

General Information

Chapter 1

1.00 **Purpose of Manual.** This manual establishes the Division of Vocational Rehabilitation [hereafter referred to as DVR] basic program requirements in accordance with Federal and State laws and regulations. It is used by the Bureau of Field Services to assist DVR customers in accomplishing their goals for employment outcomes. Chapter 1, Sections 1.00 to 1.15 and Chapter 2 of this manual pertain to all Field Services staff. In addition, there are Department of Education (DOE) policies and/or regulations and Florida statutes governing purchasing, personnel, fiscal, and community rehabilitation programs.

1.01 References

1. P.L. 113-128 Workforce Innovation and Opportunity Act including the Rehabilitation Act of 1973 (as amended)
2. The State Division of Vocational Rehabilitation program; Revised July 1, 2001 Final Rules and Regulations 34 CFR Part 361, et. al.
3. The Federal State Plan for the Division of Vocational Rehabilitation and the State Agency Functional Plan. (Reference: Rehabilitation Amendments Sec 101(a)(1) (A-C)
4. Florida Statutes, Chapter 413, Part II, Chapter 112, Section 112.311 and 112.313, and Chapter 120
5. The Division of Vocational Rehabilitation Rules, Chapter 6A-25, Florida Administrative Code.

1.02 **Description.** DVR is a Federal/State Program that assists individuals with disabilities who require vocational rehabilitation services to prepare for, secure, regain, or retain employment. The rehabilitation process is based upon an Individualized Plan for Employment (IPE) that is oriented toward achieving an employment outcome. It is essential that the individual with a disability participate totally in the process to accomplish his or her goals. DVR may contract with other agencies to provide vocational rehabilitation services.

1.03 **Mission.** DVR's mission is to help people with disabilities find and maintain employment, and enhance their independence.

1.04 Workforce Innovation and Opportunity Act.

1. The Workforce Innovation and Opportunity Act (WIOA) requires that DVR be a partner in the One-Stop Delivery System. DVR must carry out the following functions:
 - a. Make available to participants through the One-Stop service delivery system the core services that are applicable to DVR.
 - b. Use a portion of the funds made available through the WIOA.

- c. Enter into a memorandum of understanding (MOU) with the Local Workforce Development Board.
- d. Participate in the operation of the One-Stop service delivery system consistent with the terms of the MOU and the requirements of the WIOA.
- e. Provide representation on the Local Workforce Development Board.

1.05 **Interagency Agreements**

DVR is authorized to enter into cooperative agreements with any state agency or institution, county, county agency or institution, municipality, or municipal agency or institution for the purpose of enabling the division and cooperating governing bodies, agencies, and institutions to jointly use their services and facilities to enlarge and improve the opportunities for persons who have disabilities to achieve self-support and self-care.

1.06 **Guiding Principles and Philosophy**, Consistent with the Rehabilitation Act of 1973, as amended in 2014, DVR places the highest value on individuals with disabilities. All programs, projects, and activities shall be carried out in a manner consistent with the principles of:

1. respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice;
2. respect for privacy, rights, and equal access (including the use of accessible formats);
3. inclusion, integration, and full participation;
4. support for the involvement of an individual's representative if an individual with a disability requests, desires, or needs such support; and
5. support for individual and systemic advocacy and community involvement.
6. Work, a valued activity both for individuals and society, fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life in the United States.
7. Individuals with disabilities, including individuals with the most significant disabilities, have demonstrated their ability to achieve gainful employment in integrated settings if appropriate services and supports are provided.
8. Vocational rehabilitation can enable individuals with disabilities, including individuals with the most significant disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities.
9. Vocational rehabilitation is provided by qualified vocational rehabilitation counselors, and other qualified personnel who facilitate the accomplishment of the employment goals and objectives of an individual.

10. Vocational rehabilitation will not succeed unless individuals with disabilities and their representatives are full partners in the vocational rehabilitation program.

1.07 **Ethics.** The “Code of Ethics for Public Officers and Employees” was adopted by the Legislature. [[Florida Statute, Chapter 112, Part III](#)] The Code promotes the public interest and maintains the respect of the people for their government. Also, it ensures that public officials conduct themselves independently and impartially, not using their offices for private gains other than compensation provided by law. The Florida Commission on Ethics was created by the Legislature to serve as guardian of the standards of conduct for public officials, state, and local government. The [Standards of Conduct](#) are for all public officers and employees, including DVR.

