

Seneca Nation Vocational Rehabilitation Consumer Handbook



November 2018

Mission Statement

To provide culturally appropriate services that will empower individuals with disabilities to achieve maximum employability, economic independence, and integration in the work place and community.

Vision

The Seneca Nation Vocational Rehabilitation Program (VR) will be recognized as a leader in the provision of vocational rehabilitation services to individuals with disabilities. It will attain high public value through the passion of its people and partners who mobilize all resources to provide comprehensive services, bringing focus to the inclusion of all individuals in the workplace and community, resulting in improved lives for all Native American people residing on or near Seneca Nation territories.

I.	Table of Contents	1
II.	Vocational Rehabilitation: An Exploratory Process	2-3
III.	Transition Services – Consumers Ages 14-24	4
IV.	Applying to the Vocational Rehabilitation Program	5
V.	Determination of Eligibility & Use of Assessments	6-8
	Attachment 5a: Timeline of Services	
VI.	The Individualized Plan for Employment	9-11
	Attachment 6a: Work Trial Placement	
VII.	Securing Employment	12-13
VIII.	Case Closure & Complaint Process	14-15
IX.	Attachments	16-12
	Attachment A1: Your Rights as a VR Program Participant	
	Attachment A2: Client Assistance Program (CAP)	
	Attachment A3: The VR Program Acknowledgement Form	

II. Vocational Rehabilitation: An Exploratory Process

The Seneca Nation Vocational Rehabilitation Program (VR) is a creative partnership between the consumer and vocational counselor. Each person has unique strengths and issues related to their disability. The vocational counselor and consumer work together to clarify the barrier(s) to employment and explore what options are available.

A. Flow Chart

The vocational process consists of six steps. They are intended to add clarity and focus on the rehabilitation journey. The six steps are:

1. Program Application
2. Eligibility Determination
3. Information Gathering on jobs and disability
4. Individualized Plan for Employment (IPE)
5. Employment and follow-up
6. Closure of consumer file/end of vocational services

B. Consumer and VR Program Expectations

A consumer of the Seneca Nation Vocational Rehabilitation Program can expect to be treated with: respect, honesty, and dignity. **Consumer information is kept confidential.** A consumer will receive help in understanding their disability issue(s) including: length, severity, and vocational impact. A consumer can expect assistance with their IPE based upon their unique interests, skills, and disability issue.

Section 103(a) of the Rehabilitation Act states that vocational rehabilitation services are “any services described in an individualized plan for employment necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.”

Vocational Rehabilitation: An Exploratory Process (continued) II.

Seneca Nation Vocational Rehabilitation Program staff expect to be treated with: respect, honesty, and dignity. VR staff expects a consumer to work with them in a cooperative manner and to follow provider recommendations about how they manage their disability issue(s). VR staff expects that a consumer demonstrates willingness to work through the vocational process and work toward a realistic and appropriate vocational goal. The VR program expects that a consumer will make a conscientious effort to keep all VR appointments, doctor's appointments, follow through with assignments, communicate relevant information in a timely manner, etc. The VR program expects all consumers, family members and or representatives of consumers to never intimidate, harass or threaten any staff member. A breach of this last expectation will be grounds to dismiss services to the consumer looking for services.

HIPPA Guidelines will be followed; Preventing health care fraud and abuse; administrative simplification; and protecting the privacy and confidentiality of patient records and any other patient identifiable information in any media form. Give individuals more control over and access to their medical information.

III. Transition Services – Consumers Ages 14-24 with Disabilities

Transition services are a coordinated set of activities for consumers ages 14-24, designed with an employment outcome-oriented process that promotes movement from high school to post high school activities, including:

- Post-secondary education
- Vocational training
- Continuing and adult education
- Adult services
- Independent living
- Community participation

The overall goal of the transitions program is to help consumer's ages 14-24 develop the skills and knowledge to ensure a smooth transition through school and beyond. We strive to increase the students' understanding of their disabilities and gain an awareness of their rights. Life skills that will enable students to participate fully in adult life are stressed. We empower students to move from school to adult life as responsible, contributing citizens by maximizing employment potential, independence and integration into the community.

Applying to the Seneca Nation Vocational Rehabilitation Program IV.

IV. Applying to the Seneca Nation Vocational Rehabilitation Program

A. Required Documentation to Determine Eligibility

The Vocational Rehabilitation Program requires that an applicant submit:

- Proof of Nation enrollment,
- Proof of residency,
- Proof of Selective Service for all males born on or after January 1, 1960, and
- Documentation of physical or mental impairment which results in substantial impediment to obtaining and maintaining gainful employment.

