

SILETZ TRIBAL VOCATIONAL REHABILITATION PROGRAM



Program Manual

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Table of Contents

I. Program	1
A. Program Description.....	1
B. Mission Statement.....	1
C. Goal	1
D. Objectives.....	1
II. Advisory Committee	2
III. General Requirements	4
A. Service Area.....	4
B. Case Management	4
C. Partnerships.....	4
D. Financial Accountability	5
E. Participant Rights and Responsibilities	5
IV. Vocational Rehabilitation Process	7
A. Outreach.....	7
B. Application Referral.....	7
C. Incoming Referral	7
D. Application Criteria.....	7
E. Application for Services	8
F. Intake Interview.....	8
G. Eligibility	9
H. Assessment.....	10
V. Individualized Plan for Employment (IPE)	11
A. IPE Options	11
B. IPE Components.....	11
VI. Appeal Procedures and Notice of Client Assistance Program	13
A. Appeal	13
Level I Appeal to the 477 Self-Sufficiency Director	13
Level II Appeal to the Program I Manager	13
Level III Appeal to CTSI General Manager	14
B. Client Assistance Program.....	14
VII. Participant Services	16
A. Services.....	16
VIII. Order of Selection	18

A.	<i>Establishing an Order of Selection</i>	18
B.	<i>Administrative Requirements</i>	18
C.	<i>Priority of Service</i>	Error! Bookmark not defined.
D.	<i>General Provisions</i>	19
IX.	Case Closure	21
A.	<i>Closure Prior to Eligibility</i>	21
B.	<i>Closure Due to Ineligibility</i>	21
C.	<i>Annual Review of Ineligibility Decisions</i>	21
D.	<i>Closure after Eligibility Determination</i>	21
E.	<i>Closure after Rehabilitation</i>	21
F.	<i>Closure after Rehabilitation in Supported Employment</i>	22
G.	<i>Notification of Closure</i>	22
H.	<i>Annual Review of Participants Working Under a Sub-Minimum Wage Certificate</i>	23
I.	<i>Post-Employment Services</i>	23
X.	Acronyms and Definitions	24
A.	<i>Acronyms</i>	24
B.	<i>Definitions</i>	24

I. Program

A. Program Description

The Siletz Tribal Vocational Rehabilitation Program (STVRP) will provide services to Tribal members with disabilities residing within the 11-county service area. The Vocational Rehabilitation (VR) services will be consistent with the individual strengths, resources, priorities, concerns, abilities, capabilities and informed choice of the program participants. These services will be designed so that eligible participants may prepare for, maintain and engage in successful employment, including self-employment or business ownership.

B. Mission Statement

STVRP will provide culturally sensitive VR services to participants with disabilities that are adequate, accessible and professional.

As staff, we will gain appropriate knowledge to provide outreach, create partnerships and advocate on behalf of our participants to achieve successful employment goals.

C. Goal

The primary goal of the program is to assist and prepare participants to obtain and maintain successful employment, including self-employment and business ownership. Successful employment is defined as maintaining employment for at least three months.

D. Objectives

1. Provide services that include academic opportunities, vocational training, job coaching, on-the-job training and employment seeking.
2. Provide assessments, on-going counseling and evaluation.
3. Assist individuals in obtaining employment according to their skills, capabilities and vocational goals.
4. Facilitate the interview and hiring process for participant and employer.
5. Assist eligible participants with achieving their employment goals, including self-employment goals.
6. Increase the quality of employment placements.
7. Coordinate with employers to monitor and support participant progress and training.

II. Advisory Committee

1. The STVRP will have an Advisory Committee that consists of Siletz Tribal members with disabilities. Members should have a background in Disability programs and/or Vocational Rehabilitation and be willing to express and present ideas to STVRP staff.
2. The STVRP Advisory Committee is a volunteer position. The Advisory Committee will receive travel, per diem and training costs if approved by the 477 Self-Sufficiency Director in accordance with the Tribal Plan of Operations.
3. The committee will act in an advisory capacity. Committee appointments will be held for one year with the option to renew through the duration of the grant.
4. Siletz Tribal Council (STC) will review committee applications and appoint committee members. STC maintains authority to remove a committee member with a recommendation from the 477 Self-Sufficiency Director, as deemed appropriate.
5. The Advisory Committee will participate in outreach efforts to market STVRP.
6. The 477 Self-Sufficiency Director may implement the ideas from the Advisory Committee within the mission, purpose, and management priorities of the Confederated Tribes of Siletz Indians (CTSI) and STVRP grant.
7. Committee members must maintain a commitment to STVRP mission, goals, objectives and will:
 - a. Act in the best interest of STVRP; understanding that their position is to represent all participants.
 - b. Make reasonable inquiries to ensure that the STVRP is operating efficiently and effectively.
 - c. Read materials and information in advance of meetings in preparation for discussion and input.
 - d. Attend meetings and participate in discussions and decisions.
 - e. Disclose potential conflicts of interests that include financial, political, or personal benefit. If a conflict of interest does arise, members are to remove themselves from participating in that particular discussion, decision making, and/or voting.
 - f. Respect the privacy and confidentiality of information obtained in the course of their participation as a committee member.
 - g. Familiarize themselves with the STVRP manual and grant as well as the CTSI Personnel Manual, with special attention being paid to the sections listed below:
 - §2.803, Conduct Policy
 - §2.811, Confidential/Privileged Information
 - §2.812, Representation of the Tribe
 - §2.816, Child Abuse Reporting Requirement

