



# **Rhode Island Disability Law Center**

The Designated Protection and  
Advocacy System for Rhode Island

## **A Consumer's Guide to Services From the Rhode Island Office of Rehabilitation Services (ORS)**

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## TABLE OF CONTENTS

Introduction	4
RIDLC and the Client Assistance Program	5
<b>Your Rights as a VR Client</b>	
Vocational Rehabilitation	7
Who is Eligible for VR Services?	7
What are the Costs Involved with VR Services?	8
How to Apply for VR Services	8
<b>Making the VR System Work for You</b>	
The ORS Counselor	9
Your Responsibilities	10
Tips for Solving Problems	11
<b>The VR Process</b>	
Application	12
Eligibility	13
Order of Selection	15
Development of the Individualized Plan for Employment	15
Provision of Services	17
Transition Services	19
Employment	20
Case Closure	20
Post-Employment Services	21
Supported Employment Services	21
<b>The Appeals Process</b>	
Appeals Procedures	23
Mediation	24
Administrative Hearing	25
Review by State Agency Director	26
Court Review	26

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Rhode Island Disability Law Center, Inc.

This guide is intended to provide a basic overview of Rhode Island state vocational rehabilitation services and does not constitute legal advice. If you need legal advice about your particular situation regarding vocational rehabilitation services, please contact us.

Please contact us or visit our website, [www.ridlc.org](http://www.ridlc.org) to obtain the most recent copies of all our publications.

## **INTRODUCTION**

In 1973, the United States Congress passed the Rehabilitation Act. Under this law, states receive federal funds to operate a Vocational Rehabilitation (VR) program. The VR program was created to help individuals with disabilities prepare for and engage in gainful employment.

In Rhode Island, the Office of Rehabilitation Services (ORS) within the Rhode Island Department of Human Services administers the VR program. The guidelines for ORS are established by the federal government.

### **PURPOSE OF THIS GUIDE:**

- To provide helpful information to help you learn more about ORS services and your rights and responsibilities in the VR system.
- To help you to access the services you need that are available to you through ORS.
- To help you to understand your rights and responsibilities in the vocational rehabilitation system.
- To help you to exercise informed choice in seeking, gaining, or maintaining employment.
- To help you become a better self-advocate.

**RHODE ISLAND DISABILITY LAW CENTER, INC. (RIDLC)  
CLIENT ASSISTANCE PROGRAM (CAP)**

Rhode Island Disability Law Center, Inc. (RIDLC)'s mission is to assist Rhode Islanders with differing abilities in their efforts to achieve full inclusion in society and to exercise their civil and human rights through the provision of legal advocacy.

Through our Client Assistance Program (CAP), we provides free\* legal help to individuals with disabilities applying for or receiving services from ORS (Vocational Rehabilitation and Services for the Blind and Visually Impaired) and Independent Living Services. CAP services are authorized by the Rehabilitation Act.

**RIDLC CONTACT INFORMATION**

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**Visit us on the web where you may learn more about our agency  
[www.ridlc.org](http://www.ridlc.org)**

\*In some cases, RIDLC may charge clients for filing fees and other costs associated with legal representation.

## **I. YOUR RIGHTS AS A VR CLIENT**

As a client of ORS, you have several legal rights. Some of your rights relate to the way ORS will keep your records while other rights relate to the services you will receive:

### **RECORDS**

- ORS will keep a confidential file on you.
- The information in your ORS file will not be released to others unless you first give ORS your written permission to do so or when by law the agency may share that information without your permission.
- You (or your representative) have the right to see your file at any time. ORS only shares what is generated or funded by ORS.
- If you do not understand something in your file, ask your counselor.
- You should keep your own copies of some documents from your ORS file. These include –
  - Releases of Information that you signed
  - Certification of Eligibility (or Ineligibility)
  - Designation of Order of Selection category
  - Individualized Plan for Employment (IPE) [whenever the IPE is changed, be sure to obtain a copy of the new one.]

### **VOCATIONAL REHABILITATION SERVICES**

- You have the right to a fair and complete evaluation to determine if you are eligible for ORS services.
- You have the right to a determination of eligibility within 60 days of your application for rehabilitation services through ORS.
- You have the right to be a partner in the planning of your vocational rehabilitation goals and services.
- You have the right to receive written notice of important decisions made in your case, including notice of your appeal rights and the availability of RIDLC services.

