insured
- Waiver of subrogation
- Tail coverage (coverage to extend the time to report a claim after the claim’s made policy has ended).
- Certificate(s) and proof of insurance
- Notice of change or cancellation
- Insurance requirement review
- State acceptance (except to modify to show the actual section or exhibit number.

Contract Monitoring:

The contract administrator is responsible for performing the monitoring component for each contract.

The contract's monitoring plan is established using the Contract Administration Plan. This plan identifies what items within the contract are required to be reviewed and the frequency of review.

- A contract monitoring plan is not required for an Authorization for Purchase (AFP). However, the AFP must indicate the required deliverables and any reports due.

Program contract monitoring requirements:

VR monitors contracts, including purchases and reimbursements, under its federal award to ensure actions between VR and contractors are satisfactorily performed, the responsibilities of both parties are properly executed, and VR demonstrates compliant contract practices.

At a minimum the monitoring plan requires a review of the following items:

Deliverables

- Deliverables are specified in the contract monitoring plan.
- Deliverables include contractor reports and report requirements.

Performance measures

- Performance measures are identified in the contract monitoring plan.
- The contract monitoring plan must describe the method of analyzing and evaluating the contractor's performance.

Service level agreements

- Service level agreements will be identified within the contract monitoring plan.

Contract outcomes

- The contract monitoring plan must specify the outcome requirements and how they will be evaluated.

Insurance requirements

- This includes an annual verification if the contract exceeds one year.

Training, licenses, or certificates

- Provide information on the required training, licensing or certifications needed by the contractor.

The contract monitoring plan must also include information on how the following items are validated:

Spend to date record.

- A record of the contract's spending to date.
- This includes identifying a process of monitoring invoices and payments to the contractor over the life of the contract.

Remedies

- Remedies are actions that address contractor non-compliance or sub-standard performance.
- The contract monitoring plan must describe the plan to address non-compliance with the contract's terms. It describes methods to address sub-standard performance related to deliverables, reports, or outcomes.

Contractor requirements:

Permission needed for contract template language revision.

Contractors may not revise any of the template language without permission or review by DAS Risk Management.

Proof of insurance

The contractor must provide proof of the required insurance prior to the execution of the contract.

The contractor's insurance must be rated at least "A."

- This may be verified at https://web.ambest.com/home.

SAM.GOV registration:

Contractors must register with SAM.GOV**.** Contract administrators must verify this information prior to executing a contract.

- The registered contractor has a UEI (Unique Entity Identifier number).
    - If they don't have one, they need to register with SAM.
- The VR Contract Administrator must run this check to verify they are not debarred or excluded from doing business with the state.

Oregon business license requirement for contractors:

Contractors must be registered with the State of Oregon and have a valid business license.

References:

OAR 137-045-0010 Definitions

OAR 137-045-0015 Legal Sufficiency Approval

Oregon Department of Administrative Services. Contracts and Risk Assessment Overview.

Oregon Department of Administrative Services. Contract Insurance Requirement - Tool, Templates & Tool Training.

Oregon Department of Administrative Services. Definitions of Terms Used with Insurance.

Oregon Department of Administrative Services. Forms, Templates and Guidance Library.

Oregon Department of Administrative Services. What is Contract Administration?

Appendix 1: VR history, context and regulations

The legislative history of the Vocational Rehabilitation Program:

The history of Vocational Rehabilitation can be traced back more than 75 years. It has taken many forms over those years and has gradually morphed and grown into the agency we all work in today.

Keep in mind that, while VR is a federally established and funded program, the actual administration of the program is done at the state level, and each state is handled a little bit differently. What may be allowed in one state may not always be allowed in another.

The VR Program is housed within different state programs depending on how the individual states choose to manage the program. In some places. VR is housed within the Oregon Department of Human Services, while in others it may be located within the state's Department of Education, Department of Labor or even be an independent agency all on its own.

These differences mean that great care must be taken when comparing how one state does things with how we in Oregon provide services. The following examples provide an overview of the major pieces of federal legislation that have gotten us to where we are today.

Soldiers Rehabilitation Act of 1918

The first real federal steps toward providing employment training and support for people with disabilities were taken. This Act was primarily aimed at serving injured veterans from World War One to help them prepare for jobs that would match their abilities.

