

Employment Rights Handbook

November 2019-Version

A. Introduction

What does employment mean for people with disabilities?

Work for people with disabilities has the same benefits as it does for people without disabilities.

People with disabilities benefit from work because it provides;

- **Social Relationships**- Work is where people develop friendship and acquaintances with others.
- **Identity**- Much of how we see ourselves and how others see us is based on the work that we do.
- **Meaning**-Going to work every day helps give people meaning to their lives. It helps people feel that they are contributing to society.
- **Self-esteem**- Working increases our feelings of competence and gives us a sense of accomplishment.
- **Money**- Earnings from work allow people to support themselves and improve their lifestyle.
- **Health**- Studies have shown that people with disabilities who work have significantly lower usage of Medicaid services than people with comparable disabilities who do not work.

Work is Necessary for People with Disabilities to Break Free from Poverty.

People with disabilities experienced the highest rates of poverty of any other subcategory of Americans for the last decade and the workforce participation rates for people with disabilities are only 20% compared to 68.5% for people without disabilities. Many people with disabilities, who rely on programs such as Medicaid and Medicare, fear that if they work they will lose their health insurance coverage and the safety net of the financial benefits paid through SSI and SSDI.

The government recognizes that it is good public policy to for people with disabilities to work and has adopted **work incentives and supports** so people with disabilities can work without fear.

The Federal regulations regarding vocational rehabilitation are based on these principles:

(A) Individuals with disabilities, including individuals with the most severe disabilities, are generally presumed to be capable of engaging in gainful employment and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.”

(B) Individuals with disabilities must be provided the opportunities to obtain gainful employment in integrated settings.

As does the Federal Policy governing Medicaid waiver programs such as Family Care and IRIS.

Because it is so essential to people’s economic self-sufficiency, as well as self-esteem and well-being, people with disabilities and older adults with chronic conditions who want to work should be provided the opportunity and support to work competitively within the general workforce in their pursuit of health, wealth and happiness. All individuals, regardless of disability and age, can work – and work optimally with opportunity, training, and support that build on each person’s strengths and interests.

With the right supports and services including comprehensive vocational rehabilitation services during transition as well as after, people with disabilities can become employed but how do you make sure those are in place?

We will show you....



“We know that equality of individual ability has never existed and never will, but we do insist that equality of opportunity still must be sought.”

Franklin D. Roosevelt

B. Pre-Employment Transition Services (PETS) Also Called Pre-Ets 15%

This section only applies to students in public and charter schools who are age 14 to 21. If you do not fit these criteria, please turn to page 7 section D. Vocational Rehabilitation.



A new law was passed in 2014 called the Workforce Innovation and Opportunities Act. The law was passed in order to insure that people with disabilities have improved access to employment that is not segregated and does not pay sub-minimum wage.

For years there have been efforts, in the form of legislation that has been made law, to prevent the automatic placement of people with disabilities into sheltered workshops which are segregated and pay subminimum wage. Now congress has passed a stronger bill aimed at preventing automatic placement into sheltered workshops for students with disabilities. Toward that end these activities must occur during the transition period which starts at age 14 in Wisconsin.

REQUIRED ACTIVITIES —

- (1) Job exploration counseling;
- (2) work-based learning experiences, which may include in-school or after school opportunities, or experience **outside the traditional school setting** (including internships), that is provided in an integrated environment to the maximum extent possible;
- (3) Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
- (4) Workplace readiness training to develop social skills and independent living; and
- (5) Instruction in self-advocacy, which may include peer mentoring



AUTHORIZED ACTIVITIES —The remaining funds set aside for students in transition after the provision of the required activities described in subsection (B) may be used to improve the transition of students with disabilities from school to postsecondary education or an employment outcome by—

- (1) Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
- (2) Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary education experiences, and obtain and retain competitive integrated employment;
- (3) Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
- (4) Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;
- (5) Coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

- (6) Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;
- (7) Developing model transition demonstration projects;
- (8) Establishing or supporting multistate or regional partnerships involving States, local educational agencies, designated State units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and
- (9) Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved populations.

A STUDENT DOES NOT NEED TO BE A FORMAL MEMBER OF DVR TO OBTAIN THESE SERVICES. THESE SERVICES ARE DELIVERED TO A STUDENT BY THE COLLABORATION OF DVR AND SCHOOL DISTRICT STAFF.

**WORK IN
PROGRESS**

Susan is 14 years old which is the age that PETS/Pre-Ets start which is also known as transition. At this age she is spending time learning about possible vocational direction, a starting point. This is the time when vocational exploration occurs as well as planning for transition. There is a transition plan made for every student in Wisconsin. It is reviewed and updated annually. Parents and students **MUST** be a part of this process. *It is not appropriate for a teacher or other school personnel to make out the transition plan and submit it to the state Department of Public Instruction without the participation of the student and the student's parent.*

At 15 Susan may be obtaining classroom instruction on "soft skills". These are the skills that help all of us to work effectively and get along with supervisors and co-workers. Students may learn about getting to work on time (set an alarm). They may learn about being polite with people at work or customers. How to dress for jobs might be discussed. Essentially students are learning about the things we all need to know and that all employers require of us.

At 16 Susan may be ready to try a summer job. In order to obtain work this way the student must apply for services. **A student must apply for DVR services in order to obtain job placement and coaching.** The job need not be related to the long term goal. This is a summer job that will further assist a student to understand work and how to behave appropriately at work.

C. Section 511

Part of the law that has changed due to WIOA is called section 511. What is Section 511 about? The purpose of Section 511 is:

- To ensure that individuals with disabilities have access to information and services that will enable them to achieve competitive integrated employment.
- It includes requirements for State VR agencies, subminimum wage employers and local and/or State educational agencies, including specific requirements for youth prior to their participation in subminimum wage employment.
- Limitations on employers who hold special subminimum wage certificates
- Changes go into effect July 2016
- Specific conditions must be met before employers can: - Hire youth with disabilities (under age 24) at subminimum wage and/or Continue to employ individuals with disabilities (of any age) at subminimum wage

Section 511: What it means for schools

Prohibits SEAs and LEAs from entering into contracts or agreements with community rehabilitation providers to transition youth into segregated programs • Schools currently contracting with agencies holding subminimum wage certificates will no longer be able to continue • Schools and VR can use community rehabilitation providers to provide services in ***community integrated settings***. Some examples are: ***Kohl's, Fed Ex, Ashley Furniture, Shopko, Valvoline, Walgreen's, Best Buy, or any job in the community that pays minimum wage or more and that is not segregated.***

These measures are intended to result in "*competitive integrated employment*". The law took effect on July 22, 2016 • Limits the payment of subminimum wages by employers holding special wage certificates under the Fair Labor Standards Act (FLSA) • Prohibits employers from hiring youth with disabilities at a subminimum wage level unless the youth are afforded meaningful opportunities to access services, including pre-employment transition services under WIOA or IDEA.

Can a student's Individual Education Plan have the transition employment goal that will involve subminimum wage employment?

