



**Employment Opportunities,
Vocational Rehabilitation Services
& the Client Assistance Program**

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Agenda

- About DRM and the Client Assistance Program
- Employment First and Employment Rights
- Vocational Rehabilitation Services (VR)
- Accessing CAP Services

Goals

- Learn about employment rights for individuals with disabilities
- Learn about how your client can access or apply for VR services
- Learn how VR can support your client to achieve their employment goal
- Learn when to support an individual to receive advocacy support

Disability Rights Maine (DRM)

DRM is Maine's Protection & Advocacy agency for people with disabilities. We represent people whose rights have been violated or who have been discriminated against based on their disability. Our programs include:

- Developmental Services Advocacy
- Mental Health Advocacy
- Advocacy for Kids
- Brain Injury Advocacy
- Employment Advocacy
- Deaf Services

The Client Assistance Program or “CAP”

What is this?

The CAP is a federally funded program that provides information, assistance, and advocacy to people with disabilities who are applying for or receiving services under the Rehabilitation Act.

Who does the CAP help?

The CAP assists and advocates for individuals with disabilities who are applicants or recipients of services from the Division of Vocational Rehabilitation; the Division for the Blind and Visually Impaired; the Division for the Deaf, Hard of Hearing & Late Deafened; Independent Living Services; and Wabanaki Vocational Rehabilitation.

How can the CAP help?

- Inform you about the services and benefits available under the Rehabilitation Act and the ADA;
- Advocate for clients to get the services they need;
- Investigate complaints about services;
- Help to resolve problems and disagreements with counselor or agency;
- Help to appeal agency decisions;
- Challenge system-wide problems that make it hard for people with disabilities to access services; and
- Provide consumers with information about rights under the Rehabilitation Act and Title I of the ADA.

How to Request Assistance

- Call to schedule an intake: 1-800-452-1948
- Complete an online intake : <https://drme.org/online-intake-form>
- What to expect when contacting DRM:
<https://drme.org/blog/2018-02-26>



Employment Rights

Employment First in Maine

- All people have the right to work.
- Employment should be the first and preferred outcome for any person with a disability receiving state services.
- This means that work should be explored, talked about, and offered to anyone.
- People with disabilities **must** be paid at least the minimum wage (\$12.75 per hour in 2022).

Americans with Disabilities Act (ADA)

- Federal anti-discrimination law
- Signed into law July 26, 1990
- Seeks to ensure that people with disabilities have equality of opportunity, full participation and integration, independence, economic self-sufficiency
- Applies to employment, government services, public transportation, places of public accommodations, and commercial facilities

Title 1: Prohibits Employment Discrimination

Disability discrimination:

- Being treated unfairly or differently *because* of a disability
- Applies to all aspects of employment
 - Hiring, firing, terms/conditions, promotions, etc.

Discrimination includes:

- Failing to provide reasonable accommodations to individuals with known disabilities
- Requiring certain medical examinations / asking certain disability related questions
- Imposing qualifications that are unnecessary and screen out people with disabilities

Maine Human Rights Act

- In addition to the ADA, the rights of people with disabilities are also protected by the Maine Human Rights Act (MHRA)
- MHRA provides protections even broader than the ADA
- Applies to all employers, unions, and employment agencies (except federal employers)
- MHRA enforced by the Maine Human Rights Commission

VR Services

Vocational Rehabilitation (VR)

- VR is a federally funded program that is designed to help people with disabilities find, maintain, regain, or advance in employment
- In Maine, two agencies provide these services:
 - Division of Vocational Rehabilitation (DVR)
 - Division for the Blind and Visually Impaired (DBVI)

Poll question!

Are you currently supporting someone to access VR services?

What is the process for working with VR?

- **Step 1:** Apply for VR services
- **Step 2:** Be determined eligible
- **Step 3:** Develop an Individualized Plan for Employment (IPE)
- **Step 4:** Begin receiving services needed to help achieve an employment goal
- **Step 5:** Find job meeting the employment goal; maintain that job at least 90 days
- **Step 6:** VR closes the case

Step 1: The Application

- Individuals must submit an application, along with a health checklist to the Maine Bureau of Rehabilitation Services
- VR then has **60 days** to determine an individual eligible **UNLESS:**
 1. There are unusual or unforeseen circumstances. In this case both, VR and the applicant agree to a **specific** extension
 2. Or if a Trial Work Experience is necessary. This is required before determining someone may not benefit from VR services

Step 2: Eligibility Determination

There are four criteria to be eligible for VR services

1. Physical or mental “impairment”*;
2. The “impairment” creates a substantial impediment to employment;
3. The individual needs VR services to “prepare for, secure, retain, advance in or regain employment”; and
4. You can benefit from VR services (this is presumed)

If an individual is an SSDI or SSI recipient, they are presumed eligible for VR services.