Civilian Rehabilitation Act of 1920

This Act mirrored the Soldiers Rehabilitation Act of 1918. This law began authorizing vocational rehabilitation services for non-veterans.

This Act basically established vocational rehabilitation as an entity by authorizing services related to vocational guidance, training, occupational adjustment, prosthetics, and placement services. However, these services were limited to persons with physical disabilities; it did not include physical restoration or social orientation rehabilitation.

The Vocational Rehabilitation Amendments (Barden-LaFollette) Act of 1943

This act increased VR services to include individuals with mental illness and intellectual and developmental disabilities.

It also specifically allowed for the purchase of hearing aids, wheelchairs, and surgery to correct physical deformities.

The Vocational Rehabilitation Amendments of 1965

The 1965 amendments allowed VR to help individuals with drug abuse problems, alcoholism, lack of education and prison records while removing economic need as a general requirement for services.

The Rehabilitation Act of 1973

The Rehabilitation Act of 1973 completely revised the previous versions of this legislation and became the first legislation to begin to really address equal access for individuals with disabilities through the removal of architectural, employment and transportation barriers.

The Rehabilitation Act of 1973 also established the Rehabilitation Services Administration and created the Individual Written Rehabilitation Plan.

Additionally, Section 504 of The Rehabilitation Act of 1973 prohibited discrimination because of physical and mental handicaps in programs receiving federal funds.

The Americans with Disability Act (ADA) of 1990

The Americans with Disabilities Act guarantees the rights of persons with disabilities to equal access to employment (Title I), government services including transportation (Title II), public accommodations (Title III), telecommunications (Title IV) and other services such as insurance (Title V).

This act is based upon the premise of inclusion, integration, accommodation, and accessibility for all.

Workforce Investment Act of 1998

The Workforce Investment Act established a coordinated system of federal aid programs for vocational education, adult education, and job training at state and local levels.

It created statewide and local workforce investment systems designed to increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants.

Workforce Innovation and Opportunity Act of 2014

The Workforce Innovation and Opportunity Act (WIOA) replaced the Workforce Investment Act and made sweeping changes to the nation’s workforce systems. It was designed to help job seekers gain access to employment, education, training, and support services.

Additionally, it emphasized youth and high school transition programs and aimed at removing barriers to employment for those with disabilities.

The VR Ecosystem:

As mentioned earlier in this guide, the Vocational Rehabilitation Program is a federally established and funded program. However, each state determines independently how to administer their individual programs.

Here in Oregon, we are housed within the Oregon Department of Human Services. This section traces the leadership of the program from the very top of the federal pyramid all the way down to our own state program.

Let's start with the U.S. Department of Education. It is within this federal agency that the most senior decisions affecting the VR Program begin.

The U.S. Department of Education

The Department of Education has a mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The Secretary of education is the principal adviser to the president on federal policies, programs and activities related to education in the United States.

The deputy secretary of education reports to the secretary of education and is responsible for overseeing three programs within the U.S. Department of Education:

- Office of Elementary and Secondary Education
- Office of English Language Acquisition
- Office of Special Education and Rehabilitative Services, which administers the VR Program.

Office of Special Education and Rehabilitative Services (OSERS)

OSERS develops and implements policy and legislation that directly affects individuals with disabilities and their families. OSERS lives within the U.S. Department of Education.

OSERS is made up of two main programs that report to the Office of the Assistant Secretary. The assistant secretary reports to the U.S. deputy secretary of education. These programs include the:

- Office of Special Education Programs (OSEP), and
- Rehabilitation Services Administration (RSA)
- The VR Program falls under RSA.

Rehabilitation Services Administration

The RSA commissioner leads the RSA. The RSA commissioner reports to the OSERS assistant secretary.

The Rehabilitation Services Administration (RSA) provides leadership and resources to help state and other agencies provide vocational rehabilitation and other services to individuals with disabilities to maximize their employment, independence and integration into the community and the competitive labor market.

