# PART C, CHAPTER 16.2: MAINTENANCE SERVICES

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 16.2 | 34 CFR [§361.5(c)(34)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(34)), [§361.48(b)(7)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(7)), and TWC Rule [§856.46](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=46) | 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 the provision of maintenance services (payments to customers) when necessitated by their participation in TWC-VR services.

## DEFINITIONS

Normal Living Expenses: Items such as housing, food, clothing, and transportation, and whatever additional expenses would be considered necessary to those broad categories (not directly associated with the receipt of VR services), such as utility costs and vehicle insurance.

## POLICY

### General Overview

Maintenance services are when TWC-VR provides monetary support to a customer for expenses (e.g., food, shelter, clothing) that are in excess of their normal living expenses necessitated by their participation in an assessment for determining eligibility, scope of VR needs and the receipt of TWC-VR services under an Individualized Plan for Employment (IPE).

Maintenance services can be provided under one or more categories:

* Recurring maintenance;
* Nonrecurring maintenance; and/or
* Short-term housing maintenance.

### Restrictions

Maintenance services are not used to provide the following services—

* Tuition or fees;
* Compensation for an on-the-job training program;
* Goods and services that are under contract;
* Mortgage payments, usual and customary rent for housing, and any associated fees or expenses; and
* Reimbursements.

As described throughout the VRSM, some exceptions may be granted with approval from TWC-VR’s Deputy Division Director of Field Services Delivery. TWC-VR staff are required to follow the policies and procedures outlined in each respective chapter of the VRSM for the provision of these restricted services.

Maintenance cannot be used for costs directly associated with transportation, such as mileage or driver services.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds on maintenance services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
* Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* 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

### Determination of Need

The VR Counselor must clearly document the need for maintenance services in the case record. These services must be necessary and reasonable under the customer's circumstances at the time a decision is made.

Decision-making factors include, but are not limited to, the following—

* Individual rehabilitation needs consistent with the customer's informed choice;
* Market rates;
* Availability of cost-effective alternatives; and
* All other established policies and procedures, including policies and procedures for customer participation in the cost of services, also known as basic living requirements (BLR).

### Recurring Maintenance

This maintenance service (also referred to as "weekly maintenance" in RHW) is used for expenses incurred on a recurring basis as a direct result of participation in TWC-VR services.

Recurring maintenance payments may—

* Not exceed $55 per week;
* Be paid during TWC-VR academic or vocational training, as determined necessary, but—
  + Must not exceed 104 weeks for a customer who is pursuing vocational training;
  + Must not exceed 156 weeks for a customer who is pursuing academic college-level training;
* Be paid to a customer in self-employment, as determined necessary, but must not exceed 16 weeks; and
* Be paid to cover the cost of a health insurance premium if insurance is required by a business for participation in the following:
  + Work Experience Services;
  + Paid Work Experience purchased through Local Workforce Development Boards (Boards);
  + Wage Services for Work Experience through WorkQuest;
  + Practicums;
  + Clinicals; and
  + Internships.

Health insurance premiums may only be purchased while the customer is participating in the above bulleted services. TWC-VR staff must document the options explored for health insurance and the justification for which option best meets the customer's vocational needs.

### Nonrecurring Maintenance

This maintenance service (also referred to as "one-time maintenance" in RHW) is used for one-time expenses that are incurred as a direct result of participation in TWC-VR services.

Nonrecurring maintenance may also be used to purchase the following:

* Maximum Affordable Payment Schedule (MAPS) goods and services (only when the vendor will not accept a TWC-VR service authorization [SA])—
  + Applicable MAPS rate must still be applied to determine the amount of maintenance to be paid; and
  + The process may not be used to exceed established MAPS fees;
* Business start-up costs for self-employment;
* Escort or attendant supports (when required) for a customer (current State per diem rate at State Comptroller website: [Textravel - Current Rates (texas.gov)](https://fmx.cpa.texas.gov/fmx/travel/textravel/rates/current.php));
* Initial one-time costs, such as a security deposit or charges for the initiation of utilities, that are required in order for a customer to relocate for a job placement or to participate in TWC-VR services.
* Health insurance premium if insurance is required by a business for participation in the following:
  + Work Experience Services;
  + Paid Work Experience purchased through Local Workforce Development Boards (Boards);
  + Wage Services for Work Experience through WorkQuest;
  + Practicums;
  + Clinicals; and
  + Internships.