### **EMPLOYMENT**

- You have the right not to be discriminated against in your workplace because of your disability.

## II. VOCATIONAL REHABILITATION

The purpose of vocational rehabilitation is to assist people with disabilities to become integrated into the community through employment. According to federal law, the goal of the vocational rehabilitation program is for states to -

*“assess, plan, develop and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, and interests, informed choice, and economic self-sufficiency so that they may prepare for and engage in gainful employment.”*

### WHO IS ELIGIBLE FOR VOCATIONAL REHABILITATION SERVICES?

To be eligible for ORS services, you must –

- (1) have a physical or mental impairment which constitutes or results in a substantial impediment to employment, and
- (2) be able to benefit from vocational rehabilitation services in terms of an employment outcome.

If you are receiving Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI), ORS will presume that you are eligible for vocational rehabilitation services. However, you may be placed on a wait list depending on your Order of Selection category.

You must intend to achieve an employment outcome. You do not need to prove that you intend to achieve an employment outcome because your application for ORS services provides sufficient evidence of your intent.

ORS does not discriminate on the basis of race, color, national origin, disability, political beliefs, sexual orientation, age, religion or gender in the acceptance for or provision of services, employment or treatment in its educational and other programs and activities.

## **WHAT ARE THE COSTS INVOLVED WITH VOCATIONAL REHABILITATION SERVICES?**

Many vocational rehabilitation services are paid for by ORS, including –

- (1) Evaluations,
- (2) Assessments to determine eligibility,
- (3) Job placement services,
- (4) Interpreter services and other auxiliary aids and services, and
- (5) Community Rehabilitation Programs (CRPs).

You may be asked to share in the cost of other services, depending on your ability to pay and your resources (such as insurance and any other resources that are available to you).

## **HOW TO APPLY FOR SERVICES THROUGH ORS**

To apply for ORS services, you must first fill out an application. You can obtain an application by calling ORS at –

Voice: (401) 421-7005  
TDD: (401) 421-7016  
Spanish: (401) 272-8090.

The application is also available on the ORS website at <http://www.ors.ri.gov>.

You can also call the agency and request a copy be mailed or you can ask to pick one up from ORS.

- You can apply by going to the ORS office and completing an application.
- The ORS staff may ask you to attend an orientation. You can also fill out the application for ORS services at the orientation. The schedule of ORS orientations is available on the ORS website.
- ORS has 60 days to decide if you are eligible.
- If you are receiving Social Security Disability benefits (SSI or SSDI), then ORS will presume that you are eligible for vocational rehabilitation services (depending on your Order of Selection category, you may be placed on a waiting list for services).
- You will be assigned an ORS counselor.



- If you are unable to go to the ORS office, it is possible that your counselor will meet you somewhere else, for example, at a community location.
- Section IV of this Guide will explain the steps of the vocational rehabilitation process after you apply.
- If you have difficulty with the application, you can become a legal applicant by signing and dating a letter requesting ORS services.

### **III. MAKING THE VR SYSTEM WORK FOR YOU**

ORS is a very large agency. Each year, ORS provides services to thousands of individuals with disabilities. Even though ORS exists to provide vocational rehabilitation services, you may feel “lost” in the process or may feel that your case needs more attention. This section is written to help you to understand what you can do to help yourself, and how you can get others to help you.

#### **THE ORS COUNSELOR**

Soon after you apply for ORS services, you will be assigned a counselor. The counselor’s job is to help you to set up a program so that you can get the best services possible. The counselor is the most important person you will work with at ORS.

#### **SUGGESTIONS FOR WORKING WITH YOUR ORS COUNSELOR**

Find out your counselor’s name and how to get in touch with him or her. You should keep all appointments that you have made with your counselor, whether for a visit or a phone call. Make sure to let your counselor know if you move or change your e-mail or telephone number. Be active in your vocational rehabilitation program, and let your counselor know if you have special needs, for example –

- Do you read?
- Do you want (or need) to bring someone with you to your appointments?
- Do you have a telephone or e-mail where you can be reached?
- Do you receive mail at a different address from where you live?
- Is English your first language?

