

WISCONSIN



DWD

Department of Workforce Development

Mediator and Impartial Hearing Officer Training

DWD/DVR

2016

08/29/16

Agenda

- ▶ Introductions/Welcome
- ▶ VR Program Mission and Purpose
- ▶ VR Mission and Function
- ▶ Role of CAP/DRW
- ▶ Panel Presentation
- ▶ VR Case Service Process
- ▶ Randolph Sheppard Act
- ▶ Request for Hearing Process & Logistics
- ▶ Review of Resources
- ▶ Question and Answer

Mission of the Vocational Rehabilitation Program

The Wisconsin Division of Vocational Rehabilitation (DVR) is a federal/state program designed to **obtain, maintain, and improve employment** for people with disabilities by working with VR consumers, employers, and other partners.

“Get a job, keep a job, or get a better job.”

Purpose of Rehabilitation Act

Findings of Congress:

(3) disability is a natural part of the human experience and in no way diminishes the right of individuals to--

- (A) live independently;
- (B) enjoy self-determination;
- (C) make choices;
- (D) contribute to society;
- (E) pursue meaningful careers; and
- (F) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society;

Purpose of Rehabilitation Act



The purposes of this Act are--

(1) to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society

Federal Regulations

Legislation

Rehabilitation Act of 1973, as amended, Title I, Parts A and B, Sec. 100-111; 29 U.S.C. 720-731.

WIOA-State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage

Regulations

34 CFR 361

Link

<https://www.federalregister.gov/articles/2016/08/19/2016-15980/state-vocational-rehabilitation-services-program-state-supported-employment-services-program>

DVR Policy

- DVR Policy Manual
 - Role of the DVR Policy Academy
- Alignment with Federal Regulations
 - Identified in Information Center

DVR Policy

Other Information is Used to Guide Decision Making:

- Guidance
 - Interpretations/clarifications of regulations, policy, etc.
- Process and Procedures
 - Instructions, best practices, or tip sheets regarding how to carry out certain case management/fiscal duties.
- DVR Information Center
 - A searchable database of questions and answers, policy and regulations.

Empowerment of the Individual- Philosophy

- (1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;
- (2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;
- (3) inclusion, integration, and full participation of the individuals;
- (4) support for the involvement of an individual's representative if an individual with a disability requests, desires, or needs such support; and
- (5) support for individual and systemic advocacy and community involvement

Empowerment of the Individual- Informed Choice



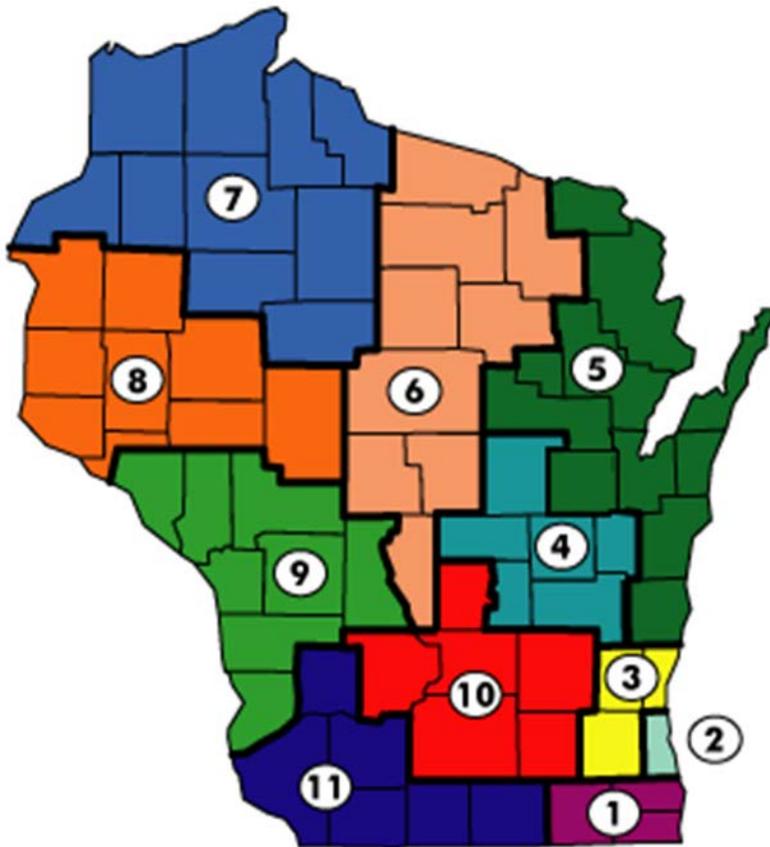
- Information and support to make decisions throughout the process.
- Critical component of the VR process
- Involves the consumer in reviewing, analyzing pertinent information & making a choice