B. Releases of Information

The VR intake staff member will obtain your signature on appropriate release of information forms which allow your providers to send health related information directly to the VR program. If you have up-to-date health information with you, additional releases may not be required. VR requests information only in the provision of rehabilitation services and with your written informed consent. Agencies that are involved with you may receive information with appropriate consent. **All information is confidential and cannot be released without your written permission.** At the point of employment, you will be asked to sign a release of information allowing the VR program to track your employment for up to nine months. Tracking of employment information allows VR to ensure you have reached employment success.

C. Intake Meeting

Upon completion of a VR referral, the intake staff member will conduct an interview to:

- Help determine your disability as it applies to this program.
- Begin to understand your disability.
- Explore your work history; define your skills and abilities.
- Understand your provider's treatment recommendations.
- Assess your degree of willingness to help yourself as evidenced by commitment and follow through with health provider recommendations.
- Assign you to the appropriate vocational counselor.

V. Determination of Eligibility and Use of Assessments

A. Eligibility – Program

Medical records are used to help determine eligibility for the VR Program. Disabilities listed on the application must be substantiated by medical records. These medical records are reviewed by the vocational counselor to better understand the length and severity of health issues.

B. Timeline of Services – See attached Flowchart (5a)

C. Eligibility – Service

Service eligibility asks “can it be reasonably expected that you the consumer will benefit, in terms of employment, from the vocational rehabilitation services received?” If someone is not following their health provider(s) recommendations in a conscientious manner to manage their disability as best they can, the consumer will not receive services at this time. To again become eligible for services the consumer must re-engage with their provider’s recommendations for treatment and provide evidence of this to the VR Program. If a person has interruptions in working with the VR Program, the vocational counselor will ask for updated health information, documenting what progress has been made in the treatment of your disability issue(s).

D. Clarifying the Disability and Barrier

There needs to be a direct connection between a person’s disability issue(s) and the barrier created to obtaining or maintaining employment for program eligibility. In other words, your disability must limit you functionally. Your vocational counselor can discuss this further with you at the eligibility interview. Functional limitations are difficulties you experience in the following areas of living:

- Mobility
- Self-care
- Communication
- Self-direction
- Interpersonal skills and behavior
- Work tolerance
- Work skills or history

E. Identification of Key Vocational Information

Getting to know the vocational consumer means the counselor must identify key areas such as your interests, skills/abilities, knowledge and impact of your disability. If a person is not aware of or unable to identify their interests, skills/abilities and disability impact, further testing will likely be needed. Eligibility may be extended due to further testing for documentation. Any testing/assessments the vocational rehabilitation counselor requests you to complete are at no cost to the consumer.

F. Types of Assessments

There are a wide range of assessments a vocational rehabilitation program can pay for to better understand their consumer. Some common assessments include:

- Vocational evaluation – when interest/academic/work skills need clarification.
- Psychological evaluation – when mental health or cognitive issues need clarity.
- Functional capacity – when physical capabilities require further identification.
- Benefit analysis – wage limit identification for social security recipients.
- Supported employment assessment – global view of life and work needs.

An assessment is recommended by a vocational counselor when there is a need for more information. Assessments are anticipated to help provide important information that will assist the vocational process.

VI. The Individualized Plan for Employment

A. The Seneca Nation Vocational Rehabilitation Program IPE

The Individualized Plan for Employment (IPE) is like a roadmap for achieving your vocational goal. The IPE identifies your specific appropriate and realistic employment goal. In addition, the IPE identifies:

- The consumers and VR Program's responsibilities
- Individualized services and service providers
- All costs/funding sources associated with your IPE
- Intermediate and long range goals
- The anticipated time frames that may be necessary for your rehabilitation

Success of the IPE depends upon your cooperation and follow-through. Signing of the IPE indicates that you agree that your individualized plan for employment contains everything necessary for your vocational rehabilitation.

B. What Should Be Known Prior to Constructing an IPE?

The Vocational Rehabilitation Program is interested in your long term employment future. A vocational counselor seeks information in the following areas:

- Your interests, skills and abilities,
- Academic ability,
- Work history,
- Medical history,
- Length and severity of your disability,
- Functional limitations,
- Social support network,
- Current provider input,
- Work restrictions, etc.

If there is sufficient understanding in these areas then an IPE can begin to be constructed. Revisions to an IPE can only be done when there is agreement between the vocational counselor and consumer.

The Individualized Plan for Employment (continued) VI.

C. Services Listed on the Individualized Plan for Employment

It is important to understand that the listing of a service on an IPE is not a guarantee of the service. The listing of a service is an identification of something that will likely be necessary in order for you to reach your vocational goal. The VR Program, consumer and other parties may all provide for part of the cost of a service.

D. Examples of Types of Services

The following is a list of the types of services a vocational program may provide. These listed services do not apply to everyone; each person's situation is unique.