Yes, the student's Individual Education Plan (IEP) can still identify an employment goal that will pay at subminimum wage but certain requirements must be met: These requirements consist of:

- The student cannot participate in any subminimum wage employment as long as individual is considered a student under the school district;

- The student must be referred to the Vocational Rehabilitation Program;
- The student must be given the opportunity to receive all five Pre Employment Services; and
- Documentation of Subminimum Wage needs to be completed prior to completing school services.

A youth with a disability is an individual between the ages of 14 and 24. Effective 7/22/2016 If the youth has completed secondary school but still younger than 24 years old, s/he cannot start working for less than minimum wage until they have applied for Vocational Rehabilitation services and had the opportunity to receive pre-employment transition services. If the youth is already working at subminimum wage on 7/22/2016, it is recommended they are referred to VR for the opportunity for Preemployment transition services.

D. Vocational Rehabilitation Module

1. Applying for services through the Wisconsin State Division of Vocational Rehabilitation

<http://www.youtube.com/watch?v=zZCLyX0mmJ0> This site contains a simple straightforward video about Wisconsin's Division of Vocational Rehabilitation.

Application to DVR is a simple process. Applications may be made in 3 different ways. A person can apply online by going to the DVR website and filling out an electronic application. <http://dwd.wisconsin.gov/dvr/> -OR- call the local DVR office and ask that they send you an application -OR- you can go to the local DVR office and fill out an application in person. Please see the appendix for local office addresses and phone numbers as well as an application form.

Advocacy Tip

In 2013 DVR changed its application form to a referral form. You will find the referral form on the DVR home page. It is not an application for services. You must attend an orientation or first meeting to sign the actual document to apply. If you do not go to the initial meeting or orientation the referral will be thrown out and you will have to start over.

The Steps in the Rehabilitation Process

1. Send in the completed referral form
2. Meet with the assigned counselor (Bring documents if needed)
3. An eligibility determination is made (Do you have a disability which causes you to have limitations in the area of employment?)
4. Order of Selection (OOS) is determined (See handbook next page.)
5. Wait for services on OOS2 and OOS3
6. Gather and share information about vocational goals, how the disability affects you, possible needs
7. Obtain assessments if needed
8. Write the Individual Plan for Employment (IPE)
9. Participate in training or, if job ready seek and place in employment
10. Job follow along services are provided based on the individual needs of the person
11. Closure

Advocacy Tip -

While you may not select your DVR counselor you may select the office in which you receive services. Participants are assigned as a space on the counselor's caseload opens up.

Advocacy Tip -

When preparing for your first DVR meeting you should gather any existing information about your disability that you or your family member/representative has compiled. Some good things to bring would be a physician's document with your disability diagnosis, any assessments or evaluations that you have had your student Individual Education Plan (IEP) and your graduating Summary of Performance (SOP).

- Spend time writing down how your disability affects you under each area of the functional limitation list.
- Be truthful and do not minimize the limitations you experience. It is critical to communicate your limits to your counselor. DVR counselors need to know everything that might affect you in order to provide good services.

2. Assessment to Determine Eligibility and Order of Selection

The purpose of the eligibility determination is to decide the significance of a person's disability for what is called Order of Selection or OOS. The greater the functional limitations that a person has the quicker the person will be served. OOS #1 is for people with the most significant disabilities. OOS #2 is for individuals with significant disabilities. OOS #3 is for people who have the least significant disabilities.

If you are eligible under OOS #1, you will be served without a wait. If you are under OOS #2 you will have to wait for services. This wait depends on many factors. Your DVR counselor can tell you approximately what the wait time will be. People who are eligible under OOS #3 may have to wait for a very long time, perhaps years, in order to be served.

The reason the State of Wisconsin uses this system is because there is not enough funding to provide services for everyone immediately. Anyone who has Social Security, either SSI or SSDI, is automatically eligible under order of selection #2.

A person on SSI or SSDI may also be eligible under OOS#1. Having a Social Security benefit does not keep a person with the most significant disabilities from being eligible under OOS #1.

If the person with Social Security benefits has the most significant disabilities, they will be made eligible under OOS #1.

IMPORTANT - DVR considers functional limitations in the following areas:

- **mobility**
- **communication**
- **self-care**
- **self-direction**
- **interpersonal skills**
- **work tolerance**
- **work skills**

Individuals who receive services under DVR must intend to reach an employment outcome.

EXAMPLE: An employment outcome would be to obtain work as an accountant or to work as a cleaner in a commercial setting. Any work that is paid at minimum wage or higher, that can be found in a community setting such as a retailer, a business, or another similar setting is an employment outcome.

Advocacy Tip -

DVR will not provide funding for sheltered workshop placements since it is not considered work but training for work. There may be occasion to use a provider of employment services, which also has a workshop setting, for assessments, job development, placement and coaching.

Advocacy Tip

If the assessment returns from the provider stating that the individual needs services from that provider, be cautious. If this setting meets the needs of the person requiring services, then it is not a problem. If it does not or if the referral back to the assessing agency seems to be based on the provider's desire to have another paying client, then say so to your counselor.

Assessments on the Job

More typically, and many believe the better alternative to receiving an assessment at a facility, are assessments done on the job. A temporary placement is provided so that an individual can show their capabilities in a real work setting, which will show what services and supports might be necessary to work. These placements may be paid for by DVR. In other words, the person's salary is paid for by DVR. Through a service called "Employer of Record" you can receive your payments via a debit card or deposited directly into your bank account.

Advocacy Tip

If you take your payment by debit card you may use it as a debit card however you will be subject to any fees or charges related to that use and charged by your bank.

If you have a record of employment, existing skills, and a clear work direction then an onsite work assessment may not be necessary. If you believe that an assessment would be beneficial then ask for one.

3. Ineligibility

A person may be ineligible for services if they do not have a disability, don't have an actual need for services, even with a disability, or they have not been available for services and meetings. This determination will come after the assessment period. DVR is supposed to serve people with the most significant disabilities first.

DVR may not close your case prior to making an eligibility determination unless you refuse to participate in, or don't complete an assessment for determining eligibility and priority for services. DVR has to make a reasonable number of attempts to contact you or, if appropriate, your representative to encourage your participation.

4. The Individual Plan for Employment (IPE)

DVR services are delivered by developing an Individual Plan for Employment (IPE). This service plan starts with what is called the long term employment goal. State the goal correctly and the rest of the IPE will fall into place with more ease than if you have stated the goal incorrectly.

A long term employment goal is a job that you would like. **If you are not yet capable of doing that work then the services on your IPE will help you to prepare for that kind of work.** You may have some assessments on the job or temporary work placements in preparation for the job you want to have. These assessments should not be listed as the actual long term goal. You may require training. Training can occur in colleges, technical schools or at a facility that has a special training program. It can also occur on the job.

There are many services that you may need to help you to determine your long term goal. Internships and trial work experiences may help you determine your long term employment goal. Other services like benefits counseling, discussed later in this handbook, job development, placement and coaching.

The Division of Vocational Rehabilitation website has a FAQ's section on the home page. This talks more about services.

