# PART A, CHAPTER 2: LEGAL AUTHORITY AND PURPOSE

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part A, Chapter 2 | The [Rehabilitation Act](https://rsa.ed.gov/sites/default/files/downloads/rehabilitation-act-of-1973-amended-by-wioa.pdf) of 1973, as amended by Title IV of the [Workforce Innovation and Opportunity Act](https://rsa.ed.gov/sites/default/files/downloads/wioa.pdf) (WIOA), [34 CFR §361](https://www.ecfr.gov/current/title-34/part-361), [§363](https://www.ecfr.gov/current/title-34/part-363), TWC Rule [§850](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=20&ch=850), [§856](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=20&ch=856), and [§858](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=20&ch=858&rl=Y). | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to all statutes, regulations, and subregulatory guidance issued to carry out the requirements of the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program.

## DEFINITIONS

There are no specific definitions for this policy and these procedures.

## POLICY

### General Overview

The purpose of the Vocational Rehabilitation (VR) Program, Title I of the Rehabilitation Act of 1973, as amended by Title IV of WIOA—

1. To provide a comprehensive, coordinated, effective, efficient, and accountable VR program, which is—
   1. An integral part of a State-wide workforce development system; and
   2. Designed to assess, plan, develop, and provide VR 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.

### Competitive Integrated Employment (CIE)

CIE is work that—

1. Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that—
   1. 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)](https://www.govinfo.gov/link/uscode/29/206)) or the rate required under the applicable State or local minimum wage law for the place of employment;
   2. 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
   3. 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
   4. Is eligible for the level of benefits provided to other employees; and
2. Is at a location—
   1. Typically found in the community; and
   2. 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 (excluding 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
3. 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.

TWC-VR supports a variety of CIE types, including Self-Employment, Randolph-Sheppard Business Enterprises of Texas Program (BET), and Supported Employment in CIE.

### Exceptions to Policy

When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### Requesting Exceptions to Policies in This Manual

1. Refer to the respective chapters of the VRSM.
2. When there is a clearly demonstrated vocational need that cannot be approved at the local TWC-VR office, the VR Counselor discusses the circumstances with the VR Supervisor, VR Manager, and/or a Regional or State Office Program Specialist. Together, they determine whether there is justification for requesting an exception to published policies and procedures.
3. If the need is determined appropriate, the VR Counselor sends a request for an exception to policies and procedures through their chain of management to the Deputy Division Director for Field Services Delivery for consideration.

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

|  |  |  |
| --- | --- | --- |
| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |