

DVR Policy and Procedures Overview for SRC

Policy and Procedure Subcommittee

September 3, 2015

Role of SRC P&P Committee

- Broadly SRC as a whole to “Review, analyze and advise” the VR program.
- Because the P&P drives how VR services are provided the SRC has a P&P sub-committee to focus exclusively on the manual
- Any changes VR and the SRC make to the P&P manual must be open for public comment before being implemented

Why is the SRC P&P Subcommittee So Important

- Policy and guidelines direct services for 8,000 plus Vermonters
- Guides the work of about 500 state and contracted staff
- P&P manual is used in appeals process to resolve consumer/VR disputes. A good P&P manual should help reduce or resolve disputes. A confusing manual makes things worse
- Despite public comment requirements, when we change the manual we get very few people responding. *Therefore in reality the SRC is the only meaningful source of public feedback.* We need you as a public review mechanism for our program

Law, Regulations and Policy

- The Hierarchy
- WIOA (Workforce Innovation and Improvement Act) is the law. Regulation or state policy cannot contradict the law
- RSA Regulations: Based on law. Adds detail to guide State programs but leaves it to states to develop detailed policies
- State VR Policy: Must comply with law and regs but also must provide detailed “how to” programmatic direction for staff .

Example

- WIOA requires States to provide pre-employment services for students including “work based learning experiences”
- RSA regulations add some detail but do not tell states how to do this exactly.
- State is responsible for developing policy for “pre-employment work based experiences” including defining what they are, how they will be implemented etc.

VR The Basics for New and Veteran Members

- My hope is this broad overview helps you when considering individual chapters



Broad Overview

- VR is a relatively simple program from a regulatory perspective
- It has a clear goal, employment for people with disabilities
- It is a voluntary program...nobody can be required to participate (unlike many state/federal programs)
- Services provided can be very flexible as long as they support an employment outcome
- VR cannot have mandated spending limits on individual consumer services

Overview of VR Steps or Statuses and Timelines

- Application
- Eligibility determination (must be within 60 days of application with some exceptions)
- Individual Plan for Employment (IPE) (must be within 90 days of eligibility with some exceptions)
- Annual review of IPE to make sure it is working and current (plan generally must be for 6 months or more, no maximum timeline)
- Closure with an employment outcome (must be working 90 days and meet additional criteria)
- Closure without an employment outcome

Eligibility Basics

1. Person must have disability that is a substantial impediment to employment
2. Person requires VR services to gain, retain, advance in or regain employment
 - Applicants are presumed to meet number 2 unless VR can show they cannot benefit from services
3. Social Security SSI/SSDI beneficiaries are categorically eligible
4. Regardless of the above the applicant must intend to achieve an employment outcome
5. Vermont has no means test for VR eligibility. Federal law does allow it

Order of Selection and

- If a state does not have sufficient funds to serve everyone who is eligible they can have an Order of Selection.
- An Order of Selection is a mechanism to ensure VR services individuals with the most severe disabilities before serving individuals with less severe disabilities
- Vermont has a three level order of selection. Currently the first two levels are open. VR and the Performance Review Subcommittee are considering if we should change or open up the order
- VR must consult with the SRC quarterly on opening the Order

Individual Plan for Employment (IPE)

- Must happen as quickly as possible but no later than 90 days (unless consumer and counselor agree to specific extension).
- Must be based on comprehensive assessment
- Must be consistent with consumers informed choices as well as their unique strengths and abilities
- Must outline specific services
- Must outline costs to VR for services (we should not pay for something that is not in the plan).

Individual Plan for Employment (IPE)

- Must describe services consumer is receiving that VR is not funding but support the plan. These are comparable benefits
- Must include timelines for services to start and expected date for achievement of goal
- Must be reviewed annually
- If substantial changes are required plan must be amended

Individual Plan for Employment (IPE)

Things to Note

- VR and the consumer must agree on the plan. VR does not have to support a plan they believe is unrealistic or inappropriate
- Virtually anything can be included in a plan if it supports an employment goal
- VR cannot set maximum spending limits (some VR plans cost \$100,000 or more, others very little)
- VR can set spending guidelines but they cannot be absolute

VR Closure

- Employment Closure:
 - Individual has achieved employment goal outlined in plan
 - Worked for 90 days plus
 - Consumer and VR counselor agree outcome is satisfactory
 - Identified any post employment services needed to retain employment

VR Closure

- VR closure without an employment outcome
 - VR must contact prior to closure
 - VR must provide the consumer their appeal rights if they want to dispute the closure
 - Generally consumers and counselors mutually agree to close a case and/or consumers disengage

P&P Manual Structure

- Our goal has always been to make the P&P manual accessible and easy to read...*it is an ongoing work in progress!*
- The manual distinguishes the required activities, the “you musts” from what is optional for both the consumer and VR counselor.
- Guidance is intended to provide general direction on how to get the work done. The guidance sections are clearly delineated.

P&P Manual Structure

- Spending guidelines are always “Guidance” never absolute
- We are in the process of converting all the chapters to a cleaner more modern and accessible format.
- We have update old chapters and create new chapters to make the P&P manual consistent with the new WIOA law and regulations