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Chapter 3
PLANNING AND CASE MANAGEMENT DURING EMPLOYMENT SERVICES

3.01 Introduction

Employment services are a primary component of most vocational rehabilitation programs. Effective employment planning begins during the initial comprehensive evaluation. The results of the comprehensive evaluation are incorporated into vocational exploration activities. These activities lead to identification of suitable vocational goals and planning of services and other assistance necessary to enable the Veteran to reach his/her employment goal. Title 38, United States Code (U.S.C.) 3104(a)(5) authorizes VA to furnish services necessary to assist eligible Veterans to prepare for, obtain and maintain suitable employment.

This chapter contains guidance and requirements for employment planning, direct services, support services, monitoring the Veteran's progress in employment services, monitoring contractual services and advocacy. Additionally, statutory and regulatory references are provided throughout this chapter.

3.02 References and Resources

- Law: 38 U.S.C. 3104

- Regulations: 38 Code of Federal Regulations (CFR) 21.154
38 CFR 21.210-21.224
38 CFR 21.252
38 CFR 21.254
38 CFR 21.268
38 CFR 21.282
38 CFR 21.370-21.376

- Directive: VHA Directive 2010-022, dated May 14, 2010

- Resource: Job Accommodation Network (JAN)

- Website: www.askjan.org

- VA Form (VAF): VAF 28-8872, Rehabilitation Plan
VAF 28-1905d, Special Report of Training

3.03 Employment Planning

- a. Role of Employment Planning in the Rehabilitation Process

1. General Information

The goal of the VA Vocational Rehabilitation and Employment (VR&E) Program (except in the cases where the program goal is to increase independence in daily living) is for the Veteran to obtain and maintain suitable employment based on his/her interests, aptitudes and abilities. The Individualized Employment Assistance Plan (IEAP) should clearly state a specific vocational goal and outline specific employment activities necessary for the Veteran to achieve his/her vocational goal. Among these employment activities, the IEAP might include:

- Registering with the college or university placement office
- Registering with the state employment office
- Joining a local professional organization

2. Early and Thorough Employment Planning

Detailed planning is essential to the provision of effective employment services. In effect, planning for employment begins with the evaluation process described in detail in M28R.II.1 and 2. The key to a successful employment plan is addressing employment barriers (e.g. lack of experience or training in the chosen field) and developing strategies to overcome those barriers at the onset of the counseling relationship.

- b. Responsibilities During Employment Planning

1. Veteran

A Veteran participating in the employment planning process assists the case manager in identifying his/her employment needs and goals. It is imperative that the Veteran openly and candidly discusses personal strengths, goals, obstacles to goal attainment, and other pertinent information during counseling sessions with the Vocational Rehabilitation Counselor (VRC) or Employment Coordinator (EC).

2. VR&E

VRCs and ECs are responsible for establishing positive counseling relationships with the Veteran to ensure, to the maximum extent possible, that he/she receives quality services. This includes, but is not limited to, the following concepts:

- (a) The Veteran and his/her case manager are equal partners in the employment planning process.
- (b) The Veteran's perceptions regarding employment planning and vocational goal attainment must be addressed early and throughout the process. This is critical to attaining a successful employment outcome.
- (c) The identification of a suitable vocational goal is the foundation of a successful employment plan. Case managers assist the Veteran in identifying that goal by utilizing a variety of resources. These resources may include any combination of the following:
 - Veteran's self-report
 - Record of past training, employment, volunteer activities and educational experiences
 - Descriptive occupational literature and various web-based resources
 - Information-seeking interviews with prospective employers or those who are currently working in the field
 - Career and aptitude testing designed to identify the Veteran's interests, aptitude and abilities
 - Reviewing labor market information to determine if the vocational goal is viable in that area
 - Information about the Veteran's disability, including any functional limitations and capacities

c. Development of the IEAP

The IEAP guides Veterans through their program of employment services designed to lead to suitable employment. Case managers prepare the IEAP on VAF 28-8872, Rehabilitation Plan. By signing this plan, the case manager and the Veteran mutually agree to complete specific activities intended to result in the Veteran obtaining and maintaining suitable employment. The IEAP outlines and ranks the tasks in terms of preferred sequence of completion. The IEAP will be developed:

- No later than 60 days prior to the projected end of the period of training and/or other rehabilitation services as outlined in the rehabilitation plan

- If employment services constitute the Veteran's sole plan of services, as determined by the evaluation

d. Selection of Services and Categories

The case manager's assessment of a Veteran's employment assistance needs should include a review of the following important considerations:

1. What are the Veteran's personal strengths that support attainment of the program goal?
2. What additional support does the Veteran need to achieve his/her program goal?

3.04 Direct Services

The case manager works closely with the Veteran to develop a list of value-added services to promote attainment of the vocational goal. Direct Services may include the following:

a. Skill Development Needs

The Veteran may need to develop or improve his/her employment-seeking skills, to include:

- Interviewing techniques
- Resume preparation
- Grooming and hygiene habits
- Personal marketing skills
- Communication skills
- Networking skills

The case manager will provide the necessary assistance to enable the Veteran to achieve these skills, either through direct assistance or with the support of additional resources as defined below.

b. Information Development Needs

The case manager and the Veteran need to work together to acquire factual and realistic data about the job market. Case managers assist the Veteran not only in the development of a suitable vocational goal, but also in the development of a clear understanding of his/her perceptions of that goal, and what he/she may anticipate following the achievement of the goal in terms of salary and benefits.

c. Resources and Referrals

In addition to providing direct services, case managers utilize the following resources to ensure that the Veteran has every opportunity to achieve his/her vocational goal:

1. Department of Labor (DOL)

DOL employs Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVERs) to work as Veterans' employment liaisons. DVOP specialists and LVERs assist Veterans in securing temporary employment, internships and placement into suitable employment. Case managers encourage Veterans to work closely with their DVOP specialist and LVER.

2. VA Medical Facilities

Veterans Health Administration (VHA) facilities provide therapy and other medical treatment options to Veterans with disabilities participating in the VA VR&E Program. For more information on the scope of these services, refer to VHA Directive 210-022, dated May 14, 2010.

3. Community Resources

Community resources may include placement services at the Veteran's technical school, college or university, state vocational rehabilitation agencies and other locally based not-for-profit facilities.

3.05 Employment Adjustment Allowance

An Employment Adjustment Allowance (EAA) is an allowance consisting of a two-month payment at the full-time rate of subsistence allowance for the Veteran's type of training. In order to be entitled to EAA, a Veteran's case must have progressed through Rehabilitation to the Point of Employability status to Job Ready Status (JRS) following the provision of services under an Individualized Written Rehabilitation Plan (IWRP). There must be documented declaration of job-readiness by the VR&E case manager in the Counseling Evaluation Rehabilitation (CER) folder at the time the Veteran's case is placed in

JR status. The Veteran must satisfactorily participate in the services planned in the IEAP for a period of 30 days before the first payment of EAA may be authorized, and participate for an additional 30 days before a second payment is authorized (38 CFR 21.268). For more information on how to authorize and process EAA payments, refer to M28R.V.B.10.

3.06 Supportive Services

a. General Information

Case managers authorize a broad range of supportive services for Veterans seeking employment. Supportive services may include, but are not limited to, the following:

- Medical treatment, care and services
- Supplies
- Payment for licenses, certifications and other fees
- Special services for individuals who are blind and/or deaf
- Transportation assistance
- Services to the Veteran's family
- EAA

b. Responsibilities

Case managers carefully evaluate the Veteran's need for supportive services, and coordinate provision of services in a timely manner.

c. Types of Supportive Services

1. Supplies

Supplies may be provided to a Veteran who is receiving employment services under the provision of 38 CFR 21.210-21.224. For more information on how to obtain supplies, refer to M28R.IV.A.5.