*Please note: this outdated language comes directly from the regulation. This language does not reflect the view of DRM regarding people with disabilities.

What VR cannot consider at eligibility

- Type of disability
- Age
- Gender
- Race
- Color
- National Origin
- Source of referral
- Service needs
- Anticipated cost of services
- Income level

Priority Category

- If VR services are not able to be provided to all eligible individuals, an “Order of Selection” will be implemented. VR services must be provided to people with the most significant disabilities before others are served.
- When an individual is determined eligible for VR services, they will also be assigned a priority category for service – 1, 2, 3, or 4.
- Maine DVR is presently on an Order of Selection, but Maine DBVI is not!
- Categories 1 and 2 are open, while categories 3 and 4 are closed.

Helpful Hint: individuals have the right to appeal their category assignment

Step 3: Individual Plan for Employment (IPE)

- Next, the individual will work with their VR counselor to develop their employment plan or IPE.
- All services that are needed and agreed to will be included on the IPE.
- The IPE must be signed by both the individual and their counselor.
- An individual must be provided the opportunity for informed choice.
- The goal must be for employment that is **competitive and integrated**.
- The IPE **must** be developed within 90 days of eligibility.

REMEMBER: individuals have the right to choose their employment goal. If they are denied support for a goal, support the individual to resolve this with a supervisor or give us a call!

Poll Questions!

- How many days does VR have to determine an individual eligible for services?
- How many days does VR have to implement an individualized plan for employment?

Poll Questions!

- How many days does VR have to determine an individual eligible for services?

60 days!

- How many days does VR have to implement an individualized plan for employment?

90 days!

What services are available?

- All services will depend on the goal and the individual, but can include:
 - Counseling and guidance (working with a VR counselor)
 - Job development services (assistance with finding and applying for a job)
 - Training services
 - Occupational licenses, equipment, supplies
 - Rehabilitation technology – including van modifications
 - Assessments needed to determine eligibility and to determine needs

Services Continued

- Interpreter services, readers, orientation and mobility services
- Personal assistance services while receiving another VR service
- Transportation required for training or to participate in a core VR service
- Maintenance – this can include food, clothing, shelter, etc. – “in excess of normal expenses of the individual” while they participate in a VR service
- Assistance towards a self-employment plan
- Supported Employment
- Transition services for students
- Other goods and services determined necessary for the goal

***** This list is not exhaustive! *****

Cost of VR and Who Pays

VR must use comparable benefits and services, before they will pay for a service.

- Examples of comparable benefits are: services or benefits provided by another public agency (ex. DHHS), health insurance, or an employee benefit
- Awards and scholarships based on merit are **not** comparable benefits

Cost of VR and Who Pays - Exemptions

Some services are exempt from the comparable benefits analysis:

- Assessment for VR eligibility and VR needs
- Counseling and guidance
- Referral to other agencies
- Job related services, including job placement and job retention
- Rehabilitation technology, including telecommunications, sensory, and other technological aids
- Post-Employment services

Cost of VR and Who Pays

- Individuals may be asked to contribute to the cost of their services. Further, VR must establish rates of pay for VR services.
- SSI and SSDI recipients are not required to contribute to the cost of their VR services.
- **Example:** for individuals pursuing post-secondary education, they must submit the FAFSA. VR will look at the expected family contribution before determining how much VR may contribute. SSI and SSDI individuals are exempt from this financial needs test.

Step 4: Services Start

- Once the IPE is signed and agreed to, an individual can begin to receive the services in their plan.
- An individual may begin to work with other providers, in addition to their VR counselor in order to receive their services.
- Individuals should maintain at least monthly contact with their counselor to talk about how their services are going.

Helpful Hint: If an individual is having a hard time reaching their counselor, track this information. You should also support the individual to follow-up with the appropriate supervisor.

Step 5: Finding the Right Job

- This will depend on the individual and their goals, as well as their choice.
- There is no set time frame for how long or how short VR services can take.
- Once a job is found **that meets the employment goal**, VR will keep the case open for at least 90 days to monitor.
- After that, if all is going well, VR will close the case.
- If the job does not work, then the individual and the VR counselor will work together to look for a different opportunity.

Step 6: Closing the Case

- A VR case will be successfully closed after an individual maintains their job, consistent with their employment goal, for at least 90 days.
- A VR case may be closed for other reasons including if the individual:
 - is no longer eligible;
 - is unavailable for diagnostic or planned services;
 - is choosing not to participate in services.