Part 15, Drug Free Workplace Policy

Part 16, Productive Workplace Environment Policy

Violation of the procedures for disclosing confidential information as outlined in §2.811 of the Personnel Manual is a conduct violation that will result in dismissal from the committee.

III. General Requirements

A. Service Area

The STVRP is designed to serve disabled Siletz Tribal members who reside in the eleven county service area. There are two offices that cover our service area:

- Salem Area Office: Clackamas, Washington, Multnomah, Marion, Polk and Yamhill counties.
- Siletz Area Office: Lincoln, Tillamook, Benton, Lane, and Linn counties.

B. Case Management

STVRP will use a culturally appropriate process of planning, organizing, coordinating, and directing for effective counselor and manager decision-making.

1. The STVRP will conduct home visits to ensure the needs of the participants are being met. STVRP staff can advocate on behalf of participants if there are deficiencies in their housing arrangements.
2. The STVRP will also provide transportation to and from meetings/appointments as a last resort to meet the needs of the participants.

C. Partnerships

STVRP will collaborate with Siletz Tribal, other Tribal, and non-Tribal service providers as participant needs arise. Potential collaboration partners include:

- Indian Health Services, such as, Siletz Tribal Community Clinic, Chemawa Indian Health, NARA Health Clinic, Grand Ronde Health Clinic and other Tribal Clinics.
- Oregon State Department of Justice and county law enforcement departments. For example, the Department of Justice has a re-entry program for inmates being released from State Prison.
- Crime victim assistance units that exist in each county to assist victims of crimes; emergency shelters; domestic violence shelters such as My Sister's Place in Newport and Women's Crisis Center of Salem.
- Alcohol and drug treatment facilities such as Trueman Recovery residential treatment center in Newport, Native American Rehabilitation Association (NARA) in Portland, Shangri-La Emergency Shelter Program in Eugene, Victory Outreach in Salem and Portland, and other accredited A&D Programs that can assist participants.
- Oregon Vocational Rehabilitation Services (OVRs), Youth Transition Partnership (YTP), Oregon Commission of Blind (OCB), Independent living Resource Centers (ILRC), Independent Living Program (ILP), Employment Departments- Worksource Oregon and County mental health agencies.
- Tribal programs such as 477 Self-Sufficiency Program, Veterans Affairs, Alcohol and Drug, and Multi-Departmental Team (MDT).

D. Financial Accountability

The STVRP staff will maintain appropriate accountability and quality financial controls in accordance with the Siletz Tribal Plan of Operations.

1. STVRP staff will become knowledgeable about the requirements of:
 - Siletz Tribal Plan of Operations
 - STVRP Grant
 - Federal policies pertaining to allowable costs and applicable Code(s) of Federal Regulations (CFR)
2. All services must be pre-authorized by a Vocational Rehabilitation Counselor (VRC) and reflect appropriate needs identified in the Individual Plan for Employment (IPE).
3. VRC should access all available resources and coordinate services with other agencies or benefits available to the participant.
 - a. VRC will assist participants in exploring possible alternative sources of funding from Tribal programs, non-Tribal, partner programs, and Oregon Vocational Rehabilitation Service (OVRs).
 - b. STVRP should be considered as a last resource; all other third party resources should be considered before STVRP.
4. Funds may not be used for any purpose other than the purposes specifically authorized by the Tribe or Federal funders.

E. Participant Rights and Responsibilities

1. Participants shall be advised, in writing, of their rights, at the following times:
 - a. Following determination of participant eligibility for service within 60 days unless unforeseen circumstances arise and both VRC and participant agree to an extended timeline.
 - b. The anticipated completion date should be documented in case notes. Timeline should be extended only if counselor is waiting for documentation to determine eligibility.
 - c. While participating in assessment and in the development of participant's IPE.
 - d. Following receipt of a written copy of IPE and all decisions.
 - e. As part of the annual IPE review process.
 - f. As part of the appeal of a decision the participant disagrees with, including receiving a due process hearing and continuation of services during the appeal.
2. Access to information to assist in exercising informed choice should be provided throughout the VR process. In addition, information should be provided in alternate

formats that meet the participant's needs (including forms, correspondence, and all other formats of communication).