- Do you need to receive ORS materials in an alternate format? (For example, do you need large print, Braille, or electronic information?)

## WHAT WILL HAPPEN IF YOUR COUNSELOR IS CHANGED?

You will receive a letter from ORS telling you the name of your new counselor. You should call your new counselor right away to make an appointment to meet with him or her to review your file. Your new counselor will read your case file. If everything you and your previous counselor agreed upon is written in your file, your services should continue as planned.

## WHAT YOU CAN EXPECT FROM YOUR ORS COUNSELOR

- Courteous and respectful treatment
- Honest answers about your eligibility or other actions that affect you
- Prompt appointments when you request them
- Prompt services
- Regular contacts
- Information to help you to make informed decisions about your vocational goal, the services you will receive, and who can provide the services
- An interpreter for your appointments if
  - Your counselor does not speak your native language, or
  - You are hearing impaired and your counselor is not trained in sign language

If you and your counselor cannot seem to develop a good relationship, you can ask his or her supervisor to assign you to a new counselor or you can contact the counselor's supervisor to help resolve the problem. You can also contact the Rhode Island Disability Law Center, Inc. (RIDLC) for assistance in resolving your dispute.

## **YOUR RESPONSIBILITIES**

It is to your advantage to present a good image when you are going through the vocational rehabilitation process. Just as you can expect certain things from your counselor, your counselor may expect you to act a certain way. You will get more out of the vocational rehabilitation process if the people you are dealing with really understand your needs and believe that you are really making an effort.

## HELPFUL HINTS

- In order to show that you are really making an effort, follow through on ALL of the suggestions that you and your counselor discuss.
- Be on time for all appointments, whether they are with ORS staff, for evaluations or assessments, or with possible employers. If you cannot make an appointment, call before the appointment to say that you are not going and set up a new appointment time. Be well-informed, and be sure to understand the purpose of your meetings or appointments.
- Ask questions whenever you have any, and be honest about your needs with your counselor and others. Be sure you have all the information that you need in order to make decisions about your vocational rehabilitation program.
- Be sure that you and your counselor agree on EXACTLY what your next step is.
- If you fear that you might misunderstand something important, do not hesitate to ask questions, or if you feel you need to bring someone else with you, do so.
- Actively develop your Individualized Plan for Employment (IPE) with your counselor. You should be in regular contact with your counselor and never go longer than three months without contact.

## TIPS FOR SOLVING PROBLEMS

You may have some problems as you go through the vocational rehabilitation process. Problems are best solved when they are still small, or when they first develop. Make an appointment to discuss the possible solutions with your counselor (or the person involved with the problem). Always consider bringing someone else with you to your meetings about problems, such as a friend or advocate.

Before your meeting, you should try to write down (or have a friend write down) exactly what you think the problem is. For example, do you think that you need a certain service and your counselor disagrees? Or, did your counselor order a certain kind of assessment and you do not know why?

Try to think of more than one solution to the problem, and write down the possible solutions. You should state your needs as best you can, explain the possible solutions, and explain how the possible solutions will help you to achieve your

vocational goal. If your request is not granted, write down the reasons WHY the request was not granted. This will help you to think of more possible solutions.

If you need help to solve your problem with ORS, contact RIDLC or see the information below regarding the Appeals Process.

#### **IV. THE VOCATIONAL REHABILITATION PROCESS**

The process of going through the vocational rehabilitation system can seem complicated. This is because you can expect different things from ORS depending on where in the process you are, as well as what kind of services you are receiving. This section is designed to help you to understand what you can expect and gives you helpful hints for self-advocacy. In general, the process is as follows –

1. Application
2. Eligibility
3. Determination of Order of Selection
4. Development of an Individualized Plan for Employment
5. Provision of Services
6. Employment
7. Case Closure
8. Post-Employment Services.

##### **1. APPLICATION**

For more information about how to apply for vocational rehabilitation services, see Section II of this Guide. Once you have filled out an application, ORS will decide if you are eligible for services. ORS has 60 days to make this decision.