RSA is comprised of these seven separate programs:

- Disability Employment programs
    - State Vocational Rehabilitation Services Program
    - State Supported Employment Services Program
    - American Indian Vocational Rehabilitation Services
    - Randolph-Sheppard Vending Facility Program
- Advocacy programs
    - Client Assistance Program (CAP)
    - Protection and Advocacy of Individual Rights (PAIR)
- Independent Living Program
    - Independent Living Services for Older Individuals Who Are Blind (IL- OIB)

- Technical Assistance Centers
    - American Indian Vocational Rehabilitation Services Training and Technical Assistance Center (AIVRS-TAC)
    - National Technical Assistance Center on Transition for Students with Disabilities: The Collaborative (NTACT:C)
    - Older Individuals who are Blind Training and Technical Assistance Center (OIB-TAC)
    - Vocational Rehabilitation Technical Assistance Center for Quality Management (VRTAC-QM)
    - Vocational Rehabilitation Technical Assistance Center for Quality Employment (VRTAC-QE)
- Training programs
    - Rehabilitation Training: Long-Term
    - Rehabilitation Training: Short-Term
    - Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who are Deaf-Blind
    - Innovative Rehabilitation Training
    - National Clearinghouse of Rehabilitation Training Materials (NCRTM)
    - Braille Training
    - Parent Information and Training
- Demonstration programs
    - Career Pathways for Individuals with Disabilities Model Demonstrations
    - Disability Innovation Fund: Transition Work-Based Learning Model Demonstrations
    - Disability Innovation Fund: Career Advancement Initiative Model Demonstration Project

    - Disability Innovation Fund: Automated Personalization Computing Project (APCP)
- Underserved Populations
    - Traditionally Underserved Populations Program

State Vocational Rehabilitation programs

The State Vocational Rehabilitation (VR) Services Program is authorized by the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA).

RSA provides funding and oversight to enable states to operate their VR programs. In the United States, there are:

- 78 separate vocational rehabilitation agencies
- 22 general VR agencies
- 22 Blind VR agencies
- 34 combined VR agencies

As discussed, the VR programs may be housed within different state agencies depending on how the state government is structured. In some states, VR is a stand-alone agency.

At a state level, VR is frequently housed within:

- State Department of Education
- State Department of Labor
- Department of Human Services

Oregon Department of Human Services (ODHS)

The Oregon Department of Human Services (ODHS) is Oregon's principal agency for helping Oregonians achieve well-being and independence through opportunities that

protect, empower, respect choice, and preserve dignity, especially for those who are least able to help themselves.

ODHS is comprised of six program areas:

- Aging and People with Disabilities
- Intellectual/Developmental Disabilities
- Child Welfare
- Self-Sufficiency Programs
- Vocational Rehabilitation
- Agency Administration

Oregon Vocational Rehabilitation (VR)

Oregon Vocational Rehabilitation is a program in the Oregon Department of Human Services (ODHS) agency.

Oregon VR is comprised of a central office responsible for overseeing the administration of the program and three regions that provide oversight of 44 individual branch offices.

Oregon VR Administration

- Director
- Deputy Director
- Business Operations
- Policy and Compliance
- Training
- Workforce
- Youth

- Deputy Director of Direct Services
- Regional Managers
- Branch Managers

Statewide Rehabilitation Council

The Statewide Rehabilitation Council is a federally required stakeholder organization.

The Oregon State Rehabilitation Council (SRC) is a group of 15 to 25 consumers, advocates, and business and community representatives. They are appointed by Oregon's Governor to advise Vocational Rehabilitation (VR) in developing, implementing, and reviewing rehabilitation service delivery for Oregonians with disabilities.

VR works closely with this group to plan and collaborate on policy and procedures that affect the individuals that VR serves.

Additionally, the SRC provides input and assistance with developing the VR program's yearly state plan and with the Comprehensive Statewide Needs Assessment.

Statewide Independent Living Council (SILC)

The Statewide Independent Living Council (SILC) is a Governor-appointed council with as many as 21 members. SILC is closely aligned with Vocational Rehabilitation. The council's role is to evaluate what works and doesn't work within the State Independent Living Program, and then to pull together partners to adjust the program so its services are effective in meeting the needs of Oregonians who may use independent living services.

Where does VR policy and guidance come from:

Note and a word of caution and advice: Rarely is a rule clear-cut. Taking a single rule out of context can be hazardous to your professional livelihood.

Normally you need to apply different sections of a rule, or even multiple rules, to reach a clear decision on what to do.

Rules, especially federal rules, are usually written to allow the greatest degree of flexibility. The result is that the branch managers and staff working directly with and plan with individuals with disabilities may find the rules to be “gray” and require interpretation.