3. Participants should have the ability to appoint a representative at any time during the VR process. This representative can be a parent, family member, guardian, advocate, or other. The representative should be identified on a Release of Information (ROI).
4. STVRP will inform participants in writing of the availability and purpose of CAP services whenever participants' rights, responsibilities or remedies are discussed. [See Client Assistance Program definition.]
5. Each participant shall have his/her responsibilities clearly defined as they relate to the VR process. Responsibilities will vary according to the abilities of each participant and are defined within the counseling and guidance relationship.

IV. Vocational Rehabilitation Process

A. Outreach

Material will be developed to promote STVRP and will be distributed in efforts to recruit participants, educate the community, and increase awareness among the general public and service providers regarding disability issues for Tribal Members and the STVRP process. The STVRP staff will conduct outreach by doing the following:

1. Creating articles for the Tribal newsletter, Area Office newsletters, program newsletters, and the CTSI web site.
2. Creating flyers and brochures.
3. Participating in community events at least twice a year (for example: health fairs and local, state, and college job fairs).
4. Providing cultural awareness training and information about STVRP processes to OVRS directors for each of the 11 county offices, STVRP Advisory Committee, private employers, and the State Independent Living Council.

B. Application Referral

Participants will be provided with accurate VR information and guidance, using appropriate modes of communication, to assist them in preparing for, securing, retaining, or regaining employment. They will also be appropriately referred to other programs. The referrals shall be to Tribal, federal, or state programs, including programs carried out by other components of the statewide workforce investment system in the state, that are best suited to address the specific employment needs of a participant.

For each of these programs, participants referred to other programs shall be provided with a referral form. For referrals to Tribal programs, OVRS, and/or other agencies, the application will be provided to those that meet application criteria.

C. Incoming Referral

Referrals on behalf of a potential participant will be accepted from relatives, interested persons, other tribal programs, social welfare agencies, other vocational rehabilitation programs, law enforcement officials, courts, and others. Potential participants also can refer themselves. STVRP staff will respond to referrals by making contact with the potential participant within five working days.

D. Application Criteria

If a participant does not meet program criteria, STVRP staff may direct the participant to the 477 Self-Sufficiency Program or an appropriate non-Tribal agency. In addition, if STVRP staff find that the participant does not meet program criteria, they must document their decision in writing and provide the written decision to the participant, along with an explanation of their appeal rights.

If a participant does meet the following criteria, STVRP staff will provide an Application for Services to be completed. Criteria include:

1. Being an enrolled member of the Confederated Tribes of Siletz Indians.
2. Residing within the 11-county service area.
3. Believing he or she has a physical or mental impairment that creates a barrier to employment.
4. Believing he or she can benefit from VR services.
5. Having a desire to become employed.

E. Application for Services

1. A participant is considered to have applied for STVRP when that person has met the following three criteria:
 - a. Completed a STVRP application.
 - b. Provided the information necessary to initiate an assessment to determine eligibility.
 - c. Is available to complete the assessment process.
2. Participants may request assistance in completing an application with a self-appointed representative or STVRP staff member.
3. Once a completed and signed application is submitted, the STVRP staff will schedule an Intake Interview at the earliest time possible, not to exceed 10 days.

F. Intake Interview

The Intake Interview may be scheduled for one or more appointments in order to do the following:

1. Build rapport and trust with participant.
2. Collect Tribal Member documentation.
3. Describe the VR Process.
4. Advise participant in writing of:
 - a. Their rights and responsibilities
 - b. VR responsibilities
 - c. Appeal process
- a. Client Assistance Program (CAP)
5. Observe the participant in order to clarify reported disability on application and/or confirm limitations.
6. Gather existing disability information including:

- a. Individual Education Plan (IEP) or assessment documenting learning disability
 - b. Medical history
 - c. Psychiatric history
 - d. Assessments that determine eligibility
7. Determine whether existing documentation is sufficient for determining eligibility or an assessment needs to be scheduled.
 8. Identify vocational goal(s).
 9. Have release forms signed.

G. Eligibility

1. To be eligible for STVRP services, a participant must be a Siletz Tribal member living in the 11 County Service area and:
 - a. Have a physical or mental impairment that results in a substantial impediment to employment.
 - b. Require VR services to prepare for, secure, retain, or regain employment.
 - c. Be “reasonably expected to benefit” in terms of employment from STVRP services received.
2. The STVRP eligibility determination must be based, following appropriate assessment(s) (see Section H below), only on the following basic requirements:
 - a. A determination by qualified personnel that the participant has a physical or mental impairment.
 - b. A determination by qualified personnel (which includes licensed professionals such as medical doctors, mental health professionals, alcohol and drug counselors, psychologists, school counselors and educators) that the participant’s physical or mental impairment constitutes or results in a substantial barrier to employment.
 - c. A determination by a Siletz Tribal VRC that the participant requires VR services to prepare for, secure, retain, or regain employment consistent with the participant’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. The STVRP presumes that a participant will benefit from VR services unless evidence exists that the participant is incapable of benefiting due to the severity of the participant’s disability.
4. If the participant is NOT eligible for VR services, a Letter of Notification will be sent that documents the decision, accompanied by an explanation of the participant’s appeal rights. In addition, STVRP will refer the participant to the 477-Self-Sufficiency Program or other community resources.