If you are a student in high school, please discuss inviting ORS to your IEP meeting or asking your school to refer you to ORS. ORS has a counselor assigned to most high schools. You also may contact ORS directly.

ORS may ask you to go for certain examinations or evaluations to find out more about your disability.

## **2. ELIGIBILITY**

To be eligible for vocational rehabilitation services you must:

1. have a disability; and
2. require vocational rehabilitation services to prepare for, secure, retain, or regain employment.

If you receive SSI or SSDI benefits, ORS will presume that you are eligible for services.

There are many ways to be employed. Each of these is an acceptable vocational goal –

- ◆ competitive integrated employment
- ◆ self-employment or business ownership
- ◆ supported employment
- ◆ customized employment
- ◆ telecommuting

### **HOW ORS GATHERS INFORMATION**

When ORS is determining your eligibility for services, it will review existing information to determine whether you have a disability and what your rehabilitation needs may be. This information can come from many sources including your ORS counselor's observations, your education records, information you or your family provide, and information used by officials at other agencies or schools.

If ORS does not have enough existing data to describe your current functioning, or if the data is not available, sufficient, or appropriate to make an eligibility determination, it may ask for an assessment of additional data. This may include trial work experiences, assistive technology devices and services, personal assistance services, and other support services necessary to determine if you are eligible.

ORS may also ask you to undergo a general medical exam or see a medical specialist or a psychologist. ORS may also need more information about your skills, abilities, and interests.

ORS also may use unpaid work experiences and internships that you during the assessment process when making an eligibility determination.

### **TIPS**

Offer any existing information you have that provides evidence of your disability. Information from your family, treating sources, and school records will generally be very helpful. Ask your counselor why a particular evaluation is needed, and try to understand the process. Ask your counselor when your evaluations will be complete, and, when they are, discuss them with your counselor.

Within 60 days, you should be finished with all of your evaluations and should know if you are eligible for vocational rehabilitation services. Once you know whether you are eligible or not for vocational rehabilitation services, you should obtain a copy of your Certification of Eligibility or (Ineligibility). If you are found ineligible, see “The Appeals Process” section of this Guide.

### **TRIAL WORK SETTING**

ORS will generally assume that most people can work no matter how severe their disability. In rare cases, ORS may need more information to see if you can work. Your counselor can place you in a Trial Work Setting so that ORS can take more time to get to know your skills and interests and determine if you can work.

Trial Work experiences may include supported employment, on-the-job training, and other integrated work experiences. The trial work experiences must be varied and for a sufficient enough amount of time for ORS to determine whether you can benefit from ORS services in terms of an employment outcome. ORS must provide appropriate supports that you need during a trial work experience and may include things such as assistive technology devices and services or personal assistive services that you may need as an accommodation during your trial work experience.

ORS will require more evaluations to answer questions about your eligibility. You will have a written Individualized Plan for Employment (IPE) that will state goals for these evaluations and how the goals will be measured. You can also expect to receive any or all of the assessment for services that ORS offers, IF the services will help determine whether you are eligible. If you do not understand the eligibility determination process or disagree with ORS, you should contact RIDLC.

### **3. DETERMINATION OF ORDER OF SELECTION**

An Order of Selection is a process used by ORS that establishes a priority for providing services to people with the most significant disabilities. An Order of Selection can be imposed by ORS, at any time, when ORS feels it does not have the resources to provide services to all people with disabilities. Rhode Island is under a current Order of Selection serving (1) those who have the most significant disabilities and (2) those who have significant disabilities. This means that your disability must seriously limit you in at least one of the following areas: mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills. You must also need comprehensive rehabilitation services over an extensive period of time in order to become employed. Once your eligibility for ORS services has been determined, your counselor will notify you as to what priority you fall into under the Order of Selection.

If ORS does not have enough resources to serve everyone under its Order of Selection, it may place people on a waiting list. If ORS places you on a waiting list, they will notify you in writing. They will also periodically follow up with you in writing while you are on the waiting list to see if you want to remain on the waiting list.