Helpful Hint: If an individual disagrees with their case closure, you can refer them to DRM.

Post-Employment Services

- These are limited services provided after an individual has achieved an employment outcome, but before they have exited VR.
- **Example:** an individual obtains a job. They realize after starting that they need a new assistive technology device in order to maintain their job. They then receive post-employment services on amended IPE for this need without reapplying for services.

NOTE: If someone needs more complex services or has exited the VR program, they will need to reapply for services.

Services Available to Tribal Members

- Section 121 of the Rehab Act provides specific VR Services “for American Indians who are individuals with disabilities residing on or near ... reservations.”
- In Maine, this service is operated by Wabanaki VR, based in Littleton, ME.
- Services are available in Aroostook County, Penobscot County, and Washington County.
- Tribal members outside of Wabanaki VR’s service area can receive services through Maine’s Bureau of Rehabilitation Services.

VR Services for Youth with Disabilities

- VR should be actively involved in transition planning with school districts.
- VR can, and should, be invited to IEP transition meetings to facilitate transition services.
- Full VR services can begin when a student is still in school, if the student has applied for, and been determined eligible for VR services.
- VR transition services, and pre-employment transition services are provided in addition to transition services required under IDEA.

Pre-Employment Transition Services

- 15% of the overall VR budget.
- Services for students with disabilities.
- Services can be provided to all students with disabilities between the ages of 14-21, regardless of whether they have applied for VR services. These students are considered “potentially eligible”.
 - Students must be receiving transition services through an IEP or a 504 plan.

Required Pre-ETS

- Work-based learning experiences in integrated settings, both in and out of school
- Job Exploration Counseling
- Counseling on post-secondary opportunities
- Workplace readiness training
- Self-advocacy skills

How Case Managers Can Navigate Challenges with VR Services

Communication

Question: My client's VR counselor is not getting back to them. What can I do to support them?

Answer: First, it is important to remember that VR counselors have many clients. You should support the individual to follow up with their preferred method of communication. If this is unsuccessful, support the individual in reaching out to the supervisor.

Counselor Changes

Question: Can an individual request a change in counselor?

Answer: Yes, individual's can request a change in counselor. However, the reason needs to be more substantial than "I don't like them."

Question: What happens if a counselor change happens for another reason?

Answer: A counselor change may occur because the counselor leaves the agency, moves to a different coverage area, or has changes to their caseload. The individual should be provided contact information for their new counselor.

Resolving Disputes

Question: What if my client disagrees with a decision regarding their services? (examples include – choice of provider, choice of goal, need for a service, priority category, eligibility)

Answer: Assist the individual to attempt to resolve the dispute with the counselor first. If an agreement cannot be reached, then you should support the individual to contact the casework supervisor or the regional manager.

Appeal Rights

Question: What appeal rights exist for VR services?

Answer: An individual must be provided written notice when VR denies a service. An individual can continue to use informal means to resolve a dispute. However, an individual has **30 days** to request Mediation or a Due Process hearing regarding the determination. Mediation does not preclude the right to a Due Process Hearing. Any party who disagrees with a determination made at the Due Process Hearing can then appeal to Maine Superior Court.

Involving the CAP

CAP Advocacy

- According to the CAP regulations, “advocacy” means speaking or writing in support of an individual
- Advocacy can be in support of self or on behalf of others
- May be “formal” or “informal”
 - **Formal:** representation by a lawyer in court or administrative hearing
 - **Informal:** a lawyer or non-lawyer representing an individual in negotiations, mediation, informal meetings with agencies, employers, private entities and/or making phone calls, attending meetings, or writing letters on behalf of an individual

When should VR tell someone about the CAP?

- At the time of application
- When the individual is assigned an Order of Selection Category
- When an IPE is developed
- When VR services are reduced, suspended, or terminated
- If an individual is determined ineligible for VR services

Accessing CAP services

Individuals **always** have the right to contact the CAP for information about VR services, about their rights as a client or client-applicant of VR, and whenever there is a disagreement over a VR service to be provided

When should a referral be made to the CAP?

Referrals should be made:

1. If someone is denied the right to apply for VR services
2. If someone is determined ineligible for services
3. If an individual's choice regarding an employment goal or provider is being ignored or discouraged
4. If VR denies a VR service, such as post-secondary education or assistive technology
5. If more informal methods to resolve a dispute have been unsuccessful

If you are unsure, contact DRM to discuss whether a referral is appropriate.

Questions?

Our services are **FREE** and **CONFIDENTIAL**

Contact DRM: 800.452.1948 (V/TTY)

<https://drme.org/>

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