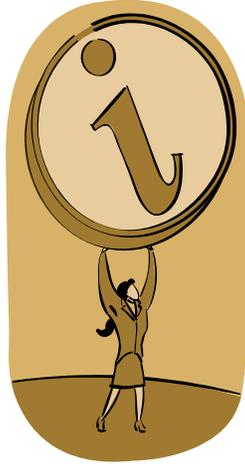
Advocacy Tip

If your DVR counselor is refusing to put your long term goal on the IPE that is a problem that you should seek help for from a DRW or CAP advocate. If your DVR counselor is telling you what your long term employment goal will be, you should also seek assistance.

5. Informed Choice

What does informed choice mean?

Informed choice is the process of choosing from options based on accurate information and knowledge. These options are developed by a partnership consisting of the participant and the counselor that will empower the participant to make decisions resulting in a successful vocational rehabilitation outcome. Your counselor's responsibility is to provide you with sufficient information about your options so you can make choices for yourself and to assist you in making decisions if you need help. It also means that your DVR counselor, according to the Rehabilitation Act of 1973 and amendments, must inform you on the available options for developing the IPE.



The options are as follows:

Develop My IPE -

Without assistance from DVR or another entity

-OR-

With assistance from a qualified vocational rehabilitation counselor employed by DVR

-OR-

A qualified vocational rehabilitation counselor who is not employed by DVR

-OR-

Resources other than those listed above including an advocate from Disability Rights Wisconsin.

DVR assures that people receiving services have been provided with informed choice by placing the four questions on the next page that you will find on your completed Individual Plan for Employment (IPE). If these boxes are pre-checked when your IPE is given to you, it means that the computer has answered these four questions for you. Do not allow this to occur. Instruct the counselor to remove any pre-checked boxes and to reprint the IPE so that you can check these important boxes yourself as was intended.



Advocacy Tip

If the DVR counselor you are working with does not let you participate in the development your own IPE, stop and contact an advocate from Disability Rights Wisconsin or the Client Assistance Program immediately. You may also contact the Workforce Development Administrator (WDA) at the DVR office you attend or contact the Bureau Director for Consumer Services or the Assistant Bureau Director for Consumer Services to get help.

CAP will be explained later in this handbook.

The IPE Questions:

I have been offered the choice to develop my own plan.

Yes

No

I have been offered assistance in creating my employment plan.

Yes

No

I have been given choices to assist me in creating my employment plan.

Yes

No

I have received a copy of my individual rights.

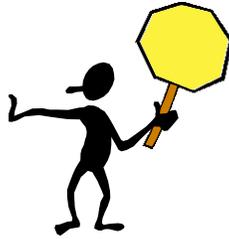
Yes

No

Warning

Advocacy Tip

If the informed choice boxes are checked by the counselor's computer and not by you and you sign the IPE, even if you do not agree with it, then you will have undercut your own rights. You may experience a great deal of difficulty later if you have to make an appeal since by signing the IPE you agree with it.



6. Developing a Plan for Employment

Your individual Plan for Employment (IPE) is the map you will follow in order to reach your long term employment goal. Your counselor, your family member or representative and other service providers will follow this map in order to help you to find employment.

An IPE has several parts. They are:

- Basic demographic information (IRIS number refers to the number that DVR assigns all participants and not to the long term care option also called IRIS).
- The long term employment goal, including the employment setting.
- The specific primary vocational rehabilitation services needed to achieve the employment outcome, including the settings in which services will be provided and the people or service providers that will provide the vocational rehabilitation services. A primary service is one that is required for an individual to meet their long term goal.
- The specific secondary vocational rehabilitation services needed to support the primary service including who provides the service. Secondary services support a primary service. If a participant had a primary service of training then the secondary service supporting that might be transportation.
- Progress measures – These are things that show that you are making progress toward your IPE goal. An example might be completing an assessment or attending a job shadow in order to learn about a specific job.
- I will be responsible for - These are the things that you, the consumer, are responsible for in the IPE. Some examples might be to follow up on job leads or be in contact with your DVR counselor no less than once every 30 days.
- DVR will be responsible for – These are the things that DVR is responsible for such as paying for training or arranging for an assessment.

The IPE, once developed is agreed to and signed by you or your representative and **approved** and signed by your DVR counselor. After that, a copy of the IPE and a copy of any amendments to the IPE must be given to you or to your representative in writing and, if appropriate, in the native language you speak and in the mode of communication you or, as appropriate, your representative use.

If you require a sign language interpreter DVR must provide that service to you during meetings and while being coached on the job or while receiving other employment supports including training. If you have low vision the font size might be changed to help you see the document or if you are unable to see at all it must be completely read to you. If you speak another language DVR can provide you with translation services so that you can understand what is being said and written down.

Advocacy Tip

When you make an appointment at DVR please remind the counselor that you need an accommodation in order to participate in the DVR process. The DVR will need time to arrange for the service to be available so lead time is helpful.

The IPE is reviewed at least once every year by your DVR counselor and you and your representative to look at your progress reaching your employment outcome. If there are new issues to manage those must be included in the IPE as amendments. You and your representative will collaborate with the DVR counselor, to the extent determined to be appropriate by the participant, if there are major changes in the employment outcome, the vocational rehabilitation services or the providers of the services. The amendments don't start until you and your counselor agree and the IPE is signed again.

7. What is Competitive Employment?

Competitive Employment services usually consist of job development, placement and coaching. It is a good option for people who are able to fill out applications independently, who do not need assistance to interview for a job, and who are able to independently participate in all of the activities that are required to get and keep employment.

The DVR will provide the participant with a list of possible providers to help the participant with the job development, placement and coaching. Some other activities might be helping with resume development, improving interviewing skills and, once employed, helping the individual to learn the job. Competitive employment is not as intensive as Supported Employment services.

8. What is Supported Employment?

Supported Employment is competitive and integrated employment for those consumers who may need long term support to maintain a job. The services provided are intended to assist DVR participants in assessing, planning, development, placement, providing support on the job, a transition to long term support and successful employment. Supported employment services are provided in a working cooperation with many partners. Communication is the key to success between these partners. Use of issued agency guidance, technical assistance guides, and policies and regulations is encouraged to build collaboration. These technical specifications were designed to provide opportunity for input of all partners at various points in the process. DVR can provide up to 18 months of support if the participant requires help for that long.

Supported Employment does not end after 90 days as does competitive employment. The services and processes outlined in the technical specifications have been designed to foster independence. The assessments should provide information to insure a good job match and reduce the need for job coaching supports. Supported Employment is competitive integrated employment in a community based job that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the participant with ongoing support services for individuals with the most significant disabilities. This helps individuals for whom competitive employment has been difficult to obtain or keep as a result of a significant disability.

Intensive supported employment services are provided by an agency that DVR contracts with so that you may get all of the supports you need to succeed.

After that it is expected that the state's long term care waivers, Family Care and IRIS, will take over for the financial support of job coaching if the client still needs that assistance.

In addition, there may be what are called natural supports available at work to help the participant. An example might be a co-worker who agrees to cue the participant when a break is over or who could show the participant how to fix a mistake. If that is not possible there is a Social Security Administration program called the Impairment Related Work Expense (IRWE) that may cover the cost of supports. This program's description can be found in the Social Security Red Book. Assistive technology may also be helpful when a coach is no longer required but the participant requires prompting cues or some other help. Assistive technology will be discussed later in the handbook.