H. Assessment

In order to determine the participant's eligibility for VR services and priority under an order of selection, STVRP must conduct an assessment in the most integrated setting possible, consistent with the participant's needs and informed choice.

1. The VRC will review and assess all current data including:
 - Counselor observations.
 - Education records.
 - Information provided by the participant or the participant's family.
 - Determinations made by officials of other agencies.
2. If no information is available, VRC will provide a referral for an assessment by a licensed professional.
3. Information collected from assessments will be used to explore potential services and employment ventures.
4. Information will be used to describe the abilities, strengths, and limitations of the participant.

STVRP shall determine whether a participant is eligible for VR services within a reasonable period of time, not to exceed 60 days, after the individual has submitted an application for the services unless:

1. Exceptional and unforeseen circumstances beyond the control of STVRP preclude making an eligibility determination within 60 days and STVRP and the participant agrees to a specific extension of time; OR
2. STVRP is exploring an individual's abilities, capabilities, and capacity to perform work.

When a participant has been accepted into the program, but has a significant disability, STVRP will adhere to the following procedures:

1. Under limited circumstances, if a participant cannot take advantage of work experience or if options for work experience have been exhausted before STVRP is able to make the determinations, STVRP must conduct an extended evaluation to make these determinations.
2. During the extended evaluation period, VR services must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the participant.
3. During the extended evaluation period, STVRP must develop a written plan for providing services necessary to make a determination.
4. During the extended evaluation period, STVRP is only able to provide services during this time that support evaluation and eligibility determination.

V. Individualized Plan for Employment (IPE)

A. IPE Options

Once STVRP has determined that a participant is eligible for VR services, VRC will develop the IPE with the participant, beginning with providing the participant with written information regarding options for developing an IPE. This information will include:

1. The availability of assistance to the extent determined to be appropriate by the participant.
2. The availability of technical assistance.
3. The full range of components that shall be included
4. STVRP guidelines and criteria associated with financial commitments.
5. The availability of assistance in completing STVRP forms required.
6. Additional information the participant requests or STVRP determines to be necessary.
7. Appropriate cultural support services to be included in the IPE.

B. IPE Components

An IPE shall be a written document prepared on forms provided by STVRP.

STVRP and the participant will develop and implement the IPE in a manner that affords the participant informed choice in selecting:

1. Employment goals, to include the “final” goal and intermediate achievement milestones (“objectives”).
2. The specific VR services needed to reach goals and objectives.
3. The entity that will provide VR Services (in accordance with entity eligibility requirements).
4. Responsibilities for obtaining VR services (for example, assigning responsibility to contact a provider, and any necessary instruction on how to make the contact and follow through with the services).

Timelines for meeting the objectives in the IPE will be defined individually, based on participant needs and readiness for services.

The IPE shall contain, at a minimum:

1. Description of the specific employment goal.
2. Description of the specific VR services to be provided in an appropriate setting, including assistive technology.
3. Timelines to achieve the employment goal.
4. Timelines for the initiation of services.

5. A description of the entity or entities chosen by the participant to provide the services.
6. The methods chosen by the participant to procure the services.
7. A description of criteria to evaluate progress toward achievement of the employment goal.
8. The terms and conditions of the IPE, including information describing:
 - a. STVRP responsibilities.
 - b. Participant responsibilities in relation to the employment goal.
 - c. Expectations and goals needed to measure satisfactory progress.
 - d. The participant's expected role (if any) in assisting with the cost of services (such as through insurance coverage).
 - e. The responsibility of the participant in applying for and securing comparable benefits.
 - f. The responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits.
9. For a participant with significant disabilities in a supported employment setting, information identifying:
 - a. The extended services needed by the participant.
 - b. The source of extended services or, if the source of the extended services cannot be identified at the time of the development for the IPE, a description of the basis for concluding that there is a reasonable expectation that such source will become available.
10. If necessary, a statement of the projected need for post-employment services.

The completed IPE shall be agreed to, and signed by, the participant and STVRC.

1. A copy of the IPE and any amendments shall be provided to the participant in writing.
2. The IPE shall be reviewed at least annually by the VRC and participant.
3. The review must include the signature of the counselor and the participant.
4. An amendment is necessary only if there are substantive changes in the:
 - o Employment goal
 - o VR services to be provided
 - o Provider of VR services
5. Amendments shall not take effect until agreed to and signed by the VRC and participant.

VI. Appeal Procedures and Notice of Client Assistance Program (CAP)

A. Appeal

The decision maker will provide a Letter of Notification, a copy of an appropriate Notice of Appeal form, and Procedure to Appeal instructions to a participant when a negative determination is made on a participant's case. The Letter of Notification will clearly state the negative determination and explain the reasons for the decision. The Letter of Notification will identify the last date the participant has to make and appeal, and if the participant does not make the deadline, the decision will become final. The Letter of Notification will also provide CAP information.

