# PART C, CHAPTER 18: POST-EMPLOYMENT SERVICES

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 18 | 34 CFR [§361.5(c)(41)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(41)), [361.46(c)](https://www.ecfr.gov/current/title-34/part-361#p-361.46(c)) and TWC Rule [§856.50](https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=50) | 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 Post-Employment services.

## DEFINITIONS

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

## POLICY

### General Overview

Post-Employment services are one or more of the TWC-VR services identified in Part C of the VRSM that are provided subsequent to the achievement of an employment outcome and that are necessary for a customer to maintain, regain, or advance in employment, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Post-Employment services are—

* Provided under an amended Individualized Plan for Employment (IPE) before the customer's case is closed; thus, a re-determination of eligibility is not required;
* Limited in scope and duration; and
* Available to meet rehabilitation needs that do not require a complex and comprehensive provision of services.

The period the customer is most likely to need discrete short-term services (i.e., Post-Employment services) to ensure the employment outcome can be maintained is after the employment outcome has been achieved but before the customer's case is closed.

### Post-Employment Services in the IPE

TWC-VR Post-Employment services may be required after a customer obtains the employment goal listed in their IPE. The IPE must contain the following:

* The expected need for Post-Employment services prior to closing a customer’s case successful after achieving an employment outcome;
* A description of the terms and conditions for the provision of any Post-Employment services; and
* If appropriate, a statement of how Post-Employment services will be provided or arranged through comparable services or benefits.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds on Post-Employment 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.

TWC-VR services that are exempt from seeking comparable services and benefits are also exempt when provided as Post-Employment 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.

TWC-VR services where BLR does not apply are also not applicable when provided as Post-Employment services.

* 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

### Determining the need for Post-Employment Services

When a customer’s case progresses into the Employment Phase in RHW, meaning they have attained the employment goal listed in their IPE, they may require Post-Employment services. The goal of Post-Employment services is to help the customer reach a level of—

* Self-sufficiency;
* Job retention; and
* Job stability.

These services are intended to be limited in scope and duration. Therefore, the VR Counselor must work closely with the customer to determine if Post-Employment services are needed or if complex and comprehensive services are needed, which may result in a new employment goal or extended provision of services, etc.

A customer may be considered for Post-Employment services if they—

* Need help maintaining employment;
* Have a disability or employment-related problem requiring TWC-VR services; and/or
* Need services intended to be short and discrete.

A customer may need to be moved from Employment Status back to Active Services in RHW because complex and comprehensive services are needed. Such services may be needed if the customer—

* Changes the employment goal;
* Is unstable in their employment;
* Needs counseling and guidance to make an informed decision about a new employment goal or the provision of services; and/or
* Has determined that Post-Employment services are insufficient to meet their need.

The VR counselor must work in partnership with the customer and their representative (as appropriate), provider, and the employer, as needed, to determine the level of need related to their employment outcome.

### Amending the IPE for Post-Employment Services

When Post-Employment services are determined necessary, the VR Counselor and customer amend the IPE to include the Post-Employment services required.

### Ending Post-Employment Services

The decision to end Post-Employment services should be made through VR counseling and guidance and in consultation with the customer when—

* Post-Employment services sufficiently met the need of the customer in order to maintain, regain, or advance in their employment goal;
* Post-Employment services did not meet the need of the customer;
* A new IPE is required, including a change in employment goal and new complex and comprehensive services are needed; or
* The customer is no longer in stable employment consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

The following are three paths that may be taken by the VR Counselor once Post-Employment services have ended:

1. Active Status: When Post-Employment services did not meet the need of the customer in order to maintain, regain, or advance in their employment goal, the VR Counselor must work with the customer to determine the next steps in their rehabilitation path, including, but not limited to, the need for additional assessments. Because these circumstances likely require complex and comprehensive services, the case should be moved back into Active Status and the VR Counselor should continue providing TWC-VR services.
2. Successful Closure: When Post-Employment services sufficiently met the need of the customer and they were able to maintain, regain, or advance in their employment goal, the VR Counselor must continue with closing the case successfully. The VR Counselor must ensure that the customer understands the remaining steps in the closure process and provide them with the "Can We Talk?" brochure.
3. Unsuccessful Closure: When Post-Employment services do not meet the need of the customer in order to maintain, regain, or advance in their employment goal, the VR Counselor may determine that the case is closed unsuccessfully. In these circumstances, the VR Counselor must provide sufficient documentation to justify why the case was closed as unsuccessful rather than moved to Active Status. This should be limited as it is not the intended outcome of TWC-VR services, including Post-Employment services.

### Opening a Case After Post-Employment Services

Once a case is closed, if complex, comprehensive (substantial) VR services are needed, a new case must be opened.

A "fast track" option is available to expedite this process if the new case is opened within one year from when the previous case was closed and the customer’s disability has not changed.

 If the case is closed within the current program year quarter the case can be phase adjusted.

## 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.

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