Creating a rule that is very prescriptive in nature severely limits the way it can be used and often creates unintended consequences or even disadvantages for the people it was intended to help. For that reason, rules are usually written to allow interpretation at the lowest level possible while still providing a legal framework for the system to operate.

Interpreting regulations:

Interpreting is the art or process of determining the intended meaning of a written document, such as a statute, an act, or an administrative rule.

A large part of the policy team’s work is spent interpreting federal and state rules and regulations. This may require drawing together numerous sources of information and learning to put each individual piece into a larger picture to provide context. Interpretation must consider the text or language of the regulations, the broader concepts that must be applied to services, and the intent of regulations.

For every question staff pose, there is often not a single specific answer to the question that would apply in every circumstance.

Almost all policy responses are specific to the circumstances of the individual case. This is evidenced by the many technical assistance documents that the Rehabilitation Services Administration has produced over the years.

The policy team is frequently asked to provide the specific location and citation to support a policy decision, or “Show me the rule.” Sometimes this is challenging

because the answer may be the result of integrating different regulations, public comment, and federal response to proposed regulations, sub-regulatory interpretation and consultation with subject matter or legal experts.

Staff are further frustrated when the answers change with the philosophical shifts that occur over time.

Hierarchy of rules, regulations and policy affecting Vocational Rehabilitation:

Code of Federal Regulations

Updated annually, the Code of Federal Regulations (CFRs) are 50 volumes of permanent rules made by the executive departments and agencies of the federal government.

For VR, the Office of Special Education and Rehabilitative Services (OSERS) is responsible for updating and managing CFR governance for the State Vocational Rehabilitation Programs.

34 CFR § 361 covers state Vocational Rehabilitation programs. 34 CFR § 361 is subdivided into six subparts:

A: General 361.1–361.5

B: State Plan and Requirements for VR Services 361.10–361.57

C: Financing of State VR Programs 361.60–361.65

D: Unified/Combined State Plans Under Title I of WIOA 361.100–361.145

E: Performance and Accountability Under Title I of WIOA 361.150–361.240

F: One-Stop Delivery System under Title I of WIOA 361.300–361.900

Federal notifications

Federal regulations change or are added. In most cases, the public is invited to comment on and ask questions about them.

Notices are found in the Federal Register.

After the federal regulations call for public comment on regulatory changes or interpretations, the regulatory agency responds to these comments.

Federal agency responses can explain the intent of the changes or interpretations of the final rules. Some examples from the Final Joint Rules for the Workforce Innovation and Opportunity Act are:

- State Vocational Rehabilitation Services Program: State Supported Employment Services Program; Limitations on Use of Subminimum Wage; Final Rule (regulations that impact Vocational Rehabilitation)
- Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule (discusses the unified and combined state plans and performance accountability that apply to all public employment programs under this act)

Sub-regulatory guidance

Sub-regulatory guidance is what regulatory agencies often use to announce policy, establish agency procedures, or provide an interpretive gloss on what may be ambiguous statutory or regulatory provisions.

Examples of sub-regulatory guidance that VR may encounter include:

- Notices in the Federal Register
- RSA Technical Assistance Guides (TAGs)
- RSA Frequently Asked Questions (FAQs)

A good example of this is the May 2020 FAQ. RSA stated here there was no federal requirement to have an applicant's signature for an application to have been submitted.

While this guidance does not appear in a rule or regulation, this FAQ serves as sub-regulatory guidance that provides a federal agency's intent or interpretation without having to amend or rewrite rule.

Sub-regulatory guidance may be published at any time and without much notice or fanfare.

Executive orders

Executive orders are directives issued by the state governor and have the same authority as law. Like sub-regulatory guidance, there is no specific schedule on when an executive order may be issued. They are generally published as needed by the Governor as required to address narrow and specific purposes.

A good example for VR to be aware of is Executive Order 13-04 that specifies actions, requirements, and targets for increasing employment of individuals with intellectual and developmental disabilities, to be implemented by the Oregon Office of Developmental Disability Services, Office of Vocational Rehabilitation Services, and Oregon Department of Education

Additionally, Executive Order 15-01 revised and superseded Executive Order 13- 04 to provide further policy guidance around supported employment services to persons with intellectual and developmental disabilities and a substantial reduction in employment in sheltered workshops.