Appeals must be made in writing within ten (10) working days from the date the Letter of Notification was written. Appeals must contain the reason for the dispute and why the participant disagrees with the decision, action, or finding of the VRC who made the decision/action.

Level I Appeal to the 477 Self-Sufficiency Director

A participant may appeal a negative decision by a VRC to the 477 Self-Sufficiency Director within ten (10) working days.

1. The 477 Self-Sufficiency Director shall set a conference date at a location convenient to all parties within five (5) working days from the date the appeal was received. The conference will be held within ten (10) working days from the date of request. The dispute will be discussed and the proposed action will be reviewed.
2. The 477 Self-Sufficiency Director shall render a decision within five (5) working days of the conference. If the Director upholds the VRC's decision, the Director will provide a Letter of Notification and attachments described above.
3. A copy of the decision will be mailed to the participant and placed in the participant's file.

Level II Appeal to the Program I Manager

In the event the participant should continue to disagree with the decision or action, the participant may appeal to the Programs I Manager within ten (10) working days. Failure to appeal within ten (10) working days will result in an end to the administrative appeal process.

1. The Programs I Manager shall set a date for the hearing that is within ten (10) working days from the receipt of the appeal. The hearing shall be held at a location convenient to both parties. Written notice shall be given to the participant specifying the date, time, and location of the hearing. CAP information will also be provided.
2. The participant shall have the right to one continuance of no more than ten (10) working days from the originally scheduled hearing date, with no requirement to show good cause. Any additional continuance will be granted only on showing of good cause (for example, serious illness) or on receipt of a request from a CAP advocate.

3. The Programs I Manager shall conduct the hearing in an informal but orderly manner. The hearing must be recorded and a copy of the hearing recording shall be made available to the participant upon request.
4. The Programs I Manager shall render a written decision within five (5) working days of the completion of the hearing. The written decision shall consist of a written statement describing the evidence, rules relied upon, and the reasons for the decision. If the Programs I Manager upholds the Director's decision, the Programs I Manager will provide a Letter of Notification and attachments described above.
5. A copy of the Programs I Manager's decision will be mailed to the participant and placed in the participant's file.

Level III Appeal to CTSI General Manager

In the event the participant disagrees with the Programs I Manager's decision, the participant has the right to make a written request for a case review by the General Manager. The written request must be made within ten (10) working days. Failure to appeal within ten (10) working days will result in an end to the administrative appeal process.

The General Manager will not hold a hearing, but perform a review of the written case record, evidence presented at the Level III hearing, and recorded testimony.

1. The General Manager or her designee will perform a review of the written case record within ten (10) working days of the receipt of the request by the participant for the case review.
2. The General Manager or her designee shall render a decision within five (5) working days of the review and will provide the decision to the participant by mail. If the General Manager upholds the Programs I Manager's decision, the General Manager will provide the appropriate appeal documents with the decision.
3. The decision of the General Manager or her designee is the final administrative decision for the Tribe.

B. Client Assistance Program

The federally funded Client Assistance Program (CAP) is a service provided to assist participants. The CAP's purpose is to advocate for and, when necessary, advise and inform participants, participants, and other individuals with disabilities of all the available services and benefits under the Rehabilitation Act of 1973, as amended, and of the services and benefits available to them under Title I of the Americans with Disabilities Act (ADA).

STVRP applicants, participants, and other individuals with disabilities can use CAP services in connection with STVRP activities by contacting:

CAP Contact Info: Ted Wenk, Coordinator; 500 503-243-2081 or 1-800-452-1694

Address: 620 SW Fifth Avenue, Suite 500

Email: ted@disabilityrightsoregon.org

Website: www.disabilityrightoregon.org

CAP may assist and advocate for participants in relation to projects, programs, and services provided under the Rehabilitation Act of 1973, as amended. In providing assistance and advocacy under Title I of the Rehabilitation Act, a CAP agency may provide assistance and advocacy with respect to services that are directly related to employment for the participant.

1. A CAP advocate may request a continuance of the appeal process for up to sixty (60) calendar days of the notice of the appeal.
2. If at any time a participant requests representation during the appeal process, STVRP will again provide the contact information for CAP.
3. STVRP will provide a participant with information about CAP upon orientation, intake-application, during extended evaluation and whenever decision or action is taken on his or her case. Actions will include development of IPE, amendments, denial, removal of services, and case closure. Information provided to participant will include how and who to contact from CAP.

VII. Participant Services

A. Services

STVRP services included in the participant's IPE will be those necessary to assist that participant to reach his or her employment goal and objectives. Services must be consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the participant, and may include:

1. Assessment(s) to determine eligibility and VR services by qualified personnel, including by personnel skilled in rehabilitation technology.
2. Counseling and guidance, including information and support services, to assist the participant in exercising informed choice.
3. Referral to services from other agencies pursuant to any agreements developed by STVRP.
4. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
5. Vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials.