### **4. DEVELOPMENT OF THE INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)**

Development of the Individualized Plan for Employment (also known as the “IPE”) is a very important step in the VR process. Once you are eligible for vocational rehabilitation services, you and your counselor will work together to select a vocational goal for you. You have the right to exercise informed choice in selecting a vocational goal that is consistent with your unique strengths, resources, priorities, concerns, abilities and capabilities. You and your counselor must decide on the kinds of services you will need to reach your goal. The Individualized Plan for Employment (IPE) is a written document that you develop with your counselor. The IPE is very important. It determines what happens next and how well your VR services will meet your needs. You should ask for a copy of it. The IPE is also amended at least once a year, but also can be amended any time you and your counselor change a goal or services. You should ask for copies of any amendments as well.

ORS must develop your IPE no later than 90 days after you are found eligible for services. ORS and you can agree to a “specific extension” beyond the 90-day timeframe. ORS should ensure that the extension is warranted based on your

particular needs. The extension should not be so long as to cause unnecessary delays in providing services.

### **TIPS**

- As soon as you are declared eligible for vocational rehabilitation services, you and your counselor should begin to develop your IPE.
- Your IPE should be reviewed at least once per year by you and your counselor.
- You can ask for a review of your IPE at any time if your situation has changed.
- You should keep copies of your IPE and any IPE amendments

### **WHAT YOUR IPE SHOULD INCLUDE**

- Your IPE must describe the specific employment outcome you choose that is consistent with your unique strengths, resources, priorities, concerns, abilities, capabilities, interest and informed choice.
- The IPE must include a description of the specific vocational services that are needed to achieve the employment outcome.
- The IPE should state goals for your progress and include timelines for the achievement of your employment outcome and for the initiation of services.
- You should be able to understand exactly what comes next, how long it will take, and who is responsible for funding services.
- If you are a student in High School, your plan should describe a transitional goal instead of an employment goal and the services (including pre-employment transition services or PRE-ETS) that you will need to achieve your transition goal.
- The IPE must be signed by both you and your ORS counselor. You should not sign your IPE unless you are comfortable with what it says.
- You should be sure that your IPE includes everything you need to you're your vocational goal
- You should work closely with your counselor so that you can set an appropriate vocational goal. Your counselor should help you to explore alternatives. You should justify your requests for certain services by explaining your needs.



## 5. PROVISION OF SERVICES

Once you are eligible for vocational rehabilitation services, you are **ELIGIBLE FOR ALL SERVICES THAT YOU NEED TO ACHIEVE YOUR VOCATIONAL GOAL.**

- You are not entitled to services simply because you would like to have them. The services must be related to your vocational goal and must be related to your specific needs.
- You must be able to show that your vocational goal cannot be achieved without a certain service.

The VR services that you will receive will depend upon your needs. The most important services you will receive from ORS are:

- **COUNSELING AND GUIDANCE.** ORS provides advice and information to assist you in exercising informed choice about employment goals, service providers, and support you need.
- **TRAINING.** You may need vocational or other job training in order to prepare for work. Or, you may need to go to college.
- **JOB SEARCH AND PLACEMENT.** ORS will assist you in finding a job that is consistent with your unique strengths, resources, priorities, concerns, abilities, and capabilities.

There are other services that you may also receive from ORS, if you need them. These include:

**MEDICAL TREATMENT.** ORS may help with medical treatment, if necessary to “reduce” a disability or to keep a disability from becoming worse. Medical treatment may include surgery or therapeutic treatment, treatment for mental or emotional disorders, dentistry, eyeglasses, prosthetic or orthotic devices, or therapy (speech, physical or occupational).

**PERSONAL ASSISTANCE SERVICES.** Personal assistance services means a range of services provided by one or more persons designed to assist an individual

with a disability to perform daily living activities on or off the job that the person would typically perform if the person did not have a disability. The services must be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services.

**ASSISTIVE TECHNOLOGY (AT) DEVICES OR SERVICES.** Assistive technology (AT) is any item or piece of equipment or product system that is used to increase, maintain or improve your functional capabilities. AT services include an evaluation of your needs; purchasing, leasing, or otherwise providing AT; selecting, designing, fitting, customizing, adapting, maintaining, or replacing AT devices; coordinating and using other therapies with AT; or training or technical assistance for you and/or your family or professionals with whom you are working.