State statutes

State statutes are the written laws passed by a legislative body for governance of the state. Oregon uses the Oregon Revised Statutes (ORS). The ORS is revised and published every two years following legislative sessions. There is not a specific ORS that

applies directly to the state VR Program. However, there are several that a VR counselor may be interested in: ORS 409, 411 and 344 come to mind.

- ORS 409 addresses the Oregon Department of Human Services
- ORS 411 addresses Public and Medical Assistance Programs
- ORS 344 addresses Education Related to Employment

Oregon Administrative Rules (OAR)

Oregon Administrative Rules are the regulatory guidance created by state agencies for the administration of their programs. These rules carry the force of law and are filed with the Oregon Secretary of State's Office.

These rules may be updated annually. Any temporary or emergency rule updates are published monthly as an "Oregon Bulletin."

OAR 582 serves as the administrative rule foundation for Oregon VR. There are currently 17 divisions that make up VR administrative rule.

Division 1 – Definitions

Division 10 - State standards for providers of community rehabilitation services

Division 20 - Dispute resolution and review of determinations of rehabilitation services

Division 30 - Confidentiality of client information and release of information

Division 50 - Referral, application, and eligibility for vocational rehabilitation services

Division 60 - Termination of vocational rehabilitation services

Division 70 - Standards for provision of services and rates of payment

Division 72 - Supported services

Division 75 - Rates of payment — medical Division 80 - Vendor selection policies

Division 85 - Standards for independent living service providers Division 90 - Certification of disability

Division 100 - Order of selection for vocational rehabilitation services

Division 115 - Services to persons with disabilities of receiving subminimum wage.

Division 120 - Self-employment

Division 150 - Transition services/coordination for students and youth with disabilities

Division 190 - Employer services and training

Worker guides and manuals

Worker guides and manuals are frequently published to provide an easier to read reference that offers clarification and understanding for field staff.

These documents are frequently published as attachments to more complicated policies and serve as the agencies' interpretation of how to perform a task or function without the legalese or more formal language often required in a policy or regulation.

In some instances, manuals such as the "Quality Assurance Manual" may serve as the guiding directive for agency operations. In those instances, the manual may carry the same legal authority as a more formal policy or rule.

Caution should always be used when referring to a manual or worker guide because they may be superseded by a newer transmittal, policy, or rule.

These documents may not always be updated as frequently as the agencies' policies and OARs. When there is a conflict between guidance provided by a manual and by a transmittal, the more recent document should take precedence.

Oregon administrative rule changes

When the Oregon administrative rules for the Vocational Rehabilitation program change, there are two avenues to make those changes. Change can occur using the "temporary" rule, the "permanent" rule, or both.

Temporary rules

Temporary rules may be used when an emergent issue arises and must be addressed quickly. A temporary rule is enacted when a state agency or a program within that agency must respond an event that precludes the agency from going through the regular process of rulemaking. A temporary rule is submitted to the State Secretary of States Office and is in effect for no longer than 120 days or until the program completes the process of making the rule permanent.

The current temporary rule, OAR 582-070-0020 Specific policies addresses academic and vocational training. It was amended 7/18/2025 and may be in place as long as 120 days (or 1/13/2026). The VR Program began the process of permanent rule making and anticipates completing the permanent rule enacted prior to 1/13/2026.

Temporary rules cannot be granted an extension. A permanent rule can be implemented during the period that the temporary rule is in effect. This would end the temporary rule.

Permanent rules

The process to put a permanent rule in place has multiple steps. Broadly the process to create a permanent rule includes these steps:

- Drafting the rule (which includes multiple rounds of examining the rule from many perspectives within the program and checking federal and state rules and law)
- There are times when the Department of Justice is engaged to assist with developing, reviewing or consulting on rules.

- A formal notice to Tribal entities to explain the need for the changes and invite consultation (with a waiting period for beginning the rule advisory committee)
- Reviewing the draft with the VR- SRC Policy Committee and allowing the full State Rehabilitation Council to review. This may include inviting Tribal VR program staff and members of other programs that interface with VR to provide services.
- The Program invites volunteers from the community to become rule advisory committee members. Staff orient the volunteers. Then the volunteers are employed as a rule advisory committee.
    - The RAC must address the impact of the rules on racial equity and small business. Provide a summary of the conversation.
    - Data may be requested to supplement the comments and any reputable reports and research related to equity issues may be examined and become part of the notice.
    - Sometimes there is more than one rule advisory committee meeting to better assure small business has an opportunity to comment.
- The final proposed language is reviewed inhouse. Methods to gather public comment are explored and discussed. This rule(s) and the information from the rule advisory committee meeting is processed to create a notice of the permanent rule making through the Oregon Secretary of State OARD.
    - Once submitted the notice is published in the next monthly Oregon Bulletin.
    - The Secretary of State automatically submits each rule to the Legislative Council for review. The Legislative Council may contact the rule coordinator with questions or ask for clarification. (This has been very rare for VR.)