Health insurance premiums may only be purchased while the customer is participating in the above bulleted services. TWC-VR staff must document the options explored for health insurance and the justification for which option best meets the customer's vocational needs.

### Short-Term Housing Maintenance

This maintenance service paid to a customer is used only for short-term housing expenses that are incurred as a direct result of participation in TWC-VR services. It must not be used to pay a customer's mortgage payment or usual and customary rent for housing, which are considered normal living expenses. When it is expected that short-term housing maintenance, in excess of normal living expenses, will exceed a total of three months (cumulatively or consecutively), TWC-VR staff must initiate the process to establish the landlord as a provider for "short-term housing" during the first month for which short-term housing maintenance is authorized.

If the landlord declines to be established as a provider for any reason, or if they have a hold through the Texas comptroller and cannot be paid, alternate housing must be explored. If no other acceptable options are available, justification for paying short-term housing maintenance to the customer requires VR Manager approval.

Once established as a TWC-VR provider, short-term housing maintenance is paid as short-term housing to the providing landlord or lessor.

### Processing Maintenance Service Payments

Maintenance services are authorized and paid to the customer in advance. When approved by the VR Counselor, maintenance checks, or warrants, are mailed—

* Directly to the customer, their representative, or third-party payee; or
* To the TWC-VR office where the customer is receiving services, when approved by the VR Manager, under exceptional circumstances.

When a maintenance warrant is received in the TWC-VR office, the TWC-VR staff member must—

* Document the TWC-VR receipt of the warrant in a case note, containing—
  + The date that the warrant was received; and
  + The warrant number and amount;
* Contact the customer and documents the contact in a caste note; and
* Document the customer receipt of the warrant in a case note, containing—
  + The date that the warrant was received by the customer; and
  + The warrant number and amount.

Until the customer receives the warrant, it must be stored under lock and key.

### Documenting Maintenance Services

| Documentation Type | Required Documentation: Customer | Required Documentation: VR Counselor |
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| Recurring Maintenance | * Maintains *Maintenance Expense Log (VR2180)* * Maintains copies of receipts to verify content of *VR2180*[[1]](#footnote-1) | * Reviews *VR2180* monthly * If *VR2180* is not turned in or funds were not used for their intended purpose, no additional maintenance payments can be authorized. * Sends an email to VR RHW Provider Services at [vr.rhw.providerservices@twc.texas.gov](mailto:vr.rhw.providerservices@twc.texas.gov) to have customer established as provider when amount is over $400 |
| Nonrecurring Maintenance | * Provides a receipt from vendor to show funds were used for their intended purpose | * Sends an email to VR RHW Provider Services at [vr.rhw.providerservices@twc.texas.gov](mailto:vr.rhw.providerservices@twc.texas.gov) to have customer established as provider when amount is over $400 * If receipt is not turned in or funds were not used for their intended purpose, no additional maintenance payments can be authorized. |
| Short-Term Housing Maintenance | * Provides a receipt showing proof of payment to provider that funds were used for their intended purpose | * If receipt is not turned in or funds were not used for their intended purpose, no additional maintenance payments can be authorized. |

## APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

* *VR Manager approval is required for all recurring maintenance SAs.*
* *VR Manager approval is required for any additional maintenance services when a receipt is not turned in or it is determined that funds were not used for the intended purpose.*
* *VR Manager approval is required for maintenance for MAPS goods and services – only when the vendor will not accept a TWC-VR SA.*
* *VR Manager approval is required for all short-term housing maintenance and is limited to three-month increments (cumulatively or consecutively).*
* *VR Manager approval is required for continued maintenance for short-term housing provided to the customer if the landlord declines to be established as a provider for any reason, or if they have a hold through the State comptroller and cannot be paid, and no other acceptable options are available.*
* *VR Manager approval is required before maintenance can be paid to the customer to purchase goods or services that have more specific purchasing processes and/or specifications available in the VRSM or RHW.*
* *VR Manager approval is required when an exception to exceed $55/week for the health insurance premiums for reoccurring maintenance services are deemed necessary.*
* *VR Manager approval is required for all nonrecurring maintenance that is equal to or greater than $400 for a single service authorization.*
* *VR Manager approval is required when exceptional circumstances result in the maintenance check or warrants being mailed to the TWC-VR office instead of directly to the customer.*
* *TWC-VR Executive Management approval is required before using any form of maintenance to cover the services listed as restricted in this policy*.

## 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.

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

1. Receipts are for auditing purposes and do not need to be turned into TWC-VR with *VR2180*. [↑](#footnote-ref-1)