2. Job Accommodations

A job accommodation is any modification or adjustment to a job or the work environment that will enable a qualified Veteran with a disability to

participate in the application process or to perform essential job functions. Case managers may authorize the purchase of equipment or payment for an assistive technology specialist to travel to the Veteran's workplace and assess his/her worksite to ensure it is ergonomically correct and meets the Veteran's needs (38 CFR 21.254(a)). For more information on how to provide workplace accommodations visit www.askjan.org, Job Accommodation Network (JAN), or see M28R.VI.A.4.

3. Travel

Case managers can pay for intraregional and interregional travel (but not moving expenses) to the place of employment under certain conditions (38 CFR 21.370-21.376). Payment for this travel is limited to the Veteran's transportation costs and does not include the costs associated with the travel of dependents or possessions. Prior to authorization, the case manager must determine that the travel at government expense is necessary for the Veteran to obtain and maintain suitable employment. For more information on how to authorize interregional and intraregional travel, refer to M28R.VI.A.5.

(a) Limited Travel for Interviews

Case managers may authorize intraregional travel (travel within the jurisdiction of the regional office) for a Veteran to report to a prospective employer-trainer (for on-the-job training) for an interview prior to induction into training. There must be a definite assurance in advance of approving the travel that, upon the interview, the employer will start the Veteran in training, if the employer finds the Veteran acceptable (38 CFR 21.370, (b)(2)(ii)). Case managers may also authorize interregional travel (travel outside the jurisdiction of the regional office) when the Veteran needs to report to the chosen school for a personal interview prior to induction into training when the school requires the interview as a condition of admission. There must be assurance before the travel is approved that the Veteran's records (school, counseling, etc.) show that he/she meets all the basic requirements for induction under 38 CFR 21.282, and that the Veteran submits a transcript of his/her high school credits and a transcript from any school he/she attended following high school to the school (38 CFR 21.370, (b)(2)(iii)(A-C)).

(b) Travel to Report for Work

Case managers may approve intraregional and/or interregional travel at government expense for a Veteran to report to a place of prearranged satisfactory employment upon completion of his/her program of vocational rehabilitation for the purpose of beginning work (38 CFR 21.370 and 21.372).

(c) Special Transportation Assistance

A case manager may authorize a special travel allowance to cover the extraordinary costs of transportation the Veteran incurs while he/ she is receiving employment services. The case manager will determine the need for a transportation allowance with the assistance of a medical consultant to determine the need for special transportation assistance and to develop transportation arrangements that do not unduly tax the Veteran's ability to travel and pursue a rehabilitation program. Transportation assistance includes mileage, parking fees, a reasonable fee for a driver, transportation furnished by a rehabilitation facility or transitional employment facility, and other reasonable expenses that may be incurred in local travel. For more information on how to authorize special transportation assistance, see 38 CFR 21.154, and M28R.VI.A.5.

4. Payment For Licenses, Certifications and Fees

The case manager may authorize payment for a license, certificate or fee when an employer requires it to fulfill the occupational or professional qualifications of the Veteran's employment goal. The case manager may approve it either while the Veteran is in JRS or after he/she becomes employed as a condition of the employment. Payment may include the cost of examinations required to obtain the license, permit or certificate. The Veteran must meet all prerequisites for taking the examination, such as successful completion of training, prior to the VA authorizing payment (38 CFR 21.254(a)).

For more information on how to process payment for licenses, certifications and fees, see M28R.VI.A.5.

d. Excluded Services

The following services may not be provided to a Veteran during a period or program of employment services (38 CFR Part 21.254(b)):

- Subsistence allowance, or payment of an allowance at the educational assistance rate paid under Chapter 30 for similar training, except for EAA

- Education and training services, other than brief courses, such as review courses necessary for licensure
- Revolving Fund Loan
- Work-study allowance

3.07 Monitoring Veteran's Progress in Employment Services

The case manager must monitor the Veteran's participation in employment services within 30 days after the Veteran is declared job-ready, and at least monthly until the Veteran is declared rehabilitated. Monitoring may include a face-to-face or videoconference meeting with the Veteran. Services must be adapted according to the Veteran's needs and must be immediately provided to assist in the Veteran's ability to obtain and maintain employment.