Federal Regulations Due Process- 361.57

Review of DVR Staff determinations

- General Requirements
- Informal Resolution
- Mediation
- Procedures
- Selection of Impartial Hearing Officers
- Informing Individuals
- Data Collection

DVR Agency Information



- 11 Workforce Development Areas
- 41 Field Office Locations
- Administrative Office in Madison
- Online-Information Center, Referral, Contact

DVR Agency Information



DVR Field Staff/Roles:

- WDA Director
- VR Supervisor
- Licensed Vocational Rehabilitation (VRC)
- Consumer Case Coordinators (CCC)
- Business Services Consultants (BSC)

DVR Terminology

Commonly Used Acronyms

DVR: Division of Vocational Rehabilitation

IRIS: Integrated Rehabilitation Information System
or I, Respect I Self Direct

CAP: Client Assistance Program

OOS: Order of Selection

IPE: Individualized Plan for Employment

SSI: Supplemental Security Income

SSDI: Social Security Disability Insurance

FAFSA: Free Application for Federal Student Aid

WDA: Workforce Development Area

MCO: Managed Care Organization

DWD Acronym Tool: <http://dwd.wisconsin.gov/dwd/glossary.htm>

Specific Disability Services/Issues



- Supported Employment
- Sensory Disabilities
- Transition Cases
- Assistive Technology
- Post-Secondary Education/Training
- Self-Employment