- Eligibility and/or vocational needs assessments
- Counseling, guidance and work related placement services
- Vocational and other training services
- Career Readiness Workshops
- Mental and physical restoration
- Maintenance for additional costs incurred while in rehabilitation
- Tuition, books/supplies, transportation (items not covered by a Seneca Nation Higher Education or other grant)
- Interpreter services for deaf or hearing impaired individuals
- Occupational licenses, supplies, tools
- Work Trial Placement – **See attached 6a**
- Assisted technology services
- Cultural Appropriate services
- Pre-approved anticipated costs associated with VR Program participation

VII. Securing Employment

A. On Your Own

During the construction of the Individualized Plan for Employment (IPE) a consumer and the VR counselor will discuss the job search. The VR Program does not have jobs waiting for them with local employers, including Seneca Nation Human Resources. Instead, the job search is more interactive when someone is confident in their ability to interview, obtain legitimate job leads, etc. A consumer should attempt to do this on their own at least one time in the process.

B. Placement Assistance

VR Program staff also offers assistance to a person who feels they need help securing employment upon completion of the IPE. Placement assistance includes offering help with:

- Interviewing skills
- Creating a resume
- Direct advocacy with an employer
- Appropriate job referrals
- Coaching

The vocational counselor and consumer must agree that the service is needed and listed on the IPE. The vocational counselor and consumer meet to discuss all information relevant to the construction of the IPE (i.e. consumer's work interests, skills/abilities, disability issue(s), employment goal, wage and work hour expectations, etc.).

The vocational counselor is expected to follow along with a consumer for no more than 90 days after the consumer secures employment. The consumer's file is pending closure with VR (assuming there appears to be a good job fit) after 90 days of successful employment.

C. Supported Employment

Supported employment recognizes that a person with more severe disability issues will need support on the job for more than 90 days and perhaps indefinitely. Supported employment is concerned with more than vocational issues. A person requiring supported employment likely has a number of functional limitations (as discussed earlier in the handbook) that require assistance with:

- Personal finances (i.e. payee)
- Decision making competency (i.e. guardianship)
- Transportation
- Communication/interpersonal challenges
- Mobility
- Self-care/self-direction
- Work tolerance, etc.

A supported employment assessment can be requested by the vocational counselor, to help identify all of the consumer's needs. If a consumer needs the level(s) of assistance normally associated with supported employment, the VR consumer must acquire a third party funding source. The funding source pays for employment related costs indefinitely after the first three to six months normally paid for by the vocational rehabilitation agency. A third party funding source is normally obtained through the county of residency. A county case manager can become involved with a person in a number of service areas, as well as potentially provide funding for the services that American Indian vocational rehabilitation programs do not have funding for.

VIII. Case Closure and Complaint Process

A. 90 Days of Successful Employment

Your file will be closed by the VR Program once you have achieved a minimum of 90 days of successful employment. It is anticipated that you have an interest in the work you are doing and have demonstrated work skills, abilities and behaviors such that your employer is pleased with your work.

B. Reasons to Close a Case

Examples of reasons to close a case are:

- You have been successfully employed for at least 90 days.
- Your disability or personal matters are keeping you from working in a consistent and timely manner with the VR Program.
- You cannot risk losing your disability benefits.
- You are not allowed to work per provider(s) recommendations.
- You are not cooperating or abiding by the responsibilities as outlined in the IPE.
- Your own disability issues are so severe that you cannot work in an integrated work setting.

C. Seneca Nation Vocational Rehabilitation Follow Up

The VR Program is interested in a person's long term employment stability and success. To close a case as successful, the counselor will verify the consumer meets the requirements of an employment outcome. The counselor and consumer both consider the placement to be satisfactory and agree the consumer is performing well on the job. Once your file is closed the VR Program will maintain contact with you and your employer for an additional nine months to ensure long term employment stability.

- Your file once closed will be kept secured for three (3) years. After three years it will be archived for four (4) years. After seven (7) years your file will be disposed of per HIPPA Guidelines.

D. Re-Applying to the Seneca Nation Vocational Rehabilitation Program

A person can re-apply to the VR Program at any time. The vocational rehabilitation process would begin over again, starting with program eligibility determination. When a person re-applies to VR the reason for applying must be related to the person's disability and corresponding functional limitation. The VR Program does not get involved with personal disputes between an employee and employer. If there is a question of a workplace accommodation related to an employee's disability, the VR Program may be able to help advocate on the person's behalf.

E. Client Rights and Complaint Process (see attachment A1)

As a VR participant you have certain rights. If you are dissatisfied with any decisions relative to the vocational process, (i.e. program eligibility, service delivery eligibility, etc.) you have the right to ask for a timely review of those decisions. You must submit in writing your request for an informal review. If you are not satisfied with the decision of an informal review, you may request in writing a formal review. Please review the attachment at the end of the handbook entitled "Your Rights as a Seneca Nation Vocational Rehabilitation Program Participant." You will be signing off that you have read and understand these rights and complaint process.

