

Draft – 9.42 Job Retention Services**9.42.1 Pursuant to VR state agency et seq –**

1. Job retention services may be provided for eligible individuals who are currently employed or self-employed in competitive integrated employment and who need VR services to maintain current employment or to return to employment from extended leave with the same employer. To qualify for job retention services, the individual must have maintained employment for at least 30 days. The case must be in Eligible Status, which includes releases of cases from Delayed Status to Eligible Status.
2. The individual or, as appropriate, the individual's representative must be actively engaged in making decisions about assessments and the purchase of goods, services, and training needed to maintain current employment.
3. The provision of job retention services is not subject to financial need. A financial need assessment is not required unless support services are needed.
4. Job retention services do not require a determination of comparable services and benefits. However, negotiation with the employer may be appropriate regarding payment of some or all costs associated with reasonable accommodations or assistive technology.
5. The provision of job retention services requires approval of the VR Area Director or the Assistant VR Director.
6. Job retention services should be provided timely without undue delays to prevent the individual from losing time at work or from being terminated.
7. Job retention services are limited to those necessary to maintain an individual's current employment. These services may not be provided for the following:
 - a. For individuals with stable or non-progressive disabilities, services may not be used:
 - 1) For physical, mental, or sensory restoration requiring surgery and/or hospitalization intended to correct or substantially improve the condition.
 - 2) For counseling or therapeutic services aimed at eliminating, reducing, or significantly modifying the effects of the condition;
 - 3) For ongoing maintenance or general health care related to the condition rather than the retention of employment.
 - b. Replacement of assistive technology or equipment that remains functional and continues to be adequate for its intended employment-related purpose;
 - c. To increase an individual's independence in daily living or in the workplace when the service is not directly necessary to maintain current employment; or
 - d. To assist an individual in obtaining different employment, including changing jobs, careers, or employers.
8. The VR Counselor must assess the individual's circumstances to determine the nature and scope of job retention services. The assessment must be the least intrusive necessary, focused on the vocational objective, and consistent with informed

customer choice, and must be documented in the case file. The assessment may include:

- a. An occupational health assessment to identify ergonomic, psychological, and/or environmental factors affecting the individual's ability to maintain current employment.
 - b. The employer's input, with the individual's consent, regarding employment-related concerns and the supports needed for the individual to maintain current employment.
 - c. Consideration of reasonable adjustments or accommodations, if needed.
 - d. Review of available employer-sponsored counseling or employee assistance services, if appropriate.
 - e. Review of available employer-sponsored technical support, if appropriate.
 - f. Development of an action plan agreed to by the individual and all other appropriate parties to support a phased return to work following disability leave.
 - g. Any other area of employment-related concern identified by the individual that may affect the ability to maintain current employment.
9. Job retention services may include:
- a. Training the individual to travel independently to and around the workplace, including off-site work locations, using public transportation when appropriate.
 - b. Educating employers and co-workers regarding the abilities of individuals who are blind or visually impaired to support workplace integration and to address workplace concerns.
 - c. Reviewing the individual's current job duties and determining the need for reasonable accommodations or workplace modifications, including but not limited to:
 - 1) Modifications to the worksite or premises.
 - 2) Reassignment or redistribution of marginal job duties among staff.
 - 3) Modification of work schedules, including flexible scheduling or reduced hours.
 - 4) Allowing job-sharing or part-time work arrangements.
 - 5) Temporary teleworking or work-from home arrangements.
 - 6) Reassignment to a different work location.
 - 7) Transfer to an existing vacant position, including any necessary adjustments or accommodations.
 - 8) Additional or specialized training, including job readiness training, based on the individual's service needs.
 - 9) Acquisition or modification of assistive technology, equipment, or instructional materials.
 - d. Vehicle modification services when determined necessary for the individual to maintain or return to current employment. If vehicle modification is not needed to

maintain employment, the service should be considered under a Vocational Rehabilitation IPE rather than as a job retention service.

- e. Other services determined necessary to help the individual maintain or return to current employment.
10. The justification for job retention services must be documented in a case note. Documentation must establish the relationship between the individual's disability-related limitations and the risk to the individual's current employment or self-employment, or the individual's ability to return to current employment with the same employer following extended leave. The case note must include the following:
- a. A description of the disability-related barriers affecting the individual's ability to maintain or return to current employment. This documentation must:
 - 1) Clearly identify the physical, mental, or sensory impairment that constitutes a substantial impediment to maintaining current employment.
 - 2) Describe the permanent or long-term functional limitations that directly interfere with the performance of essential job functions.
 - 3) Establish that the individual is at risk of losing current employment or being unable to return to current employment following extended leave.
 - b. The individual's comments regarding employment-related barriers and service needs.
 - c. Employer comments or recommendations, if available, regarding performance concerns, attendance, safety issues, the individual's ability to maintain or return to employment, and any recommended job retention services, provided the individual has given informed consent for disclosure of disability-related information. Employer input is not required but must be documented when available.
 - 1) Note: Employer information may be obtained directly from the employer or through documentation such as performance evaluations that identify disability-related issues affecting the individual's ability to maintain current employment.
 - d. The expected employment outcome and how the service(s) are expected to support employment retention or return to employment.
 - e. Documentation that employer resources, reasonable accommodations, and existing workplace supports were considered, when appropriate.
 - f. Evidence that the services were developed consistent with informed customer choice. Refer to Section **2.0 INFORMED CHOICE** for additional guidance.
 - g. Documentation that the services represent the least intrusive and most cost-effective intervention necessary to maintain employment.
 - h. Documentation supporting that the requested services are necessary for employment retention rather than for obtaining new employment or increasing independence unrelated to current employment.

11. Support services may be provided when necessary to support the delivery of approved job retention services and when directly related to the individual's ability to maintain or return to current employment. A Financial Need Assessment (FNA) must be completed prior to the provision of support services. Refer to Section **17.0 Financial Need Assessment** for additional requirements. Refer to the applicable service section of this manual for additional service-specific requirements.

9.42.2 Procedures

1. Document engagement with the individual or, as appropriate, the individual's representative regarding job retention services, including information regarding available supports and resources in an Actual Service record. The Actual Service record must be identified under the service category "Counseling and Guidance."
2. Existing medical, educational, vocational, and employer documentation should be used whenever available and sufficient prior to purchasing additional assessments or evaluations.
3. Coordination with the employer regarding reasonable accommodations, workplace supports, or other employment-related interventions must be documented in the case file when applicable and when the individual has provided informed consent for disclosure of disability-related information.
4. Case documentation must support that the approved services are necessary for the individual to maintain current employment or return to current employment with the same employer.
5. Include the appropriate job retention services in the customer's IPE prior to authorizing for services.
6. Employment must be verified prior to the purchase of equipment or assistive technology.
7. Job retention services must be provided as expeditiously as possible to minimize interruption of employment and reduce the risk of job loss.
8. The case may be moved to Employed Status when approved job retention services have been completed and the individual has maintained or returned to employment consistent with the employment goal identified on the IPE.
9. The individual must remain in Employed Status for at least 90 days before the case may be closed successfully.

9.42.3 Services, Fees and Authorization, Associated Documents

Service Categories - Sub-categories

Refer to the provided services procedures.

Fees and Authorization

Refer to the provided services procedures.