

Individuals determined to have achieved an employment outcome

Synopsis of federal regulation

An individual is determined to have achieved an employment outcome only if the following requirements are met:

- The provision of services under the individual's IPE has contributed to the achievement of the employment outcome.
- The employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- The employment outcome is in the most integrated setting possible, consistent with the individual's informed choice.
- The individual has maintained the employment outcome for a period of at least 90 days.
- At the end of the appropriate period under paragraph (d) of this section, the individual and the rehabilitation counselor or coordinator consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

Reference: §361.56

RS policy

Some employment outcomes available in the Kansas economy are based on seasonal work or temporary employment.

In some industries, such as construction and oil production, it is typical for the worker to frequently change employers but maintain stability in employment. In such situations, it is not necessary to restart the 90-day employment period. In such situations, determining whether the client has achieved an employment outcome shall be based on client choice, counselor discretion, and consistency of the outcome within the standards of the industry, client satisfaction with the outcome and employment stability measured by whether there is a need for further services.

In other industries:

- If an individual changes employers but remains in the same type of work, it is not necessary to restart the employment period if there is no more than a typical weekend (2-day) break in employment. An example would be changing employers from Wendy's to McDonald's (both fast food) but staying in the same line of work, such as taking orders.
- If an individual changes employers and the type of work, it is necessary to restart the 90-day employment period to assure stability in the new line of work.

Ideally, the job obtained by the person will be in the same field as the vocational objective. However, the job obtained depends on the availability of employment opportunities in the labor market at the time the person is seeking work. The responsibility of RS is to ensure that the job obtained is suitable gainful employment consistent with the client's choice.

RS emphasizes placement in competitive employment on a full-time, or if appropriate, part-time basis. However, in some circumstances, consistent with informed choice of the individual and goals and services on the IPE, a rehabilitation outcome may include homemaker, unpaid family worker, or placement in supported employment but not meeting the criteria of minimum wage or integrated setting.

Homemaker is recognized as gainful work in the regulations which implement the Rehabilitation Act. Homemaking may be an appropriate occupation for any client — man or woman — regardless of marital status or dependents. The appropriateness of a homemaker goal or outcome depends on the individual's needs and circumstances. In order for homemaking to be considered as a gainful occupation, the essential functions of the homemaker duties must be performed by the individual with or without a reasonable accommodation. There must have been benefits derived from VR services which contribute to the client's ability to function as a homemaker. This includes the individual for whom a change in the vocational objective to homemaker is determined to be most suitable given that services have contributed substantially to an improvement in homemaker abilities and client independence. Counselors and clients will work together to define the specific homemaker duties for each individual case.

Reference: State definition

Job retention cases: In job retention cases (when clients are employed prior to application), the 90-day period for maintaining employment prior to case closure will begin when the substantial IPE services have been completed.

Record of services

For individuals achieving a competitive employment outcome, the record of services must verify that the individual is compensated at or above minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals.

(Reference §361.47) In obtaining evidence wages and benefits, staff will be sensitive to whether the client wishes for the employer to know of his or her relationship with RS.

Evidence in the record may include a statement by the individual, a copy of a job announcement that includes wage/benefit information, or a statement of placement specialist, job coach or RS staff based on knowledge of wages/benefits paid by the employer.

The record of services must also include the completed Status 26 Closure Documentation Form. See Section 8 / Part 42.

Contact with client at time of closure

The record of services must also document direct contact between the RS counselor and the client at the time of Status 26 closure. The contact must address whether the client and the counselor consider the employment to be satisfactory and whether they agree that the client is performing well in the employment. Completion of the Status 26 Client Report (see Section 8 / Part 41) is acceptable to meet this requirement

If the counselor has made multiple attempts (at a variety of times and using a variety of methods) but is unable to reach the client directly, the following procedure should be followed:

1. Send a letter conveying the counselor's attempts to contact the client multiple times, and the intention to close the case in 10 days. See Section 9 / Part 8 for an example letter. Include the Status 26 Client Report form. See Section 8 / Part 41.
2. After 10 days have passed, send the standard closure (IPE Amendment) letter including appeal rights. (Or, if the client returns the Status 26 Client Report form, proceed appropriately based on the information provided.)