The VR Rules and Regulations website is updated with information about:

- An announcement that summaries the changes and how to be involved in review.

- The rule(s) to review.
- Public hearings or other methods to engage with the public for the purpose of receiving comment on the rule(s), and
- Other means to allow comment (create and monitor an electronic form to gather comments). Arrange access for public hearing participants.
- Any documents shared must meet agency style requirements and be accessible as required by the Americans with Disabilities Act. (See Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments. 4/8/2024)

In addition,

- Announcement of the changes to the rules are shared broadly. Legislators are alerted.
- The public hearings and comment period are completed. A summary of any comments is made. These are reviewed and it is determined whether to make changes to the rule(s) and a date is set to make the rule(s) permanent.
- The rule(s) is made permanent, and another announcement summarizes any and all changes to the rule(s) and is shared broadly. (Typically, the announcements are sent to more than 5,000 emails.)

In 2024 discuss began about requiring consistent rule coordination across state agencies. In 2025, the Governor established new requirements for rule coordinators to share information about the rule process.

VR has provided communication about rulemaking for more than a decade. These efforts include:

- The Vocational Rehabilitation Rules and Regulation website contains rule making information and is available 24/7.
- Anyone may sign up for the VR Program rulemaking announcements about any changes in administrative rules and policy.

Monitoring rules

Oregon is one of a handful of states that allow agencies that allow the state agencies and the programs within those agencies, to create administrative rules. Most states require that the administrative rule changes must go through the Legislature to be finalized.

However, the Oregon Legislature requires agency rulemaking reporting annually.

Permanent rule report

Agencies (and the programs within them) must submit a report to the legislature by February first of each year. The agency (and its programs) reports the number of permanent rules that are new (adopted), amended or repealed during the previous twelve months.

Temporary rule report

Temporary rule making reports are more extensive. During the previous 12-month period, the agency (and its program) must report:

- The number of temporary rules
- A list of the temporary rules
- A statement of need for each rule and findings on why failure to act promptly would result in serious prejudice to the public or concerned parties, and
- Provide an explanation for each rule why the temporary rulemaking process was the most appropriate method for rulemaking and why permanent rulemaking was not used.

Five-year review of new rules

In addition, new rules by the agency (and its programs) need to be reviewed within five years of their adoption. There is particular interest in this evaluation if the impacts to small business were accurate.

Appendix 2: Steps before and during Order of Selection

Steps Oregon must follow before and during Order of Selection

Step 1. Prior to implementing Order of Selection

1. Fiscal Forecasting (34 CFR §361.36(a)(2))
2. Cost Containment (34 CFR §361.36(e)(4); 34 CFR § 395.14)
3. Assessment of Staff Resources (34 CFR §361.36(a)(2))
4. Consultation with the State Rehabilitation Council (34 CFR §361.36(c)(2) ;(f))
5. Policy reviews and/or preparation (Section 101 (a)(5)(D) of the Rehabilitation Act of 1973, as amended by WIOA (Act))
6. Identify tracking mechanisms for costs, staff time, caseload size, etc.

Step 2. Establish Order of Selection

1. The State VR agency must finalize its OOS Policy (34 CFR §361.36(a)(3)(v), (d), (f)(2)(3); 34 CFR §361.37; 34 CFR §361.5(c)(30)
2. Writing a State Plan section/amendment to the State Plan (34 CFR §361.36 (a)(2), (c)(1), (f)(1)
3. Public Meetings and Consultation (34 CFR §361.20 and §361.36(f))
4. Obtaining Approval from RSA 34 CFR §76.140; 34 CFR §361.10(e)(f)(g); 34 CFR §363.10)
5. Training of Staff on Order of Selection policies and procedures

Step 3. Implement Order of Selection (34 CFR §361.36(f)(4))

1. Set a date to implement the order and notify staff.
2. Implement the order on a statewide basis

- Individuals who meet open categories (34 CFR §361.45(a)(b))
- Individuals who do not meet criteria for open categories (34 CFR §361.37(b)(2); 34 CFR §361.47(a)(13))

Step 4. After an Order of Selection is implemented

1. Tracking and Data Analysis
2. Handling Changes in Circumstances (34 CFR §361.36(a)(2), (b)(2), (c)(2))
3. Opening and Closing Categories

Reference:

Steps and Process. When State VR Agencies Implement Order of Selection (no date).