**MAINTENANCE.** You may receive financial help with basic living expenses, such as rent, food, or utilities, if these expenses are increased because you need to participate in training, an assessment, or other program. Financial support is available if it is not readily available from another source.

**SPECIAL SERVICES.** ORS may provide interpreter services for individuals who are deaf, and reading for individuals who are blind. It may also provide rehabilitation services or mobility services for individuals who are blind. ORS may also provide foreign language interpreters.

**TRANSPORTATION.** ORS may help you learn to use public transportation, or assist you with transportation to evaluation and training programs.

**LICENSES AND OCCUPATIONAL TOOLS OF THE TRADE.** If you need a license or permit for certain jobs or small business, ORS may help you to obtain it. ORS may also help you with the purchase of tools, equipment, initial stock, and supplies.

**TRAINING.** You may need training in order to prepare for work. Training can include vocational training or it can include higher education. You and your counselor can work together to ensure that you receive the proper training for your chosen vocational goal. If training includes college or other schooling, ORS will usually cover the cost of tuition and books as well as other direct school expenses. ORS will ask you to fill out a Free Application for Federal Financial Aid (FAFSA) to see if you are eligible for any grants or loans. A grant is money given by the federal government to eligible needy students who are not required to pay that money back. A loan is money that you will be responsible for paying back. ORS requires that you accept all grants for which you are eligible before they will pay

for training. ORS uses grant money to help offset the cost of your schooling. Your counselor should help you to understand how to fill out a FAFSA and the steps that you need to take in order to fulfill your obligation to complete the FAFSA on time. In addition, your counselor should advise you that you do not have to take out any student loans. ORS cannot require you to take out loans for your education.

**TRANSITION SERVICES.** Transition services means a coordinated set of activities, based on the individual student's needs, preferences and interests, that help students with disabilities to move from high school to either higher education or to work. Transition services include post-secondary education, vocational training, integrated employment, independent living, or community participation.

Students with disabilities are eligible for VR services if they have a vocational goal and meet the eligibility requirements. Both the federal Rehabilitation Act and the Individuals with Disabilities Education Act or Section 504 require that schools and ORS coordinate services for eligible students.

Pre-employment transition services (also known as PRE-ETS) must be made available to all students with disabilities, regardless of the type of disability, and regardless of whether the student has applied or been determined eligible for ORS services. These services include job exploration counseling, work-based learning experiences, counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs, workplace readiness to develop social skills and independent living, and instruction in self-advocacy including person-centered planning.

**OTHER SERVICES.** ORS currently provides additional services to individuals eligible for vocational rehabilitation services.

- ◆ **Specialized driver training** if you need specific instruction due to your disability and you will need to learn to drive in order to achieve your vocational goal.
- ◆ **Adaptive housing services** (involving architectural changes or installation of related equipment) if it makes your home more suitable for pursuit or maintenance of a vocational goal.
- ◆ **Independent Living Services** (after an assessment of your independent living needs) if the services will improve your ability to function more independently.

## **6. EMPLOYMENT**

When you have finished your training and are ready to seek employment, your counselor should assist you in finding a job.

### ***WHAT TO EXPECT***

Your counselor may arrange:

- jobseeking skills training (including resume writing)
- use of Labor Market Information (LMI)
- information on job openings
- help in applying for jobs
- advice about job interviews
- interpreters
- advocacy
- assistive technology
- education for an employer (for example, about reasonable accommodations);
- referral to job developers
- use of one-stop career centers.

### ***HELPFUL TIPS***

Take the lead in your job search. Ask your counselor to help you set up a plan to find a job. Keep all appointments that you make, and be on time and prepared when you arrive for job interviews. If you are NOT ready to begin a job, let your counselor know.

Once you have gotten a job, your ORS counselor will continue to work with you to be sure that you are doing well and to help you to be able to keep your job. Your counselor will assist you and your employer in making adjustments or changes in your job or making changes in the job site itself.

## **7. CASE CLOSURE**

ORS may not close your case prior to making an eligibility determination unless you decline to participate in, or are unavailable to complete, an assessment for determining eligibility and priority for services. Before ORS closes your case, however, it must make a reasonable number of attempts to contact you or your representative to encourage your participation.