However, STVRP will not provide funds for training services at an institution of higher education unless maximum efforts have been made by STVRP and the participant to secure grant assistance, in whole or in part, from other sources to pay for such training.

6. Diagnosis and treatment of physical and mental impairments (to the extent that Indian Health Services, Contract Health Services, public or private insurance and/or other financial support are not available from a source other than STVRP), including:
 - a. Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time.
 - b. Necessary hospitalization in connection with surgery or treatment.
 - c. Personal mobility devices.
 - d. Ergonomic equipment.
 - e. Home modifications.
 - f. Job site modifications.
 - g. Prosthetic and orthotic devices.
 - h. Eye glasses and vision services as prescribed by qualified personnel who meet State licensure laws and who are selected by the participant.
 - i. Special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of participants with end-stage renal disease.

- j. Diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws.

STVRP must document the unavailability of other medical resources after due inquiry:

1. Maintenance for additional costs incurred while participating in an assessment for determining eligibility and VR services under an IPE.
2. Transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the participant to achieve an employment goal.
3. On-the-job training or other related personal assistance services provided while a participant is receiving other services described in this section.
4. Interpreter services provided by qualified personnel for participants who are deaf or hard of hearing, and reader services for participants who are determined to be blind, after an examination by qualified personnel who meet State licensure laws.
5. Rehabilitation teaching services, and orientation and mobility services, for participants who are blind.
6. Occupational licenses, tools, equipment, and initial stocks and supplies.
7. Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible participants who are pursuing self-employment, or telecommuting, or establishing a business ownership as an employment goal.
8. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.
9. Transition services for students with disabilities that facilitate the achievement of the employment goal identified in the IPE.
10. Supported employment services, defined as services to the family of the participant with a disability necessary to assist the participant to achieve employment goal.

Participants whose cases are successfully closed shall be provided post employment services identified in the IPE, if necessary, to maintain, regain, or advance in employment in a manner consistent with participant's strengths, resources, priorities, concerns, abilities, capabilities, and interests, as well as program resources.

VIII. Order of Selection

A. Establishing an Order of Selection

An order of selection will occur only when the Program Director has established that the Program has insufficient resources to meet the projected needs of participants. A full explanation will be submitted to the Programs I Manager, General Manager, Advisory Committee, and Tribal Council when the process is implemented. This policy prioritizes categories to ensure that:

1. Whenever possible, individuals with the most severe disabilities are served first.
2. This program's priorities and considerations are directed by what is in the best interest of the participant.

B. Priority of Service

The Priority of Service Levels are as follows:

1. Priority One: Participant has at least three serious functional capacity limitations and requires at least two VR services over an extended period of time.
2. Priority Two: Participant has at least two serious functional capacity limitations and requires at least two VR services over an extended period of time.
3. Priority Three: Participant has one serious functional capacity limitation and requires at least two VR services over an extended period of time. Someone who is presumed eligible for services as an SSI/SSDI recipient is also Priority Three.
4. Priority Four: Participant who does not meet the criteria for Priority One, Two, or Three.

An order of selection will not be based on any of the following factors:

- Duration of residency
- Type of disability
- Age, gender, source of referral
- Type of expected employment goal
- Need for VR services or anticipated cost of VR services required by a participant
- Income level of a participant or a participant's family.

C. Administrative Requirements

In administering the order of selection, STVRP must implement the order of selection for the entire service area.

1. STVRP must notify all eligible participants of the priority categories in the order of selection.
2. When their assignment (case) is to a particular category, the participant will be notified and they will have a right to appeal their category assignment.

3. STVP will continue to provide all VR services to any eligible participant who has begun to receive VR services under an IPE prior to the effective date of the order of selection.
4. STVP will ensure that its funding arrangements for providing VR services are consistent with the order of selection.

If any funding arrangements are inconsistent with the order of selection, STVRP must renegotiate these funding arrangements so that they are consistent with the order of selection.

D. General Provisions

1. Based on STVRP's projected fiscal and personnel resources and its assessment of the rehabilitation needs of participants with significant disabilities within the service area, the ability of STVRP to provide the full range of VR services to all eligible participants must be supported by a determination that it can:
 - a. Continue to provide VR services to all participants currently receiving VR services.
 - b. Provide assessment services to all participants expected to apply for VR services in the next fiscal year.
 - c. Provide VR services to all participants who are expected to be determined eligible in the next fiscal year.
 - d. Meet all program requirements.
2. If STVRP is unable to provide the full range of VR services to all eligible participants in the service area, STVRP must:
 - a. Show the order to be followed in selecting eligible participants to be provided VR services.
 - b. Provide a justification for the order of selection.
 - c. Identify services and the time within which the goals may be achieved for participants in each priority category within the order of selection.

