

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Program Name: Vocational Rehabilitation (VR)

Policy Number: VR-5.1-v10

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CHAPTER 5: Closure

Section 5.1: Closure Criteria

I. Policy Statement

This policy outlines the criteria for closing Vocational Rehabilitation (VR) cases.

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 CFR:
 - § 361.44, Closure without eligibility determination,
 - § 361.47, Record of Services,
 - § 361.5, Applicable definitions, and
 - § 361.56, Requirements for closing the record of services of an individual who has achieved an employment outcome.
- Arizona Revised Statutes:
 - § 23-502, and
 - § 23-503.
- Arizona Administrative Code, Title 6, Chapter 4, § R6-4-207, Closure or Exit from VR.
- Rehabilitation Services Administration (RSA) Policy Directive: RSA-PD-19-03, Instructions for the Completion of Case Service Report (RSA-911) for the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program.

III. Applicability

This policy applies to all open VR cases.

IV. Standards

A. General Provisions

1. All case closures must have relevant supporting documentation in the electronic case file (ECF).

2. Case closures are appropriate in circumstances when the applicant/client:
 - a. Is not available to participate in services for 90 calendar days or longer. This includes, but is not limited to, an applicant's/client's stay in jail, prison, a nursing home, a hospital, or a residential treatment center, involvement in medical treatment, active military duty, religious service, or death.
 - b. Chooses not to participate or continue engaging in VR services to obtain employment.
 - c. Creates a barrier to beginning or continuing VR services necessary for employment, including:
 - i. Declining to participate in VR services and assessment activities for eligibility determination and service planning,
 - ii. Failing to keep appointments for evaluations, counseling, or other services, and
 - iii. Failing to make progress toward the achievement of the employment outcome as identified on the client's IPE.
 - d. Is determined ineligible or no longer meets eligibility criteria, at any time, for any of the following reasons:
 - i. The applicant/client does not have a physical or mental impairment,
 - ii. The applicant's/client's physical or mental impairment does not constitute a substantial impediment to employment,
 - iii. The applicant/client does not require VR services to prepare for, enter into, engage in, or retain an employment outcome, or
 - iv. The applicant's/client's disability is too significant to benefit from VR services in terms of achieving an employment outcome.
 - e. Achieves employment outcome in competitive integrated employment and maintains employment for a minimum of 90 calendar days.
 - f. Chooses to accept employment in a non-integrated or sheltered setting that provides compensation as required under 29 U.S.C. 8 (Fair Labor Standards Act).
 - g. Requires long-term support to maintain employment after exiting VR, but no source of long-term support is available or expected to be available upon completion of VR services.
 - h. Cannot be located or has not responded to contact from VR.
3. Closure Before Eligibility Determination: VR cannot close an

applicant's case before eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and OOS priority category, and VR has made a reasonable number of attempts to contact the applicant to encourage their participation.

4. Closure After Achievement of Employment Outcome

- a. The case for a client who has achieved an employment outcome may be closed if all of the following requirements are met:
 - i. The client has achieved the employment outcome that is competitive integrated employment, described in the client's Individualized Plan for Employment, and is consistent with the client's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
 - ii. The client has maintained the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome, and the client no longer needs vocational rehabilitation services.
 - iii. The client and the VR Counselor find the employment outcome satisfactory, and that the client has achieved job stability and is performing well in their role.
 - iv. The client has been informed of the availability of post-employment services.
- b. Competitive Integrated Employment Criteria: Competitive Integrated Employment includes employment that is full-time or part-time employment, including self-employment, for which the client is:
 - i. Paid at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience,
 - ii. Receiving the same level of benefits provided to other employees without disabilities in similar positions,
 - iii. At a location typically found in the community, where the client interacts with other individuals without disabilities, and

- iv. Presents opportunities for advancement for individuals with disabilities that are similar to those available to employees without disabilities in similar positions.
5. An applicant/client whose VR case has been closed must apply for VR and have their eligibility determined if VR services are requested after case closure.

B. VR Closure Process

1. The VR Counselor must:
 - a. Contact the client before closing the case,
 - b. Send the applicant/client the Closure Decision letter that includes the reason for closure, the closure date, and appeal rights.
2. A case must be closed no sooner than 20 calendar days from the date after the closure letter date, and no later than 25 calendar days from the closure letter date, unless a request for appeal of the closure decision has been received.
3. The Program Supervisor must approve closure decisions made by VR Counselors who do not meet the Standard for Personnel, as per Section 1.3 Personnel Standards of this policy manual.

V. Procedure

A. Refer to Standard Work Closures - Loss of Contact.

B. The VR Counselor must:

1. Contact the client before closing the case and document all client contact attempts in the ECF.
2. Complete and send the Closure Decision letter.
3. Complete the Closure Information Data Collection card in the ECF,
and
4. Ensure the ECF contains documentation to support the closure decision.

C. Closure Meeting an Employment Outcome

1. The VR Counselor must verify that the client's wages meet or exceed the State minimum wage.
2. The types of documents for job verification accepted by VR are as follows:
 - a. Pay stub,

- b. Documentation from the employer that includes the client's start date and pay rate,
 - c. Financial worksheets showing profit/loss/income for clients under self-employment, or
 - d. Detailed case notes including the employment start date, date of verification, and justification for the client not providing employment documentation.
3. In the event the client is paid in cash or on commission, the VR Counselor will need to calculate the hourly wage and divide the number of hours worked by the gross pay on the Employment Verification form in the ECF.
4. The VR Counselor must indicate the attempts to collect job verification documentation via a case note in the ECF.
5. In the event the client does not provide supporting documentation for employment, the VR Counselor must utilize The Work Number to attempt to obtain wage verification.

VI. Documentation Requirements

The client's ECF must include the following:

- A. Documentation supporting case closure,
- B. Documentation for job verification,
- C. Closure Information Data Collection,
- D. Closure Decision Letter with Appeal Rights, and
- E. Case notes documenting the attempts to contact the client before case closure.