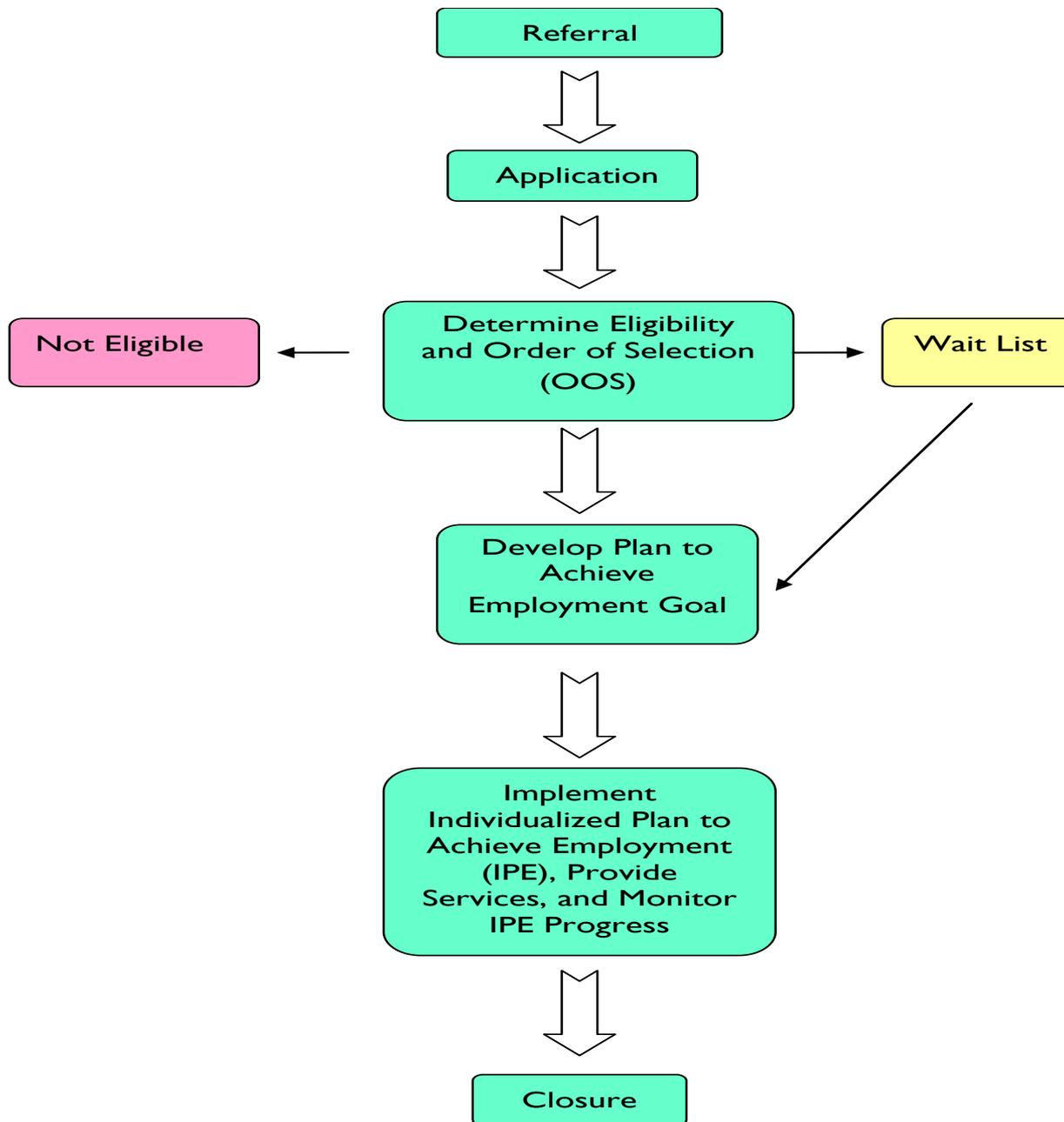
Disability Etiquette

- Sensory Disabilities-Accommodation requests
- People first language
- Assistive Technology

VR Case Service Process

VR Process Chart
Regulations and Policy
Referral
Eligibility/OOS
IPE & Employment Outcomes
Scope of Services
Purchasing
Case Closure
Provision of Due Process Rights

Vocational Rehabilitation Process



Federal Regs & DVR Policy: Referral, Eligibility & OOS

- 361.42 Assessment for determining eligibility and priority for services
- 361.5(b)(6) Assessment for determining eligibility and vocational rehabilitation needs means, as appropriate in each case
- 361.36 Ability to serve all eligible individuals; order of selection for services
- DVR Policy Manual -Applicant, Eligibility, OOS
- DVR Policy Manual -Timeliness

Referral Process



- Began October 1, 2013
- Can be made by phone, mail, online, in person
- Anyone can make referral- individual or guardian should consent

Referral Process



- Within five (5) business respond to referrals
- At orientation/ initial interview:
 - Inform about DVR program
 - Complete application process if interested
 - Obtain documentation of guardianship
 - Describe Eligibility/OOS Assessment Services

Eligibility/OOS Assessment Services



- Eligibility/OOS Assessment Services – Stout Vocational Rehabilitation Institute (SVRI)
Completion of initial interview, gathering of documentation, draft Eligibility recommendation, and draft Order of Selection (OOS) criteria recommendation for action by DVR staff.

Eligibility & OOS Determination

- Complete within 60 days from date of application
Extension if appropriate
- SSI/SSDI individuals presumed eligible and at least Category 2.

Eligibility Determination

- Physical or mental impairment that results in a substantial impediment to employment.
- Requires VR services to prepare for, secure, retain or regain employment
- It is presumed the consumer can benefit in terms of an employment outcome

OOS Determination

- Process used to establish waitlist
- Most significant served first
- 3 Categories
 - Category 1 – Most Significant Disabilities
 - Category 2 – Significant Disabilities
 - Category 3 – All Other Eligible Individuals
- Functional areas: mobility, communication, self-care, self-direction, interpersonal skills, work skills, work tolerance.

Federal Regs & DVR Policy: Individualized Plan for Employment



- 361.46 Content of the individualized plan for employment.
- 361.45 Development of the individualized plan for employment.
- DVR Policy Manual- Plans for Employment.

Individualized Plan for Employment (IPE)

- Developed within 90 days of activation from waitlist
 - Extension if appropriate
- Comprehensive Assessment to determine goal and services
- Plan written and agreed to by consumer and counselor-Consumer can write IPE

Individualized Plan for Employment (IPE)

Includes agreed to:

- Employment goal

- Anticipated goal achievement date

- Services

- Timeframes

- Progress measures

- Responsibilities

- Signature of consumer & counselor

INDIVIDUALIZED PLAN for EMPLOYMENT (IPE)

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04 (1)(m) Wisconsin Statutes].

