

# Understanding Vocational Rehabilitation Services

## Vocational Rehabilitation

### What is Vocational Rehabilitation?

Vocational rehabilitation (VR) is the primary system of services and resources that specifically addresses the employment needs of individuals with disabilities. The VR program has a long history, having existed in one form or another since the 1920s. In general, the VR program is administered through a federal and state partnership, with the U.S. Department of Education's Rehabilitation Services Administration (RSA) contributing 78.7 percent of the total program funding and each state VR agency contributing a non-federal share equal to 21.3 percent.

Throughout this section we will refer to the Rehabilitation Act of 1973, as amended. This Act was discussed in Module 2 related to

workplace discrimination. It is also important to note that this seminal piece of legislation heavily impacted the availability of VR services for individuals with disabilities. Additional information on the Rehabilitation Act of 1973 and the RSA can be found in the Resources section.

### Finding Local VR Agency Offices

To find locations and contact information for the Vocational Rehabilitation agencies in each of the 50 states and the District of Columbia, followed by those for U.S. territories, visit: <http://1.usa.gov/NcvvVr>.

### Vocational Rehabilitation: Support Provided to Individuals, and for Group Services

Most Vocational Rehabilitation (VR) services are provided to individuals with disabilities based on their individualized plan for employment (IPE). VR services that are designed for the vocational rehabilitation of groups of individuals can also be supported under the Rehabilitation Act of 1973, as amended. These services, for *groups of individuals* with disabilities, could be offered by HIV service providers as Community Rehabilitation Providers (CRPs) for the local district office of their state VR agency.

According to Rehabilitation Act of 1973, VR services for *individuals* with disabilities may include, but are not limited to, the following:

- ✓ An assessment for determining eligibility and VR needs
- ✓ Vocational counseling, guidance and referral services
- ✓ Physical and mental restoration services
- ✓ Vocational and other training, including on-the-job training
- ✓ Maintenance for additional costs incurred while the individual is receiving certain VR services
- ✓ Transportation related to other VR services
- ✓ Interpreter services for individuals who are deaf
- ✓ Reader services for individuals who are blind
- ✓ Services to assist students with disabilities to transition from school to work;
- ✓ Personal assistance services (including training in managing, supervising and directing personal assistance services) while an individual is receiving VR services
- ✓ Rehabilitation technology services and devices
- ✓ Supported employment services
- ✓ Job placement services

### Service Eligibility

To be eligible for VR services, an individual must:

1. Want to be employed
2. Be an individual with a disability
3. Require VR services to prepare for, secure, retain or regain employment

NOTE: If an individual is receiving SSI or SSDI and intends to achieve an employment outcome, then he or she is presumed eligible for VR services without further determination by the VR agency.

Qualifying employment outcomes are defined as entering or retaining full-time or, if appropriate, part-time competitive employment, in the integrated labor market, supported employment, or any other type of employment in an integrated setting that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The term "integrated setting" means one typically found in the community where eligible individuals interact with individuals without disabilities other than those who are providing services to those applicants or eligible individuals, to the same extent that individuals without disabilities in comparable positions interact with other persons.

## Services Based on Impairment

VR service provision focuses upon impairments attributable to an individual's disability—not the cause of the disability.

- ✓ PLWHA who are not experiencing substantial impediment to employment as a result of HIV/AIDS are not eligible for VR services based on their HIV/AIDS status
- ✓ Review the list of impairments with the client to confirm eligibility
- ✓ The individual may qualify for services based on a different impairment
- ✓ Assess all functional limitations the individual may have
- ✓ A qualified VR counselor employed by the state agency will determine eligibility for services

The VR service provision focuses upon impairments attributable to an individual's disability—not the cause of the disability. Accordingly, PLWHA who are not experiencing substantial impediment to employment as a result of HIV/AIDS are not eligible for VR services based on their HIV/AIDS status. However, a HIV/AIDS service provider might offer to review the list of impairments with the client to confirm whether or not the client is eligible for services based on HIV/AIDS.

It may also be helpful to discuss with the individual the possibility of qualifying for services based on a different impairment cause. For example, an offender living with HIV might be eligible for VR services pursuant to a psychosocial impairment attributable to alcohol abuse or an anxiety disorder. Likewise, a chemically dependent individual living with HIV might be eligible for VR services based on a cognitive impairment attributable to drug abuse or dependence. It is critical to assess all functional limitations the individual may have, such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance and work skills.