Participants with Priority One will be selected first for the provision of VR services. Participants who do not meet the order of selection criteria will have access to VR services provided through the information and referral system.
3. When STVRP has determined that, for the current fiscal year, it is able to provide the full range of VR services to all eligible participants, STVRP must have in fact:
 - a. Provided assessment services to all participants and the full range of VR services to all eligible participants.
 - b. Made referral forms widely available throughout the service area.
 - c. Conducted outreach efforts to identify and serve participants with disabilities.
 - d. Not delayed, through waiting lists or other means, determinations of eligibility, the development of IPE's for participants determined eligible for VR services, or the provision of VR services for eligible participants for whom IPE's have been developed.

4. If STVRP is unable to provide the full range of VR services to all eligible participants during the current or preceding fiscal year, the determination that STVRP is able to provide the full range of VR services to all eligible participants in the next fiscal year must be based on circumstances that have changed that will allow STVRP to meet the requirements in the next fiscal year, including:
 - a. An estimate of the number of and projected costs of serving, in the next fiscal year, participants with an existing IPE.
 - b. The projected number of participants with disabilities who will apply for VR services and will be determined eligible in the next fiscal year and the projected costs of serving those participants.
 - c. The projected costs of administering the program in the next fiscal year, including, but not limited to, costs of staff salaries and benefits, outreach activities, and required statewide studies.
 - d. The projected revenues and projected number of qualified personnel for the program in the next fiscal year.
 - e. Comparable data, as relevant, for the current or preceding fiscal year, or for both years, and an explanation of any projected increases or decreases in these costs and resources.
 - f. A determination that the projected revenues and the projected number of qualified personnel for the program in the next fiscal year are adequate to cover the costs.
5. The process for determining need for establishing and implementing an order of selection is as follows:
 - a. STVRP must determine, prior to the beginning of each fiscal year, whether to establish and implement an order of selection.
 - b. If STVRP determines that it does not need to establish an order of selection, it must re-evaluate this determination whenever circumstances change during the course of a fiscal year. For example, a decrease in its fiscal or personnel resources or an increase in its program costs may indicate that it may no longer be able to provide the full range of services, as appropriate, to all eligible participants.
 - c. If STVRP establishes an order of selection, but determines that it does not need to implement that order at the beginning of the fiscal year, it must continue to meet program requirements, or it must implement the order of selection by closing one or more priority categories.

IX. Case Closure

A. Closure Prior to Eligibility

A participant's case shall be closed without an eligibility determination when the participant declines to participate, refuses services, fails to cooperate, has died, or is institutionalized. The case shall also be closed if the participant is unavailable during an extended period to complete an assessment for determining eligibility, and STRP has made a reasonable number of attempts to contact the participant or, as appropriate, the participant's representative to encourage participation.

B. Closure Due to Ineligibility

The participant or, if appropriate, the participant's representative shall be provided an opportunity for a full consultation of an ineligibility decision before the participant's case is closed due to ineligibility. The participant shall also be offered referral services. A participant's case shall not be closed due to inability to benefit from VR services except on the basis of clear and convincing evidence that an appropriate employment outcome cannot be achieved due to severity of disability.

C. Annual Review of Ineligibility Decisions

Participants who are ineligible because they are incapable of benefiting from VR services in terms of an employment outcome will be provided an opportunity for a review of that determination a year after case closure and, thereafter, at the request of the participant. The review will assess whether their condition may have changed and they may now be eligible for services.

D. Closure after Eligibility Determination

A participant's case shall be closed after eligibility when it has not been possible to develop a plan for employment, the plan for employment has been completed, VR services are no longer necessary or appropriate, the participant fails to cooperate, the participant does not achieve satisfactory progress, or the participant is no longer eligible. The participant shall be provided an opportunity to discuss the closure decision before closure.

E. Closure after Rehabilitation

A participant has achieved an employment outcome only if the following requirements are met and documented:

1. Services provided under a plan for employment have contributed to the achievement of the employment outcome.
2. The participant has achieved the employment outcome described in the individual's IPE.
3. The employment outcome is consistent with the participant's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
4. The employment outcome is in the most integrated setting possible, consistent with the participant's informed choice;

5. The participant is compensated at or above the minimum wage and receives at least the customary wage and benefit level paid to other individuals performing similar work for the same employer.
6. Employment has been maintained for at least 90 days.
7. The participant and the VRC consider the employment to be satisfactory and agree the participant is performing well on the job.
8. At the time of closure, the individual is informed of the availability of post-employment services.

Work in a nonintegrated or sheltered setting (extended employment) or work for which there is no payment is not considered a closure after rehabilitation. Nonintegrated or sheltered employment means the individual:

1. Is normally paid on a piece rate basis.
2. Is doing the same type of job, but is not generally afforded a benefits package offered other employees of the organization.
3. Is supported by other resources, such as county funding.