Consumer Name [REDACTED]	IRIS Case Number [REDACTED]	Print Date [REDACTED]
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CHECK ONE: IPE IPE AMENDMENT

MY LONG-TERM EMPLOYMENT GOAL IS:

[REDACTED]

THE DATE THAT I WILL REACH MY GOAL:

[REDACTED]

PRIMARY SERVICES	START DATE	END DATE	PROVIDER \$	WHO PAYS	PAYMENT METHOD \$
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

SECONDARY SERVICES	START DATE	END DATE	PROVIDER \$	WHO PAYS	PAYMENT METHOD \$
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

PROGRESS MEASURES:

[REDACTED]

I WILL BE RESPONSIBLE FOR:

[REDACTED]

DVR WILL BE RESPONSIBLE FOR:

[REDACTED]

I have been offered the choice to develop my own plan: Yes No
 I have been offered assistance in creating my employment plan: Yes No
 I have been given choices to assist me in creating my employment plan: Yes No
 I have received a copy of my individual rights: Yes No

Signature (Consumer Representative Signature, If Appropriate)	Date Signed [REDACTED]
Counselor Signature	Date Signed [REDACTED]

DVR Scope of Services

Services depend on goal and what you need to reach that goal.

Could include:

- Guidance & counseling
- Job search and placement assistance.
- Transition services for high school students with disabilities.
- Job coaching
- Rehabilitation technology & training
- Vocational and other training
- Transportation
- Assistance in small-business
- Any other services that are needed for you to reach your job goal

DVR Policy Manual

http://dwd.wisconsin.gov/dvr/policy/vr_program_policy.pdf

Federal Regs & DVR Policy: Provision of Services/Closure



- 361.50 Written policies governing the provision of services for individuals with disabilities.
- 361.44 Closure without eligibility determination.
- 361.56 Requirements for closing the record of services of an individual who has achieved an employment outcome.
- DVR Policy Manual-Closure Policies

Provision/Purchasing of Services



Prior authorized and case noted in the file
meeting purchasing requirements

Fee Schedule Purchases

Other Purchases

Selection of Providers

Purchasing of Services-Exceptions

Exceptions- The Bureau of Consumer Services Director or DVR Management, as designated by the Administrator, may approve exceptions to the purchasing policy on an individual case basis.

Employment Outcome

- Consistent with the consumer's Strengths, Resources, Concerns, Priorities, Abilities, Capabilities, Interests, Informed Choice. Referred to as the "Great Eight"
- Is within an integrated setting
- Has a competitive wage and benefits

Employment Outcome Guidance:

http://dwd.wisconsin.gov/dvr/ppg/guidance/employment_outcome.pdf

Case Closure

- Too Severe to Benefit
- Prior to Eligibility
- Due to Ineligibility/Annual Review
- After Eligibility Determination
- After Achieving an Employment Outcome
- After Achieving an Employment Outcome in Supported Employment

Case Closure

➤ Notification of Closure

- Shall be notified, in writing, of the case closure, the type of closure, the reasons for the closure, the right to appeal the closure decision and the process for appealing, including the availability of the Client Assistance Program to assist with an appeal. (except for death or no known address)
- Full consultation of the case closure shall be offered prior to the closure using the appropriate mode of communication consistent with the informed choice of the consumer.

Availability of Due Process

- Application
- Non-eligibility determination
- IPE development or amendment
- Denial of services
- Case closure
- Upon request

Tip Sheet

http://dwdworkweb/dvr/policy_and_guidance/procedures/appeal_rights_tip_sheet.pdf

Randolph Sheppard Act

Randolph Sheppard Act in Wisconsin is called the Wisconsin Business Enterprise Program (BEP).

The purpose is to enlarge economic opportunities for the legally blind.

How? : Establish, maintain and provide vending and food services across Wisconsin through our statewide small business program. A partnership of both public and private, with a focus on matching qualified blind business operators with the private and public facilities

The Wisconsin BEP strives to provide employment opportunities for blind individuals across Wisconsin.

CAP

Contact Information:

Client Assistance Program (CAP)

2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708-8911
1-800-362-1290

Linda Vegoe CAP Director

608-224-5070 (V/TTY)

Deb Henderson-Guenther,
Complaint Investigator

608-224-5071 (V/TTY)

DRW

Disability Rights

Wisconsin-Madison

131 W. Wilson St., Suite 700

Madison, WI 53703

608-267-0214

TTY: 888-758-6049

Fax: 608-267-0368

Toll Free: 800-928-8778

Offices also in Milwaukee
and Rice Lake

Resources

- DVR Policy Manual
http://dwd.wisconsin.gov/dvr/policy/vr_program_policy.pdf
- DWD 75
http://docs.legis.wisconsin.gov/code/admin_code/dwd/o6o_o75/75.pdf

DVR Information Center

- A searchable database of questions and answers, policy and regulations.

-DEMO-

Thank You!



www.dwd.wisconsin.gov

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