

THE INDIVIDUALIZED PLAN FOR EMPLOYMENT (EP)

A Fact Sheet from the Minnesota Disability Law Center

This fact sheet is intended as a brief introduction to the rights of disabled individuals under the federal Rehabilitation Act. This information does not constitute legal advice because each individual's case is different and the law is constantly subject to change. This fact sheet is based on Minnesota and federal laws and regulations. Therefore, it may not be valid in other states. Contact the Client Assistance Project for advice about your individual case.

Background Information

In Minnesota, Rehabilitation Services (RS) provides rehabilitation services to individuals with physical and/or mental disabilities. State Services for the Blind (SSB) provides rehabilitation services to individuals who are blind or visually impaired.

Soon after you apply for vocational rehabilitation services at either SSB or RS, a counselor will be assigned to your case. The counselor will likely set up an appointment to meet with you. In addition, the counselor will need proof of your medical condition in order to determine whether you are eligible for services. In most cases, the agency will determine your eligibility for services within 60 days of your application.

Once the eligibility process is over, the counselor may decide that a comprehensive evaluation is needed to determine your unique strengths, priorities, interests and needs. This assessment will be used to determine your rehabilitation needs and will help you and your counselor develop a plan of action.

The Employment Plan

The individualized plan for employment (EP) is a written plan for action that identifies the kind of job you want to get and lists all of the steps you will have to take in order to reach your goal. You must be given the opportunity to make an informed choice in selecting, among other things, the employment goal, needed vocational rehabilitation services and the providers of those services.

The law gives you three ways to develop an EP: (1) on your own; (2) with the assistance of your rehabilitation counselor; or (3) with the assistance of anyone else who is willing to help. Your counselor must provide you with information in writing, as well as in an appropriate mode of communication for you, explaining the assistance available to you when developing your EP as well as the full range of components that must be included in the EP.

The law requires you and your counselor both must agree to all parts of the EP in order to make it valid. Both you and your counselor must sign the EP in order to show you agree to all of the terms. RS and SSB

cannot provide you with any vocational rehabilitation service until after you and your counselor develop a valid EP. This means that the EP is a critical step in getting the rehabilitation services you need to get or keep a job. Be sure that the EP reflects your own strengths, priorities, concerns, abilities and limitations. This will help make it more likely that you will succeed in achieving your job goal.

The EP should be written as specifically as possible. In other words, make your employment goals and objectives specific, not broad and general. Know what services and equipment you will need to accomplish your job goal. If you do not know what services or equipment you need or if you and your counselor disagree over what services or equipment you need, RS or SSB may suggest that a neutral third party evaluate your needs. This neutral third party should be someone who is familiar with the needs of individuals with similar disabilities.

Remember, you will not be able to receive most RS or SSB services until an EP is developed. Therefore, the sooner you develop an EP, the sooner you can receive rehabilitation services.

Developing the Employment Plan

The EP should contain the following information, as appropriate:

1. your ultimate job goal and when you will reach it;
2. the specific vocational rehabilitation services you will need to reach the job goal, including the service providers, starting dates and funding arrangements;
3. how you and your counselor will know you are making progress towards your job goal;

4. services and benefits from other programs that will help you reach your goal;
5. responsibilities of RS or SSB;
6. your responsibilities; and
7. approval signatures from you and your counselor.

Finally, your EP must also include information on your rights and remedies and a description of the Client Assistance Project.

Comparable Services and Benefits

Before including or approving certain vocational rehabilitation services on your EP, your counselor must determine whether another source can pay for the service. These services are called “comparable services and benefits,” and they are defined as those benefits or services that are (1) paid for, in whole or in part, by another federal, state or local public agency or employee benefits; (2) available at the time the individual needs them; and (3) comparable to the services that you would receive from RS or SSB. However, your counselor is not required to look for a comparable service or benefit if it would delay: (1) your progress towards achieving an employment outcome; (2) an immediate job placement; or (3) the provision of services when you were at extreme medical risk.

Your Financial Contribution for Services

Based on your available financial resources, RS or SSB may require you to help pay for services listed on your EP. Your portion of the cost of services is called “consumer financial participation.” However, the following services are available to all

rehabilitation participants, regardless of their financial resources, without charge:

- assessments to determine eligibility and vocational rehabilitation needs;
- vocational counseling, guidance and referral services; and
- job search and placement services.

Signing Your Employment Plan

Once your EP is developed, you will be asked to sign the written plan. If you do not agree to the EP, you should not sign it. RS and SSB must give you a copy of the EP in a language you understand. The EP must be reviewed and updated in writing each year.

If you experience difficulties with your counselor developing an EP, you can contact the Client Assistance Project (CAP) for help.

The Client Assistance Project (CAP)

If you are a client or an applicant of RS or SSB, you can call CAP for help if you have questions, concerns or complaints about RS or SSB. CAP does not provide direct vocational rehabilitation services, such as education, training or equipment.

For more information about CAP or to apply for CAP services, call (612) 334-5970 (metro area); 1-800-292-4150 (Greater Minnesota); or (612) 332-4668 (TTY).

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In general, a CAP advocate MAY be able to help you in any of the following ways:

- help you or advocate on your behalf to obtain appropriate vocational rehabilitation services from RS or SSB;
- review and challenge eligibility decisions made by RS or SSB;
- inform you of your rights and services available under the Rehabilitation Act;
- advise you in developing an EP; or
- advise or help you in pursuing legal, administrative, or other appropriate remedies when a determination has been made by CAP that your case has legal merit.