Mediator and Impartial Hearing Officer Training

DWD/DVR
2016
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.”
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;
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
Legislation

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

1. Referral
2. Application
3. Determine Eligibility and Order of Selection (OOS)
   - Wait List
   - Not Eligible
4. Develop Plan to Achieve Employment Goal
5. Implement Individualized Plan to Achieve Employment (IPE), Provide Services, and Monitor IPE Progress
6. Closure
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).

<table>
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<tr>
<th>Consumer Name</th>
<th>IRIS Case Number</th>
<th>Print Date</th>
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CHECK ONE:  
☐ IPE  
☐ IPE AMENDMENT

MY LONG-TERM EMPLOYMENT GOAL IS:

THE DATE THAT I WILL REACH MY GOAL:

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<th>PRIMARY SERVICES</th>
<th>START DATE</th>
<th>END DATE</th>
<th>PROVIDERS</th>
<th>WHO PAYS</th>
<th>PAYMENT METHODS</th>
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PROGRESS MEASURES:

I WILL BE RESPONSIBLE FOR:

DVR WILL BE RESPONSIBLE FOR:

☐ I have been offered the choice to develop my own plan:  
☐ I have been offered assistance in creating my employment plan:

☐ I have been given choices to assist me in creating my employment plan:

☐ I have received a copy of my individual rights:

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<th>Signature (Consumer Representative Signature, if Appropriate)</th>
<th>Date Signed</th>
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<th>Counselor Signature</th>
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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
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
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

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
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.
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)
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
- DWD 75
  http://docs.legis.wisconsin.gov/code/admin_code/dwd/060_075/75.pdf

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

-DEMO-
Thank You!

www.dwd.wisconsin.gov