

## **ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

**Program Name:** Vocational Rehabilitation (VR)

**Policy Number:** VR-14.1-v1

**Effective Date:** July 1, 2008

**Last Revision:** March 31, 2021

**CHAPTER 14:** Special Populations

**Section 14.1:** Youth Seeking Subminimum Wage

### **I. Policy Statement**

This policy provides the guidelines regarding the documentation necessary for demonstrating that youth with disabilities have completed certain requirements prior to proceeding with subminimum wage employment and subsequent VR case closure.

### **II. Authority**

Authority for policies contained in this document includes the following:

- Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3101 et seq.
- Title IV Amendments to the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.
- State Vocational Rehabilitation Services Program, 34 C.F.R. Part 397 Limitations on Use of Subminimum Wage
- A.R.S. §§ 23-502 and 503

### **III. Applicability**

This applies to youth with a disability who wish to pursue subminimum wage employment. The youth must complete the required services listed in Section IV.A of this policy.

### **IV. Standards**

A. The following services must be available to youth with disabilities:

1. Pre-Employment Transition Services provided by VR, or Transition Services provided by a Public Education Agency (PEA) (refer to Section 11.1 of this manual for further detail), when applicable,
2. Career counseling and information and referral to federal/state employment programs and local resources for competitive and integrated employment,

3. Application for VR services,
  4. Eligibility or ineligibility decision,
  5. Development and implementation of an Individualized Plan for Employment (IPE) in the event the youth was determined eligible in an open Order of Selection Priority Category, and
  6. Case Closure decision in the event the youth is unable to reach the employment outcome per the IPE.
- B. The following agency forms must be provided to the youth/youth's representative for verification upon the completion of any or all of the required services below:
1. *Verification of Transition Services (RSA-511A),*
  2. *Verification of Pre-Employment Transition Service (RSA-511 B),*
  3. *Verification of Career Counseling Information and Referral (RSA-511C),*
  4. *Verification of Application and Eligibility (RSA-511D),*
  5. *Verification of IPE Development, Receipt of IPE Services, and Case Closure (RSA- 511E),*
  6. *Verification of Services Cover Sheet (RSA- 511F), and*
  7. *Incomplete- Transition and Pre-ETS (RSA- 511G)*
- C. The VR Counselor must provide documentation of services listed in Section IV. B (1-7) of this policy to the youth/youth's representative as soon as possible but no later than:
1. 45 days of the youth's completion of the service, or
  2. 10 days of the youth's refusal to participate in the service.
- D. Upon receipt of a referral, the youth or their representative must be informed about the following:
1. The youth must complete the applicable services listed in Section IV.A.(1-6) of this policy in order to engage in subminimum wage employment.
  2. Refusal to participate in the required services will result in the youth's inability to engage in subminimum wage employment.
- E. Prior to accepting an application for VR services, the VR Counselor must inquire whether the youth completed transition services and had an Individualized Education Plan (IEP) that included transition services through a PEA.
- F. Transition services are considered complete if the youth's Individualized Education Plan (IEP) contains transitions services and the youth has exited the school system.

- G. The *Verification of Transition Services* (RSA-511A) form must be obtained and sent to the associated District Office for completion when the youth completes transition services through a PEA. District Offices may be located using <http://www.ade.az.gov/edd/>.
- H. In instances when the youth did not complete transition services through a PEA, the VR Counselor must verify the youth is a student with a disability and is potentially eligible for Pre- Employment Transition Services (Pre-ETS) per Section 11.1 of this policy manual prior to providing Pre-ETS.
- I. The VR Counselor must discuss with the youth/youth's representative whether the Pre-ETS are appropriate and necessary to meet the youth's needs and provide or arrange for the provision of the agreed upon Pre- ETS.
- J. The *Incomplete - Transition and Pre-ETS* (RSA- 511G) form must be completed when documentation of Transition Services cannot be obtained from a PEA and the youth is not eligible for Pre-ETS.
- K. Career Counseling and Information/Referral services must be provided during or upon completion of Transition Services or Pre-ETS or within 30 days of an ineligibility decision or closure due to the youth not meeting an employment outcome.
- L. The youth must be determined ineligible for VR services once they choose to pursue subminimum wage employment instead of competitive and integrated employment after receiving Career Counseling and Information/Referral services and applying for VR services. Trial Work Plan/Experience is not necessary in this situation.
- M. When an ineligibility decision is rendered, the following must be completed:
  - 1. *Verification of Application and Eligibility* (RSA-511D) and *Verification of Services Cover Sheet* (RSA-511F) forms,
  - 2. Notify the youth that they can seek subminimum wage employment, and
  - 3. Close the VR case in accordance with Section 5.1 Closure Criteria of this policy manual.
- N. The VR Counselor must determine whether a Trial Work Experience (TWE) is necessary to determine eligibility once the youth/youth representative chooses to pursue competitive employment.
- O. Once the youth is determined to have the potential to achieve competitive and integrated employment and it is also determined that TWE is not necessary, the VR Counselor must proceed with eligibility determination.
- P. The youth must be determined ineligible when they are determined to be unable to benefit from VR services in terms of achieving competitive and integrated employment due to the significance of their disability as a result of TWE. Refer to IV.B above for details about the required verification forms.

- Q. Once the youth is determined eligible and is in an open Order of Selection priority category (not currently waitlisted), the VR Counselor must develop the IPE per Section 4.3 of this policy manual.
- R. No verification forms are necessary if the youth completes their IPE and achieves the employment outcome.
- S. When the youth is unsuccessful in achieving an employment outcome after receiving IPE services for a reasonable amount of time the below items must be completed as follows:
  - 1. The *Verification of IPE Development, Receipt of IPE Services, and Case Closure* (RSA- 511E) and *Verification of Services Cover Sheet* (RSA- 511F),
  - 2. Notify the youth that they can seek subminimum wage employment, and
  - 3. Close the VR case in accordance with Section 5.1 Closure Criteria of this policy manual.
- T. In instances when the youth/youth's representative refuse to participate in any of the required services, the following must be completed:
  - 1. Document the refusal on the corresponding verification form (e.g. if the client refuses *Career Counseling and Information Referral*), Staff will indicate the refusal on the RSA- 511C form),
  - 2. Complete the *Verification of Services Cover Sheet* (RSA- 511F),
  - 3. Notify the youth that they are not eligible to seek subminimum wage employment, and
  - 4. Close the VR case in accordance with Section 5.1 Closure Criteria of this policy manual.
- U. The VR Counselor must coordinate the planning and provision of services with other provider agencies such as Public Education Agencies (PEAs), Division of Developmental Disabilities (DDD), behavioral health, etc.
- V. The VR Counselor must obtain a Release of Information to communicate and coordinate services with other providers as necessary.
- W. All documentation relating to youth seeking subminimum wage must be posted in the client's ECF.

**V. Procedure**

- A. Refer to IV. C-E, G-I, M-O, Q, and S-W above.
- B. Refer to Standard Work, if applicable.
- C. Refer to the Youth with Disability Seeking Subminimum Wage flow chart.

- D. Refer to Section 11.1 Pre-Employment Transition Services of this manual for details about the service provision.

**VI. Documentation Requirements**

The youth's electronic case file must include documentation listed in Section IV. B. (1-7) of this policy.