If the Veteran has no special needs or no barriers are identified, other methods such as telephone or email may be used to determine the Veteran's progress. Additionally, a DVOP specialist, LVER or a VA contractor can assist the case manager by making the required contacts.

All contacts or meetings with the Veteran must be clearly documented on VAF 28-1905d, Special Report of Training or in CWINRS notes and should include the following topics for discussion:

- a. Is the Veteran following the employment-seeking actions outlined in the IEAP?
- b. Is the Veteran receiving the appropriate level of assistance or is more assistance needed?
- c. Do circumstances require modification of the IEAP, including changes in services or service providers? If the plan requires modification, the case manager must redevelop the IEAP with the Veteran using a comprehensive evaluation.
- d. Is the Veteran employed? If so, does the job meet his/her needs?

3.08 Contracting for Employment Services

- a. Areas Appropriate for Contract Services

Provision of effective employment services is generally a labor-intensive activity requiring specialized skills. The case manager and the Veteran must identify the specialized employment services needed, such as:

- Resume preparation
- Interviewing techniques
- Marketing, such as conducting informational interviews with employers
- Networking
- Job search techniques

Once the case manager and the Veteran have identified the services, three factors affect the decision whether or not to contract for these services:

1. Does VR&E have the resources to provide the services directly?
2. Is the impact of the Veteran's disability such that specialized placement assistance would be beneficial?
3. Are there available resources, including public and private agencies, that can provide adequate assistance on a no-charge basis?

b. Selection of Service Providers

Contracts are awarded at a national level. Authority from VR&E Service is required in order to develop local contracts. VR&E Service may contract with for-profit entities if the VA determines comparable services from non-profit or public-sector agencies are not available in the Veteran's community, but services by for-profit agencies are available locally. Examples include:

- The Veteran needs highly individualized services which are not available from public-sector or not-for-profit agencies
- Receiving the services from a public-sector or not-for-profit agency would constitute a hardship for the Veteran
- The VA cannot obtain comparable services cost-effectively from other sources, such as public-sector or not-for-profit agencies

c. Monitoring Contractual Services

When using contractual services, case managers must make sure it is clear that the VRC/EC is accountable for ensuring the Veteran receives these services. The VRC/EC is also responsible for the provision of employment services to ensure that the Veteran's progress is monitored regularly and that services are provided appropriately and in a timely manner.

In addition, the case manager must address all employment needs that the VA contractor identifies and coordinate the necessary services, to include amending the IEAP if necessary.

For more information on how to use contracted assistance, refer to M28R.VI.A.4.

3.09 Advocacy Responsibility

Case managers ensure that Veterans receiving Chapter 31 employment services benefit from all applicable provisions of the laws and regulations providing for special consideration, emphasis, or preference in placement or training (38 CFR 21.252(c)). To advocate for the Veteran, case managers perform, but are not limited to, the following activities:

- Encouraging prospective employers to recognize that Veterans with disabilities are excellent workers and hiring Veterans with disabilities is consistent with good business practices
- Creating a more favorable climate for job-seeking Veterans with disabilities through public awareness programs to educate employers on the advantages of hiring Veterans with disabilities through the use of outreach programs
- Working closely with hiring managers to identify and develop job modifications to accommodate Veterans with disabilities
- Supplying technical assistance for the modification of jobs, facilities, and equipment when assistance is necessary for a Veteran to obtain and maintain suitable employment
- Providing post-placement assistance to Veterans to aid in job orientation, how to address unexpected problems, and provide other services to ensure a suitable adjustment to employment

- Assisting the Veteran with filing a complaint if the Veteran believes the employer has discriminated against him/her or has not carried out affirmative action obligations