9. Scope of Services

DVR can provide a variety of supports and services to a participant. Scope of services refers to all of the options a person with a disability may receive to get and keep work. These are available through either competitive or supported employment. Following is a list of possibilities.

- Assessment for determining vocational rehabilitation needs
- Vocational rehabilitation counseling and guidance
- Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies
- Physical and mental restoration services
- Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except that no training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing) may be paid for with funds under this part unless maximum efforts have been made by the State unit and the individual to secure grant assistance in whole or in part from other sources to pay for that training.
- Maintenance
- Transportation in connection with the rendering of any vocational rehabilitation service
- Vocational rehabilitation services to family members
- Interpreter services
- Reader services
- Rehabilitation teaching services
- Orientation and mobility services for individuals who are blind
- Job search and placement assistance
- Job retention services, follow-up services, and follow-along services.
- Supported employment services
- Personal assistance services
- Occupational licenses, tools, equipment, initial stocks, and supplies (Self Employment and business start-ups primarily)
- Rehabilitation technology (assistive technology)
- Transition services
- Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome.

AND FINALLY: Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

This means that the DVR can provide any potential service or support that is determined to be necessary for you to get and keep a job.

Advocacy Tip

The majority of the services you will receive will be provided by a “service provider” and not DVR. Your DVR counselor will contract with specific service providers to give you the services you need. A provider, for example, could give driving lessons, teach a skill, provide job placement or an assistive technology assessment for instance.

10. What are Comparable Benefits?

Comparable services and benefits means, services and benefits that are provided or paid for, in whole or in part, by **other** Federal, State, or local public agencies, by health insurance, or by employee benefits and that are available to the individual, at the time needed, to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment. Finally, Comparable Benefits must be commensurate to the services that the individual would otherwise receive from the designated State vocational rehabilitation agency.

For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit. A sports scholarship could not be counted as a comparable benefit nor could a scholarship won for academic success.

Comparable Benefit Examples:

Lily wants to go to one of Wisconsin’s technical colleges. She asks DVR to pay for her tuition. DVR says no since Lily has not applied for any comparable benefits which are available to her in the form of a PELL Grant. They also believe that the family makes enough in earnings to provide a parental contribution based on the student’s FAFSA. They also say that Lily’s scholarship received, for being a top student, is a comparable benefit. They also say that Lily needs to take out a loan to pay for the rest of her tuition. In this scenario what is a comparable benefit and what is not?

Answer: Lily must apply for the PELL grant since it is a comparable federal benefit. She is actually required to do so before DVR can add its own funds to the mix. A merit scholarship is not a comparable benefit. A loan is something that the participant provides and it is not a comparable benefit. Parental contributions are individual based on each family’s resources.

Joe attends college and says he needs a laptop in order to keep up with his studies. He lives far away from any libraries since he is located in a very rural area. He can get some computer time at school but only about an hour a day.

Too many other students use these computers and he often must wait a long time to get onto a school computer and he has to be home by 3:00 p.m. when his children come back from school. DVR says he is not eligible for a laptop because of the comparable benefit available at school. Who is right?

Answer: They could both be right. The DVR could be right if it is determined, after speaking with knowledgeable school staff, that all of the required work can be completed in one hour. If the work cannot be completed in an hour then it is not. Joe needs more computer time to successfully complete his studies and therefore the one available hour at school is not a comparable benefit. Computers or laptops are becoming more necessary to students because more and more schools use internet platforms like Moodle to complete projects and other school work.



11. Self-Employment and Business Startup

The Wisconsin DVR has the ability to provide services to help a person with a disability to start a small business or participate in self-employment. It is a very popular option but the provision of services can be complex. There are different toolkits that DVR produces to help. They are:

- Farm Toolkit
- Customized Self -Employment Toolkit (supported employment)
- Self-Employment Toolkit (2 versions - 1 for consumers and one for counselors)

If you believe that self-employment or starting a small business is what you want to do please go to the DVR website and look at the Toolkits. The link to them is on the DVR home page on the right about half way down the page. <http://dwd.wisconsin.gov/dvr/>

The rates for self-employment or business start-ups are capitated but more than generous for accomplishing your goal. Please remember that loans are not a comparable benefit so you cannot be required to take a loan for your business. That

having been said, if your business idea requires more than simple start-up funding you may need a loan to fund costs that meet the needs of the business.

Advocacy Tip

Because these services can be complex starting a small business or becoming self-employed through DVR is a long process with many steps. This is probably not a good program to use if you need employment quickly.

12. Post-Employment

Post-Employment is a service available to any former DVR client who still has an IPE on file. IPE's must be destroyed every 7 years so if you have not worked with DVR in several years this may not be an option because your original IPE no longer exists. To be eligible for this service a client must be working but experiencing an issue which requires additional services from DVR.

Post-employment services are available to meet rehabilitation needs that do not require a multipart and/or wide-ranging provision of services and should be limited in time and amount. If more broad services are required, then a new case should be considered. Post-employment services are to be provided under an amended IPE.

A re-determination of eligibility is not required.

YOU DO NOT NEED TO BE ON A WAITING LIST TO GET POST EMPLOYMENT SERVICES. There is no order of selection for Post-Employment services

Post-Employment services are available to assist an individual to maintain employment if, the individual's employment is jeopardized because of conflicts with supervisors or co-workers, and/or you need mental health services and counseling to maintain the employment or to regain employment. They are also available to advance in employment *e.g.*, the employment is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. That would include the opportunity to get a better job with your current employer or another employer. This is a concept called maximization.

Post-Employment Examples -

- You have been working at AYZ medical company for 8 months. Everything was fine until 2 months after your job coach was tapered off and no longer needed. You have forgotten some of the things the job coach told you to do or not do. You can contact DVR to obtain that job coach again to assist you to improve your work performance so that you can keep your job.

- You use an assistive technology device at work that DVR purchased to help you on the job about 4 years ago. Now the device is not working well. DVR can repair or replace the device so that you can keep your job.
- Your job is eliminated through reorganization and new placement services are needed.

13. Denials and Appeals

Anytime that DVR makes a decision that you do not agree with or does not agree with you that you need a specific service then you can make an appeal. If you receive a denial it should be **formalized in a denial letter explaining why the denial occurred**. A verbal denial is not an official denial. If you do not receive a denial letter but are told you are being denied, request the denial letter from your counselor. Here are the basic appeal steps:

- Ask for an **informal review** of the decision by a DVR supervisor. Tell the supervisor you would like an informal review and why you are asking for the review.
- You can ask for **mediation** to try and reach an agreement with DVR. To request mediation, contact the Impartial Hearing Coordinator at 800-442-3477. Tell the hearing coordinator that you want mediation and why you are asking for mediation.
- You can ask for an **impartial hearing**. An Administrative Law Judge (ALJ) will hear both sides of the case (*yours and DVR's*) and make a decision.
- If you would like an impartial hearing, contact the Impartial Hearing Coordinator at 800-442-3477. Tell the coordinator you want an impartial hearing and why you are asking for a hearing.