F. The Client Assistance Program (see attachment A2)

The Client Assistance Program (CAP) provides information about services for people with disabilities and mediation when there is disagreement between a vocational rehabilitation program and vocational rehabilitation consumer. Please review the attachment at the end of the handbook regarding CAP, as you will be signing off that you have read and understood this.

Attachment 5a: Timeline of Services Flowchart

Attachment 6a: Work Trial Placement

Attachment A1:

Your Rights as a Vocational Rehabilitation Program Participant

Attachment A2:

The Client Assistance Program (CAP)

Attachment A3:

The Vocational Rehabilitation Program Acknowledgement Form

(Perforated for removal for VR file use)

Your Rights as a Vocational Rehabilitation Program Participant – Attachment A1

Your Rights as a Seneca Nation Vocational Rehabilitation Program Participant

As a consumer of the VR Program who may be dissatisfied with any decisions related to the furnishing or denial of any services, you have the right to request a timely review of those decisions. You may request:

Informal Resolution. You may request an informal resolution, either through direct discussions with project supervisors or through mediation, an informal process conducted by a qualified and impartial trained mediator. This confidential and voluntary process is agreed to by both parties and not used to deny your rights to a formal hearing.

Formal Impartial Hearing. At any time you may request a formal impartial hearing performed by an impartial hearing officer selected from a pool of qualified individuals identified by VR.

At said hearing you or your representative will have an opportunity to present additional evidence, information, and witnesses to the impartial hearing officer. Also you may retain representation by counsel or other appropriate advocate who shall have the opportunity to examine all witnesses and other relevant sources of information and evidence.

Services which have been initiated shall not be suspended, reduced or terminated pending the final hearing decision unless the consumer or consumer's representative so requests, or if there is evidence that the services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the consumer.

The hearing must be held within 45 days of the consumer's initial request, unless informal resolution is achieved prior to the 45th day or the parties agree to a specific time extension.

The hearing officer shall make a decision based on the provisions provided by the VR Program, the regulations and other pertinent federal regulations and policies. The hearing officer shall provide a full written report of the findings and grounds for decisions to the consumer or consumer's representative and to the VR Program director within 30 days of the completion of the hearing.

Reviewed on _____ by _____ and _____
Date Consumer/Guardian Signature SNVR Intake Signature

The Client Assistance Program – Attachment A2

THE CLIENT ASSISTANCE PROGRAM (CAP) 1-800-993-8982

CAP was established by Congress to provide information about services for people with disabilities and to provide assistance when a person is having difficulty receiving services that are funded under the Rehabilitation Act.

Who does CAP Serve?

CAP serves people who are seeking services from Vocational Rehabilitation, rehabilitation teachers, or independent living centers in New York.

CAP Services:

1. CAP staff can provide information about vocational rehabilitation services and independent living services in New York.
2. CAP staff can tell you about the types of services you can expect from a vocational rehabilitation counselor or rehabilitation teacher.
3. CAP staff can assist you in determining if you are receiving appropriate services.
4. CAP staff can assist you in resolving differences with your vocational rehabilitation counselor, rehabilitation teacher, or independent living center staff person.
5. If differences cannot be resolved, CAP staff can assist a person with an appeal or other legal remedy when appropriate services have been denied.

You should know:

There is no cost to you for CAP services.

CAP provides assistance to individuals with all types of disabilities.

CAP will cover the cost of interpreters or translators and provide information in braille, large print, or other alternative format upon request.

CAP assists individuals anywhere in New York. If a meeting is needed CAP staff will travel to your community.

The information you tell us is confidential and will not be shared without your permission.

CAP staff will not advocate for anything that is against your wishes.

Reviewed on _____ by _____ and _____
Date Consumer/Guardian Signature SNVR Intake Signature

The Vocational Rehabilitation Program Acknowledgement Form – Attachment A3

The Seneca Nation Vocational Rehabilitation Program representative has provided me with a copy of the Seneca Nation Vocational Rehabilitation Consumer Handbook and reviewed, discussed and provided a copy of the following:

1. Your Rights as a Seneca Nation Vocational Rehabilitation Program participant
2. The Client Assistance Program (CAP) 1-800-993-8982

Questions/Comments/Notes:

Reviewed on _____ by _____ and _____
Date Consumer/Guardian Signature SNVR Intake Signature

The contents of this handbook were developed under a grant for the Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration: Grant award #H250D080006. The contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the federal government.

Authority: PL 102-569 Rehabilitation Act of 1973 as Amended; Rehabilitation Services – American Indians with Disabilities.



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