# Vocational Rehabilitation Services Manual A-100: Introduction to Vocational Rehabilitation

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Texas Workforce Commission Vocational Rehabilitation (TWC-VR) has developed both the VR Standards for Providers Manual (VR-SFP) and the Vocational Rehabilitation Services Manual (VRSM) to comply with federal and state laws, statutes, and rules or regulations while allowing for the use of professional judgment and sensitivity in administering the VR program to meet the individual needs of VR customers. When necessary to meet the vocational rehabilitation needs of a customer, VR staff members may request exceptions to policies and procedures through their chain of management. VR staff must be aware that exceptions to policies and procedures based on federal and state laws, statutes, and rules or regulations are not allowable. For more information about the roles and responsibilities of VR staff in the VR process, see VRSM B-100: Roles and Responsibilities in the VR Process.

Links to other information throughout these manuals provide examples, tools, and practical application guides that support existing policies and procedures. Links also are provided to other policies, procedures, rules, regulations, and forms that must be applied. All links in the VR-SFP are available to anyone who is accessing the manual either externally or internally. However, in the VRSM, there are links that are intended to provide additional decision-making supports to VR staff that may not be available to individuals who are accessing the VRSM outside of TWC's firewall. Copies of materials that cannot be accessed directly through links can be made available upon request.

VR staff must be familiar with and apply both the VR-SFP and the VRSM in all decision making. Providers of VR services that are provided under contract must comply with content in the VR-SFP that is related to the services provided. Providers of VR services that are not provided through a contract are subject to the content in the VRSM that is related to the services provided.

All services and supports provided by TWC-VR are provided for the sole purpose of achieving a competitive integrated employment outcome, as defined in CFR 361.5(c)(1). For more information and resources about competitive integrated employment, VR staff can refer to the Competitive Integrated Employment intranet page or email VR CIE Determinations (vr.cie@twc.state.tx.us).

## A-101: Legal Authority

The Rehabilitation Act of 1973 as amended through P.L. 114–95 [(Workforce Innovation and Opportunity Act (WIOA)], enacted December 10, 2015:

"The Rehabilitation Act replaces the Vocational Rehabilitation Act,

* to extend and revise the authorization of grants to states for vocational rehabilitation services, with special emphasis on services to individuals with the most severe disabilities,
* to expand special federal responsibilities and research and training programs with respect to individuals with disabilities,
* to create linkage between state vocational rehabilitation programs and workforce investment activities carried out under title I of the Workforce Investment Act of 1998,
* to establish special responsibilities for the Secretary of Education for coordination of all activities with respect to individuals with disabilities within and across programs administered by the federal government,
* and for other purposes.

[The Rehabilitation Act of 1973 as amended by title IV of WIOA (PDF 791KB)](https://www2.ed.gov/policy/speced/leg/rehab/rehabilitation-act-of-1973-amended-by-wioa.pdf) establishes programs and initiatives administered by RSA."

Title 34: Education
[PART 361—STATE VOCATIONAL REHABILITATION SERVICES PROGRAM](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7a1f2fe58111d4078970d051e6b5d053&mc=true&n=pt34.2.361&r=PART&ty=HTML)
[Subpart A—General](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7a1f2fe58111d4078970d051e6b5d053&mc=true&n=sp34.2.361.a&r=SUBPART&ty=HTML)

### §361.1 Purpose.

Under the State Vocational Rehabilitation Services Program, the Secretary provides grants to assist States in operating statewide comprehensive, coordinated, effective, efficient, and accountable vocational rehabilitation programs, each of which is—

(a) An integral part of a statewide workforce development system; and

(b) Designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency.

(Authority: Sections 12(c) and 100(a) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 709(c) and 720(a))

CFR §361.5(c)(9) Competitive integrated employment means work that—

(i) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that-

(A) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;

(B) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and

(C) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

(D) Is eligible for the level of benefits provided to other employees; and

(ii) Is at a location—

(A) Typically found in the community; and

(B) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (*e.g.,* customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and

(iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.