If you request an appeal, there will be strict rules and timelines to follow. You will fill out a simple form saying what you think is wrong and what specifically you want DVR to do to fix the issue. The form will be received by the Impartial Hearing Coordinator in Madison.

The Workforce Development Administrator (WDA) or their designee will send you copies of your present IPE and case notes written by your counselor. You may also request other things in your file like a letter of denial or a report for instance. You may also request your full file.

Advocacy Tip

It is unlikely that you will need a full file. Remember you are dealing with the denial of something just recently. Too many documents will be difficult to manage and too much information given to an IHO or WDA can be very confusing. Keep on point.

Filing an Appeal and the Hearing Process

MAKING THE APPEAL

- Appeals must be filed within 12 months of the formal DVR denial.
- Mail the appeal to the address on the form.
- The DVR hearing coordinator will contact you within 5 days of receiving the Fair Hearing Request form you sent in.
- If you, the participant, have a representative that person will also be notified.
- All hearings shall be held within 45 days of the receipt of your fair hearing request unless you or DVR makes a request to extend the time past 45 days. The Administrative Law Judge will make a ruling on this request for an extension.
- You may file motions to extend time limits, to dismiss a hearing, to amend a hearing request and to request a substitute ALJ.
- You may obtain a representative to assist you at the fair hearing. DVR is typically represented by the Workforce Development Administrator at the office where you receive DVR services.
- If you are represented by someone other than yourself then documents will go to your representative.
- Pending the decision of the Administrative Law Judge, DVR may not suspend, reduce, or terminate any services on your IPE unless your services were obtained in a fraudulent manner.

STARTING THE PREHEARING PHASE

- An Administrative Law Judge (ALJ) will be assigned to review your complaint
- A prehearing interview shall occur to enhance communication between the parties, identify potential witnesses, to receive motions, confirm the scheduled hearing and to see if there is any potential to make a settlement between the parties. If this occurs the ALJ will write the settlement agreement up and this will be sent to you, your representative, DVR and the hearing office.
- If you want to have a witness or more than one, the ALJ can subpoena that person to appear at the scheduled meeting but you must tell the ALJ in plenty of time.

THE HEARING PROCESS

- Hearings are closed and confidential. Hearings are not the same as going to court. All hearings are tape recorded by the ALJ.
- At least 5 business days prior to the hearing all of the evidence you will use and a list of all witnesses must be sent to the ALJ and the WDA.

- The ALJ will make an opening statement including the date, location of the hearing, the issues, the parties directly involved, standard procedures and a reminder that identifiable information discussed at the hearing is confidential.
- The ALJ will call the roll of participants.
- At the hearing you will be sworn in as will your representative, the DVR representative and any potential witnesses.
- Each side will present preliminary statements about their case.
- Once the preliminary statements are given the ALJ will request testimony, evidence and arguments.
- Witnesses will be examined by the opposing side followed by cross examination
- Closing arguments are made.

AFTER THE HEARING

- The ALJ will inform the parties that they will receive a decision on the matter within 30 days of the actual hearing.
- The Administrative Law Judge will issue a written decision on all of the issues which is sent to all of the parties via certified mail.

This is a summary of the appeal activities. The Wisconsin Administrative Code should be your guide during the Fair Hearing process. Here is the web address.

<https://dwd.wisconsin.gov/dvr/knowledgebase/wisconsinadministrativecode46.htm>

Advocacy Tip

A Fair Hearing is a formal legal process that should not be entered into lightly or unprepared. Please be advised that inappropriate behavior such as yelling, swearing, negative comments about others or simply being rude are all to be avoided. These behaviors will not be tolerated at any time during a hearing. Always follow the ALJ's instructions to the letter. If you feel yourself becoming angry or overwhelmed the ALJ will allow a break if requested. A break is far preferable to acting badly at a hearing. Ask for breaks if you have a disability related need.

E. Family Care/IRIS Module

(Please be aware that these two programs may be changing and may be different. Check back on this issue periodically)

FAMILY CARE AND IRIS ARE THE TWO BRANCHES OF ADULT LONG TERM SUPPORT IN WISCONSIN. AFTER YOUR ELIGIBILITY IS DETERMINED CONSUMERS MAY SELECT WHICH, OF THESE PROGRAMS THEY WANT TO ENROLL IN.

The Door to the Adult LTC System

Aging and Disability Resource Centers (ADRCs), were designed to be a single entry point where older people and people with disabilities and their families can get information and advice about a wide range of resources available to them in their local communities. For more information about Aging and Disability Resource Centers, visit the ADRC website www.dhs.wisconsin.gov/LTCare/adrc.

In order to access Family Care or IRIS services call the Aging and Disability Resource Center in your area. Teens may apply at 17 years 6 months. Services will not start until age 18. Unlike all other counties in the state, Milwaukee's ADRC is split into two programs, so if you are over age 60 you should call the Aging Resource Center. If you have any disability and are age 17.5-59 you should call the Disability Resource Center.

A functional screen will be done at your home by an options counselor. This is the time when you must think of your worst day and all of your disability related problems and report them. By minimizing your disability, you are limiting your potential to be eligible for services. By the same token, you should not exaggerate your needs either. Just try to give an honest picture of how your disability affects your daily living.

If you are found eligible for long term care services, you will receive options counseling to learn what programs are available to you.

You will be able to choose between Family Care or IRIS, and depending upon what county you live in, you may be able to choose Partnership or PACE. Some counties have multiple Managed Care Organizations.

What is Family Care?

Family Care was designed to provide cost-effective, comprehensive and flexible long-term care that fosters consumers' independence and quality of life, while recognizing the need for interdependence and support. It is one of two long term care options in the State of Wisconsin. See the attached map showing where Family Care is offered throughout the state.

Family Care, authorized by the Governor and Legislature in 1998, serves people with physical disabilities, people with intellectual/developmental disabilities and frail elders, with the specific goals of:

- Giving people better choices about where they live and what kinds of services;
- Improving access to services;
- Improving quality through a focus on health and social outcomes;
- Creating a cost-effective system for the future.

What are Family Care, Partnership and PACE?

Managed Care Organizations (MCOs) manage and deliver the Family Care benefit. They receive a flat amount from the state for each member they serve. MCOs are responsible to use that money to cover services for members and to cover their administrative and care management costs. Each member works with a care management team (called an Interdisciplinary Team or IDT) to determine what clinical and functional needs the member has. These are written in the form of “outcomes”. The team then evaluates the best way to meet those outcomes. The IDTs will work with the member to consider what combination of natural and paid supports will be the most cost effective options to meet each of the outcomes. This will get written up in a Member Centered Plan. The Department of Health Services has updated its booklet, “Being a Full Partner” to provide more information about Family Care. It can be found at <http://www.dhs.wisconsin.gov/lcicare/BeingAFullPartner.htm>.

While Family Care, Partnership and PACE are all managed care programs that are administered by MCOs, there are some basic differences:

Family Care: Provides Home and Community Based Services (HCBS) in the state’s approved Medicaid waiver. Members of Family Care use their Forward Medicaid card to access medical care on their own. The MCO does not manage their acute and primary medical care.