Individuals employed by the program earning wages and benefits normally afforded a person engaged in an employment relationship are considered competitively employed in an integrated setting and, thus, a successful rehabilitation outcome.

F. Closure after Rehabilitation in Supported Employment

A participant's case shall be closed when the participant is working in supported employment only when the employment represents competitive employment or employment in integrated work settings in which the participant is working toward competitive employment. The employment must be in an integrated work setting where most employees do not have disabilities and the participant regularly interacts with these employees while performing job duties or when the participant regularly interacts with individuals who do not have disabilities, including the general public, while performing job duties as part of a work group of employees with disabilities. There shall be confirmation of extended support services after case closure by another party identified in the plan for employment. Closure occurs no sooner than 90 days after transition to extended support services. Participants must be compensated in accordance to Sec 14 (c) of the Fair Labor Standards Act.

G. Notification of Closure

Participants, whose cases are closed for any reason except death or no known address, shall be notified, in writing, of the case closure, the type of closure, the reasons for the closure, the right to appeal the closure decision and the process for appealing, including the availability of the Client Assistance Program to assist with an appeal. Participants shall be provided an opportunity for full consultation of case closure prior to the closure. Notification to the participant or, as appropriate, to the participant's representative shall be supplemented, as necessary, by other appropriate modes of communication consistent with the informed choice of the participant.

H. Annual Review of Participants Working Under a Sub-Minimum Wage Certificate

If a participant's case is closed because he or she has been working under a sub-minimum wage certificate, an annual review shall be conducted each year for two years. A participant or, if appropriate, the participant's representative may request additional reviews. The review is to determine the interests, priorities, and needs of the participant with respect to competitive employment or training for competitive employment. A participant shall have input into the review and reevaluation and sign an acknowledgment. Maximum efforts will be made to assist these participants in engaging in competitive employment.

I. Post-Employment Services

Participants whose cases have been closed after rehabilitation shall be provided additional services if necessary, to maintain, regain, or advance in employment. These services will be determined case by case and will meet the needs of the individual.

X. Acronyms and Definitions

A. Acronyms

CAP: Client Assistance Program (see Definitions).

IEP: Individual Education Plan. An education plan developed by licensed professionals in an education environment. The IEP is used to address needs of student so they can be successful in an academic environment.

IPE: Individualized Plan for Employment. A plan developed by the Vocational Rehabilitation Counselor and participant used to map out the services needed to reach the employment goal of participant.

OVR: Oregon Vocational Rehabilitation Service

STVRC: Siletz Tribal Vocational Rehabilitation Counselor

STVRP: Siletz Tribal Vocational Rehabilitation Program

VR: Vocational Rehabilitation

VRC: Vocational Rehabilitation Counselor

B. Definitions

Assessments: Evaluations performed by licensed professional typically done prior to eligibility determination.

Case management: A process of planning, organizing, coordinating, and developing strategies with the participant to promote the participant's employment goal.

Client Assistance Program (CAP): A non-profit program identified in the Rehabilitation Act established to assist, advise, and advocate for individuals applying for and receiving services available under the Rehabilitation Act. CAP will assist the participant in the resolutions of issues and concerns between Tribe, OVR, service providers, and the participant. CAP may serve as the participant's representation the appeal process.

Comparable benefits: Participants may be asked and encouraged to seek benefits and services from other vendors as STVRP should be considered a last resource.

Ergonomic equipment: Tables, desks, chairs, communication devices, and so forth, used to accommodate the participant's disabilities.

Extended Evaluation: Services provided and activities performed by a qualified professional to determine whether an individual is eligible for VR services.

Home modifications: Ramps, lifts, minor construction at participants home which is necessary to assist in achieving the employment goal.

Informed choice: Information provided to participants by the VRC in an effort to provide the participants with maximum information and knowledge so they can make educated decisions about their case.

Interpreter services: All services needed to help the participant communicate with the VR counselor and/of vendors for job search and placement activities, including sign language, oral interpretation, spoken language interpretation, and so forth.

Job coaching: All services related to helping a participant learn a job's duties or gaining job skills through a paid trainer (coach) such as a STVRC.

Job search assistance: Services related to preparing for and helping participant seek work including resume writing, interview preparation, and so forth.

Job site modification: Ramps, lifts, and minor construction at employment site necessary for the participant to obtain and/or maintain employment.

Personal mobility devices: Equipment necessary to aid in mobility (wheelchair, scooter, canes, walkers).

Post employment services: Services documented in the participant's IPE that will be needed after securing work.

Procuring services: The process of negotiating and obtaining a competitive price for services or supplies needed to fulfill a participant's IPE

Rehabilitation Technology Device: Any device used to increase, improve, or maintain the functional capabilities of participant.

Self-employment services: Services required allow the participant become self-employed (supplies, tools, equipment, business licenses, fees, and so forth)

Supported employment: Employment in a non-competitive environment requiring long term supports.