Your case also may be closed when:

1. You have achieved the employment outcome described in your IPE that is consistent with your strengths, resources, priorities, concerns, abilities, capabilities and informed choice;
2. You have maintained the employment outcome for an appropriate period of time, but not less than 90 days, and you no longer need vocational rehabilitation services;
3. You and your counselor both consider the employment outcome to be satisfactory and agree that you are performing well in the employment; and
4. ORS informs you of the availability of post-employment services.

## **8. POST-EMPLOYMENT SERVICES**

In some cases, although your case has been closed, you may need services for a short time. For example, you may need ORS's help to KEEP your job. Or, you may need help from ORS to return to work if you have lost your job. Or, your disability may have changed and you may need more services. These short term services are known as Post-Employment Services. If you are going to receive Post Employment Services, your IPE must be amended. ORS says that Post-Employment Services can be provided on a short term basis, so if you need special services for a longer period of time, your counselor may re-open your case.

## **V. SUPPORTED EMPLOYMENT**

Supported Employment is a program of services intended to provide persons with the most significant disabilities the ability to work in paid community job sites, rather than in sheltered settings. Supported Employment is competitive employment in an integrated setting with ongoing support services for individuals with the most significant disabilities.

### **WHO IS ELIGIBLE FOR SUPPORTED EMPLOYMENT?**

- Persons with the most significant disabilities
- Persons with mental illness who are eligible for transitional employment

- Persons who have either not worked or have had intermittent employment because of their disabilities

## **WHAT ARE THE KEY CONCEPTS OF SUPPORTED EMPLOYMENT?**

- An individual continues to receive ongoing intensive support services after being placed in a job.
- An individual interacts with non-disabled individuals to the same extent that non-disabled individuals in comparable positions interact with other persons in an integrated setting.
- Ongoing support services are provided for a period not to exceed 24 months unless, under special circumstances, a longer period to achieve a satisfactory employment outcome has been jointly agreed to by the individual and the rehabilitation counselor. These ongoing support services are established in the Individualized Plan for Employment (IPE) before an individual with the most significant disabilities makes the transition to extended services. (Extended Services mean ongoing support services and other appropriate services provided by a state agency, a private non-profit organization, employer, or any other appropriate resource after an individual with the most significant disabilities has made the transition from ORS. Extended services provided to a youth with a significant disability may extend for four years or until that youth reaches age 25).
- For individuals with the most severe disabilities due to mental illness, supported employment may involve transitional employment. This is a series of temporary job placements involving competitive work in an integrated setting with ongoing supports.

## **WHO PROVIDES SUPPORTED EMPLOYMENT SERVICES?**

There are many agencies in Rhode Island that have Supported Employment programs and that provide services by way of a fee-for-service arrangement with ORS. The ORS client has the right to exercise informed choice in the selection of a service provider and the methods available to obtain those services.

## **ADVOCACY TIPS**

- Ask ORS to help you to identify a long-term provider.
- You might want to ask for regular meetings to review your IPE.
- The Rhode Island Disability Law Center, Inc. (RIDLC) can help you with problems you may encounter.

## **VI. THE APPEALS PROCESS**

You have the right to appeal ANY decision about your case at ANY time during the VR process.

### **EXAMPLES OF ISSUES THAT CAN BE APPEALED**

You may appeal a decision concerning:

- Your eligibility for services;
- Your Order of Selection category;
- Level of maintenance;
- Assistive technology that you need;
- The type of training program selected;
- The availability of post-employment services; or
- The closing of your case.

ORS must give you notice of your right to appeal and the availability of RIDLC services.

## **ADVOCACY TIPS**

Talk with your counselor about the decision. If you cannot agree with your counselor, ask him or her to check with the supervisor. If you still cannot agree, you may begin the appeals process.

- You only have 30 days from the date of the decision you want to appeal, to file your request for an administrative hearing.
- Contact RIDLC for assistance.

## **THE APPEALS PROCEDURES**

There are several ways that you can appeal a decision about ORS services. There are both informal and formal procedures that are available to you, which are discussed below. If you appeal a decision to stop services, those services must continue throughout the appeal process, until the date of any decision by the Director of the Department of Human Services.