Family Care Partnership: The same as Family Care except the acute and primary care is also managed by the MCO as a comprehensive set of services.

PACE (Program of All-inclusive Care for the Elderly): Similar to Partnership where all services, including HCBS and medical care, are managed by the MCO. The primary differences are: (1) serves elderly only; and (2) is site-based (services are provided at a single location).



What Is the RAD?

The RAD is the method by which a team decides to fund a service or support for a member of Family Care. A RAD is done when most new services are provided or to continue a current service. An Interdisciplinary Team will meet with you to do a Resource Allocation Decision (RAD). The IDT has 14 days to complete a RAD regarding a new service request. After that the team will notify you if the service or support has been approved. If the service or support is denied then the denial will be written.

The IDT may not be able to approve a decision in 14 days if your doctor has not provided the team with information or if you are not available or don't return phone calls. The IDT can let you know that it needs an additional 14 days to make a decision. It is important to work together with your team to avoid service delays.

What is IRIS?

IRIS is the alternative to managed care. IRIS participants have more choices, control, and freedom to design their own support and service plans to meet their long term care needs. Persons using IRIS self-manage their goods and services and may use IRIS to remain in their community. Participants have "employer authority", which means they literally act as the employer of people or agencies they hire. They also have "budget authority", which means they are responsible for managing and staying within their approved budget.

IRIS participants do not have a care management team but do receive support from an IRIS Consultant Agency (ICA), which helps with plan development and approval and special requests, and a Fiscal Services Agency (FSA), which helps with payroll, payroll taxes, and employee background checks. You may prefer IRIS if you are a good self-advocate, or have people to support you in managing your plan.

New enrollees in IRIS are given an "allocation". This is an amount generated by the information that has been entered into the functional screen (the eligibility tool used by the ADRC). You can think of the allocation as the ceiling for the cost of your services. The idea is that you figure out your outcomes (goals) and then you figure out what you need in services to meet those goals, and then you figure out who can provide those services. This may be a combination of paid and unpaid individuals or agencies. The resulting cost of the plan needs to be below the allocation and should be no higher than necessary to cover your needs. The cost of your actual plan is called your "budget".

Writing Your Plan

The Interdisciplinary Team, if you are in Family Care, or the IRIS Consultant (IC), if you are in IRIS, will meet with you to discuss what it is that you are looking for in the way of employment services as well as other needed supports or services. You must have the

service or support approved before it can be paid for. If you assume that something will be paid for but it is not in your plan it will not be paid for and you will be responsible for paying the cost of the support or service.

The plan will have outcomes. These outcomes are determined by you and your team or your IC.

EXAMPLE:

Bob wants to go to work. He is in Family Care. He can't work without transportation so he requests that his team approve funding for the days that he is scheduled to work.

- Make the formal request of the team either verbally or in writing;
- The RAD for the transportation service must be completed by your team with you by phone or in person;
- The team will process your request and will give you an approval, a denial or a request for an additional 14 days' time to review your request;
- If the team approves the request you will be notified;
- The service or support may take some time to arrange so there may be a short wait between the approval time and the time you receive the support or service.

If Bob is not approved, it might be because he never put an employment outcome into his plan or because there is another available option for transportation.

EXAMPLE:

Cindy wants to leave the sheltered workshop and start a better job in the community. The IRIS goal would be to obtain community based employment.

- Make the formal request of the IRIS Consultant to add specific services to meet the employment goal;
- If there are sufficient funds in your allocation, then the IC will work with you to request and process a plan/budget update
- If you require additional funds beyond the current allocation to meet this goal, work with your IRIS consultant to complete an allocation adjustment (AA);
- If your AA request is denied you will be notified in writing
- The document should contain your appeal rights

DRW offers a Family Care and IRIS Ombudsman Program to provide information or help you with challenges or concerns about Family Care or IRIS. The Ombudsman program is available to potential enrollees and anyone aged 18 to 59. Ombudsmen can assist with eligibility issues or problems with service requests or plan development. Ombudsman services are free and confidential. To receive services, contact the Disability Rights Wisconsin nearest you.

Your Right to Vocational Services through Family Care/IRIS

**Managed Care and DVR agreed to use the following guidelines to assist them in making decisions when an individual is interested in achieving an integrated employment outcome as defined by DVR policy and technical specifications:*

- The managed care organization (MCO) and DVR will try to obtain third party funding before committing to fund employment services under their own budgets. MCO's use the Resource Allocation Decision-Making Method for reaching service decisions. This managed care model requires alternative funding to be identified and sought for all expenditures. The Rehabilitation Act mandates DVR to seek comparable benefits.

- When there is overlap of MCO and DVR goals and services, the following Decision making process will be used to establish which is responsible for providing and funding services:

- ✓ If the service will support a non-employment related outcome or employment services that are not directed toward an employment outcome under DVR policy, and is found on the Member Centered Plan (MCP), the MCO has primary responsibility.

- ✓ If the service will help a Consumer to achieve a purely employment-related goal and is found on the Individual Plan of Employment (IPE), DVR has primary responsibility.

- ✓ If the service will support both an integrated employment outcome as defined by DVR policy in addition to another outcome sought by MCO and is found on both the MCP and IPE, then MCO and DVR have shared responsibility and will negotiate a cost-sharing arrangement that is proportional based on the desired outcome(s). In this scenario, both MCO and DVR must adhere to their own policies and procedures for selecting vendors and authorizing funding.

- ✓ When DVR determines that an employment outcome has been achieved, the MCO will assume responsibility for employment related support services as indicated in the MCP.

***Taken from the DVR/DHS memorandum of understanding**

F. Employment and Wisconsin Mental Health programs

IPS Supported Employment

Individual Placement and Support (IPS) Supported Employment is an approach to vocational rehabilitation for people with serious mental illnesses. IPS emphasizes competitive work in the community and provides the supports necessary to support success in the workplace.

Participants are offered help finding and keeping jobs that capitalize on their personal strengths and motivation. IPS supported employment helps people living with behavioral health conditions work at regular jobs of their choosing.

To participate in IPS, you must:

1. Receive Comprehensive Community Services (CCS), Community Support Program (CSP), or other approved case management program that offers IPS as a part of the array of services.
2. Must have a primary diagnosis of serious and persistent mental illness or substance use disorder.
3. Must be provided program and IPS model information and given the choice to participate. The participation is voluntary.