Once all determinations have been made, it is the responsibility of a qualified VR counselor employed by the state agency to determine whether the particular PLWHA requires VR services to achieve an employment outcome. If the qualified VR counselor makes such a determination, a PLWHA is eligible for services. Importantly, if the individual is receiving SSI or SSDI, then he or she is presumed eligible for VR services without further determination by the VR agency.

## Qualifying Disability

An "individual with a disability" pursuant to the Rehab Act is one who: 1) has a physical or mental impairment that results in a substantial impediment to employment; and 2) can benefit, in terms of an employment outcome, from the provision of VR services.

For reporting purposes, state VR agencies provide the Rehabilitation Services Administration (RSA) with a single primary disability using a four-digit code, and, if a secondary disability exists, a single secondary disability using a four digit code. It is important to note that both one's primary and secondary disability are defined by combining a two digit impairment code with a two digit code for the cause of said impairment. The primary disability is the infirmity or impairment which is most substantial with regards to impeding one's ability to work. The secondary disability is an infirmity which contributes to, but is not the primary basis of, one's impediment to employment.

There are 19 impairments, i.e., blindness (01); other hearing impairments (07); mobility orthopedic/neurological impediments (10); general physical debilitation, i.e., fatigue, weakness or pain (15); other physical impairment not listed above (16); cognitive impediments (17) and psychosocial impediments (18). HIV/AIDS is not classified as one of the impairments.

There are 37 codes for the causes of the respective impairments. HIV/AIDS (22) is listed as one of these causes. Other causes frequently contributing to the same impairment as HIV/AIDS include blood disorders (09), cancer (10), drug abuse or dependence (18), immune deficiencies excluding HIV/AIDS (23), mental illness -not listed

elsewhere (24), physical disorders/ conditions—not listed elsewhere (30), respiratory disorders other than cystic fibrosis or asthma (32), and cause unknown (00).

## Presumed Eligibility

An individual is presumed to be able to benefit from VR services unless the VR agency can demonstrate, through clear and convincing evidence that the individual cannot benefit in terms of achieving an employment outcome due to the severity of his or her disability. The Rehabilitation Act of 1973 and regulations prohibit determining any person with a disability, including PLWHA, ineligible under the VR program based on an assumption, belief, or limited information that the individual is incapable of working in an integrated setting.

When in doubt about a PLWHA's ability to benefit from VR services, the Rehabilitation Act and regulations require the state VR agency conduct an individualized assessment. This assessment includes trial work experiences in realistic work settings to determine if he/she is capable of working in an integrated setting when provided appropriate VR services or if there is clear and convincing evidence that he/she cannot perform the work.

## VR Funds for Services to Groups of Individuals

According to Rehabilitation Act of 1973, VR services for groups of individuals with disabilities may include, but are not limited to, the following:

- ✓ Telecommunication systems that have the potential for substantially improving vocational rehabilitation service delivery methods

and developing appropriate programming to meet the particular needs of individuals with disabilities.

- Examples include telephone, television, video description services, satellite, tactile-vibratory devices, and similar systems, as appropriate.
- ✓ Other services that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individual plan for employment of any one individual.
- Examples of other services might include the purchase or lease of a bus to provide transportation to a group of applicants or eligible individuals or the purchase of equipment or instructional materials that would benefit a group of applicants or eligible individuals.
- ✓ The establishment, development, or improvement of a public or other nonprofit community rehabilitation program (CRP) that is used to provide VR services that promote integration and competitive employment, including under special circumstances, the construction of a facility for a public or nonprofit CRP.
- Examples of “special circumstances” include the destruction by natural disaster of the only available center serving an area or a State determination that construction is necessary in a rural area because no other public agencies or private nonprofit organizations are currently able to provide vocational rehabilitation services to individuals.

## Limitations on the Use of Vocational Rehabilitation Funds

In some instances, VR funds may be available for the establishment or construction of Community Rehabilitation Provider (CRP) facilities, with some limitations under the Rehabilitation Act of 1973 and its implementing regulations. These constraints were built in the Act to ensure that the construction or establishment of CRP facilities does not divert the VR program from its historic mission to provide services to individuals on an individualized basis, in light of their employment-related needs and aspirations.