VR Acronyms List:

ADA	Americans with Disabilities Act
AFP	Authorization for Purchase
ASL	American Sign Language
AT	Assistive Technology
C&G	Counseling and Guidance
CA	Credential Attainment
CAP	Client Assistance Program
CE	Customized Employment
CFR	Code of Federal Regulations
CHC	Criminal History Check
CIE	Competitive Integrated Employment
CIL	Center for Independent Living
CMS	Case Management System
CPM	Common Performance Measures
CRCC	Commission on Rehabilitation Counselor Certification
CRC	Certified Rehabilitation Counselor

CRP	Community Rehabilitation Program
CT	Customized Training
CWIC	Community Work Incentives Coordinator
DD	Disability Determination
DDS	Disability Determination Services
EF	Employment First
EIE	Earned Income Exclusion
EN	Employment Network
EO	Executive Order
ES	Employment Services
ES	Extended Services
ESL	English as a Second Language
FAFSA	Free Application for Federal Student Aid
FFY	Federal Fiscal Year
FLSA	Fair Labor Standards Act
FPL	Federal Poverty Level
IDD	Intellectual and Developmental Disability
IDEA	Individuals with Disabilities Education Act

ID	Intellectual Disability
IEP	Individualized Education Program
IHO	Impartial Hearing Officer
IL	Independent Living
IM	Information Memorandum
IPE	Individualized Plan for Employment
IPS	Individualized Placement and Support
IRWE	Impairment-Related Work Expenses
IWD	Individuals with Disabilities
JAN	Job Accommodation Network
JD	Job Development
LEA	Local Education Agency
LMI	Labor Market Information
MH	Mental Health
MI	Mental Illness
MSD	Most Significant Disability
MSG	Measurable Skill Gains
NOPA	Notice of Proposed Action

OAR	Oregon Administrative Rule
OJT	On-the-Job Training
OOS	Order of Selection
ORCA	Oregon Rehabilitation Case Automation
VR	Vocational Rehabilitation
PASS	Plan to Achieve Self-Support
PD	Policy Directive
PES	Post-Employment Services
PII	Personally Identifiable Information
Pre-ETS	Pre-Employment Transition Services
PTE	Pass-Through Entity
PTS	Post-Traumatic Stress
PTSD	Post-Traumatic Stress Disorder
QA	Quality Assurance
RA	Registered Apprenticeship
ROI	Release of Information
RSA	Rehabilitation Services Administration
RT	Rehabilitation Technology

SBA	Small Business Administration
SD	Significant Disability
SE	Self-Employment
SE	Supported Employment
SGA	Substantial Gainful Activity
SILC	Statewide Independent Living Council
SLD	Specific Learning Disability
SMW	Subminimum Wage
SNAP	Supplemental Nutrition Assistance Program
SRC	State Rehabilitation Council
SSA	Social Security Administration
SSDI	Social Security Disability Insurance
SSI	Supplemental Security Income
SSN	Social Security Number
STEM	Science, Technology, Engineering, and Mathematics
SWD	Student with a Disability
SWOT	Strengths, Weaknesses, Opportunities and Threats Analysis
TAC	Technical Assistance Circular

TANF	Temporary Assistance to Needy Families
TA	Technical Assistance
TAY	Transition-Age Youth
TBI	Traumatic Brain Injury
TTW	Ticket to Work
TVR	Tribal Vocational Rehabilitation
TWE	Trial Work Experience
TWP	Trial Work Period
UI	Unemployment Insurance
UWA	Unsuccessful Work Attempt
VA	U.S. Department of Veterans Affairs
VR	Vocational Rehabilitation
WHD	Wage and Hour Division
WIOA	Workforce Innovation and Opportunity Act
WIPA	Work Incentives Planning and Assistance
WOTC	Work Opportunity Tax Credit

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