IPS Programs Practice the Following Principles of IPS Supported Employment

1. Focus on Competitive Employment: *Agencies providing IPS services are committed to competitive employment as an attainable goal for people with behavioral health conditions seeking employment. Mainstream education and specialized training may enhance career paths.*
2. Eligibility Based on Client Choice: *People are not excluded on the basis of readiness, diagnoses, symptoms, substance use history, psychiatric hospitalizations, homelessness, level of disability, or legal system involvement.*
3. Integration of Rehabilitation and Mental Health Services: *IPS programs are closely integrated with mental health treatment teams.*
4. Attention to Worker Preferences: *Services are based on each person's preferences and choices, rather than providers' judgments.*

5. Personalized Benefits Counseling: *Employment specialists help people obtain personalized, understandable, and accurate information about their Social Security, Medicaid, and other government entitlements.*
6. Rapid Job Search: *IPS programs use a rapid job search approach to help job seekers obtain jobs directly, rather than providing lengthy pre-employment assessment, training, and counseling. If further education is part of their plan, IPS specialists assist in these activities as needed.*
7. Systematic Job Development: *Employment specialists systematically visit employers, who are selected based on job seeker preferences, to learn about their business needs and hiring preferences.*
8. Time-Unlimited and Individualized Support: *Job supports are individualized and continue for as long as each worker wants and needs the support.*

EMPLOYMENT SUPPORTS IN MENTAL HEALTH PROGRAMS

Employment support is included as a covered services in the following mental health programs administered by Wisconsin counties. This document provides some general information to get you started. Contact your County Human Services Department for additional information.

Comprehensive Community Services (CCS)

Comprehensive Community Services (CCS) is a voluntary, community-based program that provides psychosocial rehabilitation services to help individuals of all ages live their best life by providing supports that address their unique needs related to mental health and substance use, and support recovery and independence. CCS is available in most counties and in three tribes.

Eligibility

Eligibility for CCS is determined through a screening process conducted by the county-based or tribal-based provider organization. This screening process is repeated annually to assess the individual's progress. In addition, you must be eligible for Medicaid/ BadgerCare, and have a mental health or substance use diagnosis.

Forming a Recovery Team

If you enroll in CCS, you and your Service Facilitator will work together to assess your strengths and needs. You and your Service Facilitator will also assemble a Recovery Team of people you identify and trust. Your Recovery Team will help you develop a recovery plan that outlines your goals. CCS includes a wide array of services that you may choose to include in your plan, including several employment related services including Employment Related Skills Training.

CCS Employment Skills Training

The Wisconsin Department of Health Services, in Forward Health Bulletin No 2014-42 explains what is included in *Employment Related Skills Training*:

Employment-related skill training services address the member's illness or symptom-related problems in finding, securing, and keeping a job.

Services may include, but are not limited to: employment and education assessments; assistance in accessing or participating in educational and employment-related services; education about appropriate job-related behaviors; assistance with job preparation activities such as personal hygiene, clothing, and transportation; on-site employment evaluation and feedback sessions to identify and manage work-related symptoms; assistance with work-related crises; and individual therapeutic support.

The CCS program does not cover time spent by the member working in a clubhouse. The CCS program covers time spent by clubhouse staff in providing psychosocial rehabilitation services, as defined in the service array, for the member if those services are identified in the member's service plan.

Individual Placement and Support (IPS) Supported Employment is one of the covered services in CCS. See additional detail earlier in this document.

Community Support Programs (CSP)

Community Support Programs (CSP) help individuals living with severe and persistent mental illnesses to remain in the community while enhancing the quality of their lives. The goal is to reduce the need for repeated treatment and prolonged care in hospital settings. Each individual entering a CSP is assigned a primary case manager who develops a treatment plan with the individual, provides support and outreach, and assists in coordinating other services.

CSP programs are administered by counties; they are certified by the state under [DHS-63](#). Sometimes CSP is referred to as ACT (Assertive Community Treatment).

Program values. CSP program staff should believe in the following values.

- Personal choice: The individual's needs and goals decision-making regarding treatment and support.
- Hope: The services provided are recovery-oriented.
- Collaboration: Together, the service provider and individual work toward positive outcomes.
- Respect: The individual being served is the expert in their own experiences.

Services provided

CSPs use a team model to deliver services. These services may include: assistance in daily living skills; group therapy; medication management, work adjustment training; social and recreational opportunities; education regarding mental illness. Teams include supportive employment and educational (SEE) services that enable clients to find and keep jobs in integrated work settings. One or more Employment Specialists should be on the team.

Here is an example of the role of Employment Specialists as defined by one county. *Thanks to Milwaukee County for this example:*

Role of Employment Specialist in Services:

1. Engagement – Increases the client's interests in the prospect of work and educates them about their opportunities and the benefits of working. Engagement can be provided within the context of delivering another service. Ideally, the specialist is skilled at motivational interviewing and uses these techniques to address ambivalence about working.
2. Vocational assessment – The Employment Specialist conducts assessments including: work history, strengths, and interests, as well as the extent to which symptoms may have interfered with previous jobs. The Employment Specialist assesses for clients' preferences, especially

regarding disclosure of mental illness and degree of Employment Specialist's involvement. The assessment itself serves as a living document, guiding both job searches and how to provide ongoing supports.

3. Job exploration – The Employment Specialist develops relationships with local businesses and educates them about the services that the Employment Specialist provides. An Employment Specialist looks for potential job carving options (i.e. whether the duties of a one part-time position could be broken into two part-time position).
4. Job exploration/returning to school –There is a relatively short amount of time between when the client voices interest in working and initial contact with the Employment Specialist. The Employment Specialist assists with completing applications, resumes, and role-playing. This could also include assistance with going to school or accessing course work.
5. Follow-along supports – Per the client's preferences and consent, the Employment Specialist provides support on and offsite to the client, serves as a liaison between client and employer, and problem-solves issues as they arise. This role also includes providing supports in academic settings.
6. Benefits counseling – The Employment Specialist knows the basics of the client's benefits and how work impacts benefits. This role can be in conjunction with a benefits counselor (DVR).

G. Other Issues Related to Employment

1. Assistive Technology/Rehabilitation Technology

Assistive technology is any device that helps a person with a disability complete an everyday task. If you break your leg, a remote control for the TV can be assistive technology. If someone has poor eyesight, a pair of glasses or a magnifier is assistive technology. Assistive technology includes many specialized devices as well, like typing telephones for people who are deaf and motorized wheelchairs for people who cannot walk. Assistive technology can be "low-tech" (something very simple and low-cost, like a pencil grip), or "high-tech" (something sophisticated, like a computer). Assistive technology can be critical for the person using it - if you wear glasses, think how hard it would be to get through the day without them.

Following is a list of some, but by no means all, possible assistive technology devices that you may find helpful. Assistive Technology using Smart Phones and Androids or tablets has mushroomed in the last few years and many people with disabilities are finding that these every day devices provide some of the best assistive technology options for them. An assistive technology assessment starts the process for determining if technology would be helpful and the various options that are available.

Partial List of Assistive Technology Options

- **Alternative keyboards**
- **Electronic pointing devices**—used to control the cursor on the screen without use of hands. Devices used include ultrasound, infrared beams, eye movements, nerve signals, or brain waves.
- **Sip-and-puff systems**—activated by inhaling or exhaling.
- **Wands and sticks**—worn on the head, held in the mouth or strapped to the chin and used to press keys on the keyboard
- **Joysticks**—manipulated by hand, feet, chin, etc. and used to control the cursor on screen.
- **Trackballs**
- **Touch screens**—allow direct selection or activation of the computer by touching the screen, making it easier to select an option directly rather than through a mouse movement or keyboard.