### ***INFORMAL PROCEDURES***

Informal procedures include mediation, supervisory conference, and customer relations conference. Informal procedures are voluntary, so you do not have to use them before you ask for a more formal administrative hearing. If you choose to use an informal procedure before you go to an administrative hearing, the informal procedure cannot delay the administrative hearing.

### **MEDIATION**

Mediation means the process of using an independent third party to act as an intermediary to assist parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies.

- Federal law requires ORS to offer mediation to you whenever you make a request for an administrative hearing.
- To request a mediation, fill out form ORS-121 within 30 days of the date of the decision and return it to ORS.
- Mediation cannot delay the time for scheduling an administrative hearing.
- The mediator must be impartial.
- The mediator must have knowledge of vocational rehabilitation law and must have training in mediation techniques.
- You have the right to have a representative attend mediation with you, and to present evidence and information at the mediation.
- Mediation proceedings are confidential, and statements made during mediation cannot be used as evidence in any subsequent hearing or court review.
- If you reach an agreement, the mediator will help you to put it in writing.
- The agreement must be signed by you and ORS.



## **SUPERVISORY CONFERENCE**

A supervisory conference is a meeting among the client, the applicant or representative, the ORS counselor and the ORS supervisor.

- You must request a Supervisory Conference within fifteen (15) days of notification of any adverse decision by the counselor.
- You and/or your representative will have an opportunity to present your case.
- The ORS counselor will state the basis for his or her decision.
- The supervisor will render his or her decision at the conference.

## ***FORMAL PROCEDURES***

Formal procedures include administrative hearing, state agency review, and court review.

## **ADMINISTRATIVE HEARING**

An administrative hearing is a formal hearing at which you present evidence to an impartial hearing officer, who will make a formal record of the hearing and who will render a decision based on federal law, the ORS State Plan and state ORS regulations which are consistent with federal law.

- You can request an administrative hearing by completing form ORS-121 and returning it to ORS.
- You must request this hearing, in writing, as soon as possible, and within thirty (30) days of a written counselor determination that you wish to appeal.
- The administrative hearing must take place within forty-five (45) days of your request, unless you agree to a longer period of time.
- You have the right to bring an attorney (or other representative) to the hearing.
- You should plan on bringing any witnesses to the hearing.
- You have the right to question any of ORS's witnesses.
- You and the administrator of the VR agency will be notified of the decision in a full, written report within thirty (30) days following the hearing.
- The administrator of the ORS agency may review the decision and make a final decision (See Review by State Agency Director, below).

## **REVIEW BY STATE AGENCY DIRECTOR**

The Director of the Department of Human Services may review the administrative hearing officer's decision.

- Within 20 days of mailing of the administrative hearing officer's decision, you or ORS can request review by the Director of the Department of Human Services.
- If you or ORS do not request this review, the hearing officer's decision will become final on the 21<sup>st</sup> day after the decision is issued.
- The Director may consider additional evidence and information.
- The Director must uphold any part of the hearing officer's decision that supports your position unless there is clear and convincing evidence that the decision was contrary to federal law, the approved state plan, or state policies which are consistent with federal law.
- The director's review must be completed within 30 days of the request for review.
- A written decision must issue to both parties.

## **COURT REVIEW**

If you are dissatisfied with the administrative hearing decision, or with the decision that results from the Director review, you can file an appeal in court. A court appeal can be filed without first seeking review by the State Agency Director.

There are two types of court review available to you.

1. A review under the state Administrative Procedures Act, which you must file within 30 days of the final state agency decision in Superior Court of Providence County. For the court to decide in your favor, it must find that the decision was:
  - Arbitrary and capricious;
  - Not within the scope of ORS's authority;
  - Not supported by substantial evidence; or
  - Made upon unlawful procedure or affected by other error of law.

2. A review in state Superior Court or Federal District Court, under the Rehabilitation Act. For the court to find in your favor, it must find the decision was not supported by the preponderance of evidence. There is currently no recognized time frame for appeal, but we suggest you file within 30 days of the final state agency decision.
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## **RIDLC CONTACT INFORMATION**

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**Visit us on the web where you may learn more about our agency**  
**[www.ridlc.org](http://www.ridlc.org)**