- **Braille embossers** transfer computer generated text into embossed Braille output.
- **Keyboard filters** are typing aids such as word prediction utilities and add-on spelling checkers that reduce the required number of keystrokes.
- **Light signaler alerts** monitor computer sounds and alert the computer user with light signals. This is useful when a computer user cannot hear computer sounds or is not directly in front of the computer screen.
- **On-screen keyboards** provide an image of a standard or modified keyboard on the computer screen that allows the user to select keys with a mouse, touch screen, trackball, joystick, switch, or electronic pointing device.
- **Reading tools and learning disabilities programs** include software and hardware designed to make text-based materials more accessible for people who have difficulty with reading. Options can include scanning, reformatting, navigating, or speaking text out loud.
- **Refreshable Braille displays** provide tactile output of information represented on the computer screen.
- **Screen enlargers, or screen magnifiers**, work like a magnifying glass for the computer by enlarging a portion of the screen.
- **Screen readers** are used to verbalize, or "speak," everything on the screen including text, graphics, control buttons, and menus into a computerized voice that is spoken aloud. In essence, a screen reader transforms a graphic user interface (GUI) into an audio interface. Screen readers are essential for computer users who are blind.
- **Speech recognition or voice recognition programs**, allow people to give commands and enter data using their voices rather than a mouse or keyboard.
- **Text-to-Speech (TTS) or speech synthesizers** receive information going to the screen in the form of letters, numbers, and punctuation marks, and then "speak" it out loud in a computerized voice
- **Talking and large-print word processors** are software programs that use speech synthesizers to provide auditory feedback of what is typed. Large-print word processors allow the user to view everything in large text without added screen enlargement.

Advocacy Tip

Assistive technology can make the difference between being able to do a specific job and not being able to do it. Always consider having an assistive technology assessment to be sure that you or a family member has every chance of being successful on the job they want.

2. Job Accommodations

The Job Accommodation Network (JAN) is the leading source of free, expert, and confidential help on workplace accommodations and disability employment issues. Anyone can go to the JAN accommodations network online to see what possible accommodations might be for a specific disability. It also contains templates that can be used to request an accommodation of an employer.

For more information, visit <http://askjan.org/> or call (800)526-7234 (Voice) (877)781-9403 (TTY)

3. Client Assistance Program

The Client Assistance Program, also known as CAP, assists DVR participants to work out problems that may be occurring between a participant and DVR. CAP serves anyone who requests services and who has a disability. This is a free service. CAP was established by Congress to provide information about services for people with disabilities and to provide assistance when a person is having difficulty receiving services that are funded under the Rehabilitation Act such as DVR.

CAP Services

1. CAP staff can provide information about Vocational Rehabilitation Services and Independent Living Services in Wisconsin.
2. CAP staff can tell you about the types of services you can expect from a Vocational Rehabilitation Counselor, Rehabilitation Teacher or other Vocational Service Providers.
3. CAP staff can assist you in determining if you are receiving appropriate services.
4. CAP staff can assist you in resolving differences with your VR Counselor, Rehabilitation Teacher, or Independent Living Center staff person.
5. If differences cannot be resolved, CAP staff can assist a person with an appeal or other legal remedy when appropriate services have been denied.

CAP staff will not advocate for anything that is against your wishes. If they feel your complaint does not have merit under the law, they will explain why and advise you that they cannot help you. You have the right to appeal an agency's decision with or without CAP. Call 800-362-1290 to obtain services from CAP.

4. Wisconsin Fair Employment Act (WFEA)

Disability Protections

Wisconsin's Fair Employment Law gives civil rights protections to qualified persons with disabilities. The law applies to virtually all private and public employers, regardless of the number of employees.

Under the federal Americans with Disabilities Act (ADA), disability discrimination is also prohibited for employers having 15 or more employees.

Both laws are designed to ensure equal opportunity in all aspects of employment.

What is covered? The law protects persons with disabilities against discrimination in:

1. Recruitment and hiring
2. Job assignments
3. Pay
4. Leave or benefits
5. Promotion
6. Licensing or union membership
7. Training
8. Lay-off and firing
9. Other employment related actions

The law also prohibits an employer from retaliating against applicants or employees who assert rights under the law. Harassment on the job because of a person's disability is also prohibited.

Who is protected?

The law protects individuals with disabilities who are qualified and can perform the essential functions of a job, with or without a reasonable accommodation.

An individual with a disability is a person who:

- has a physical or mental impairment that makes working more difficult or limits the capacity to work;
- has a record of such an impairment, or
- is perceived as having such impairment.

The first part of this definition applies to a substantial impairment that limits a person's major life activities such as seeing, hearing, walking, learning, and working. For example, a person with diabetes, epilepsy, or intellectual disability would likely be covered, but a person with a brief minor, non-chronic condition, such as a broken leg or occasional headaches would generally not be covered.

The second part of this definition covers a person who had a disability but is now recovered. For example, a person with cancer that is in remission, or a person with a history of mental illness would be covered.

The third part of this definition includes a person who is "perceived" as having a disability. For example, an applicant whose physical exam revealed a prior back injury that would not affect job performance would be covered.

In many cases, it is difficult to decide if a condition is a disability under the law without having a written diagnosis from a physician or another health care provider. Typically, the facts in each case must be reviewed. For example, a pattern of relatively minor headaches may not be a disability whereas severe recurring migraines would likely be a disability.

5. Benefits Counseling

Keeping Social Security benefits, especially Medicare or Medicaid, is a big concern for people with disabilities and their families as well it should be. While the person receiving Social Security Insurance (SSI) benefits can usually earn in a month what they receive for Social Security, the loss of medical insurance is a significant issue because so many people with disabilities require adequate medical care to remain healthy and stable.

The Social Security Handbook can tell you about a variety of programs to help with safely moving off of benefits. For example, in Southeastern Wisconsin Independence**First** has benefits counseling that can be paid for by DVR.

If you are not working with DVR but would like benefits counseling this may also be obtained at Independence**First** through a program called Work Incentives Training and Placement or (WIPA). Work Incentive Benefits Specialists (WIBS) provides free assistance to individuals who receive Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI) with understanding how working will affect their benefits. They serve individuals with disabilities age 14 to retirement. WIBS are located at community organizations.

Benefits counseling helps people with disabilities and their support team understand how using the work incentives will help them achieve their employment goals. They help people with disabilities and their support team understand and navigate the benefits system when they return to work.

How to Access Benefits Counseling

- Division of Vocational Rehabilitation (DVR)
 - Individual must to authorized to receive DVR services and a Benefits Analysis is included in their plan.
- Work Incentives Planning & Assistance (WIPA)
 - Individual is not eligible for other funding that would cover benefits counseling and is in an active job search or has a job offer pending.
- Long-term Care
 - Benefits Counseling can be available for participants of Medicaid home and community-based waivers services through Vocational Futures Planning - Benefits Analysis

It is extremely important to understand how benefits will be affected by work.

Everyone should receive Benefits Counseling.

Everyone should obtain a copy of the Social Security Administration’s “Red Book”.

Here is the web address: www.socialsecurity.gov/redbook/

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