1. The Department of Education adopted the Governor’s Code of Ethics, which was effective January 4, 2011. [Reference: [Executive Office of the Governor’s Code of Ethics](#)] All employees will comply with the requirements of this revised Code of Ethics; [Chapter 112, Part III](#), Florida Statutes; [Article I, Section 24](#) of the Florida Constitution (Open Meetings); and [Chapter 119](#), Florida Statutes (Public Records)].
2. Each executive state agency has an assigned Chief Ethics Officer. The Chief Ethics Officer will make reasonable efforts to ensure that the employees responsible for adhering to the Department’s Code will become familiar with relevant ethics, public records and open meeting requirements.

1.08 **Employee Misconduct.** An allegation or information coming to the attention of an employee indicating that misconduct has been committed by an employee of DVR must be promptly reported by the employee having such knowledge directly to the immediate supervisor. If it is believed that the immediate supervisor is involved in the alleged misconduct or may be unable or unwilling to properly deal with the alleged misconduct, the employee must notify the next higher level supervisor. Reports may be made orally or in writing to the appropriate supervisor. The confidentiality of the source of the report will be maintained in the manner appropriate to the circumstances of the case. The information in the report will be disclosed only to those entitled to receive it. This does not preclude the individual contacting the DOE Labor Relations Director or the Office of the Inspector General to file a complaint.

1.09 **Code of Professional Ethics for Rehabilitation Counselors and Staff Interpreters.**

1. In addition, the counselors and other rehabilitation professionals must demonstrate adherence to the [Code of Professional Ethics for Rehabilitation Counselors](#). All certified rehabilitation counselors who violate the Code are subject to disciplinary action. The Commission of Rehabilitation Counselor Certification reserves the power to suspend or to revoke privilege or impose other penalties for a rule violation.
2. Staff Interpreters must adhere to the Code of Professional Conduct (CPC) from the national Registry of Interpreters for the Deaf (RID) as providers of interpreting services. The current RID CPC can be found at <http://www.rid.org/ethics/code-of-professional-conduct>.

1.10 Publications and Media Contacts. These policies and procedures apply to all publications, news releases, public service announcements, prepared in whole or in part by DVR staff, concerning DVR programs and services regardless of the funding source. Publications include, but are not limited to, newsletters, flyers, handbooks, brochures, annual reports, and movie scripts.

1. All publications of DVR will be consistent with the Division's mission, philosophy, and values. They should reflect a positive image of the agency as well as the dignity, value, and worth of individuals with disabilities. The name, Florida Division of Vocational Rehabilitation, should be clearly visible on all publications as well as included in the narrative format, when appropriate.
2. The VR logo must appear on all publications.
3. When a statement of non-discrimination is required in any of DVR publications, such as those produced with federal funds or those to be given to consumers, the following non-discrimination statement must be used verbatim: "The Florida Division of Vocational Rehabilitation assures equal employment opportunity to all individuals without regard to race, sex, color, religion, national origin, age, disabilities, marital status, political affiliation, or veteran status."
4. The final draft of all DVR publications, (e.g., handbooks, brochures, annual reports) that are to be distributed outside of DVR must be submitted to the DVR Communications Office in Headquarters.
5. Only Area Directors or those specifically designated by the DVR Communications Office should respond to press inquiries. Employees who provide information to the media should keep the Communications Office informed of the content.
6. All calls of a controversial nature should be reported immediately to the DVR Communications Office.
7. Copies of all newspaper articles which mention DVR news should be sent to the Communications Office in Headquarters. Any DVR news release or public service announcement for the media generated in the field should be reviewed by the Communications Office prior to being sent to the media.
8. A DVR Public Relations Waiver form and Non-Customer Waiver (employer) must be on file with the Communications Office for any person, except full-time staff, appearing in a photo related to DVR. This includes any portion of a person (e.g., hands, back of the head) as well as out-of-focus shots.
9. An e-mail or phone call should be made to the Communications Director when appearances by staff on television or radio are requested or if staff takes calls from the media.
10. Counselors may use their discretion in identifying successful DVR Customers for referral to the Communications Office for inclusion in DVR's new releases or other media campaigns.

- a. Criteria for identifying DVR customers should include individuals who have a unique occupation or overcome an unusual situation. These individuals have the best opportunity to be featured in the media.
- b. To have a DVR customer featured in a news release or other media campaigns, the Success Story form and the Public Relations Waiver form must be completed and forwarded to the Communications Office in Headquarters. Forms are located on the DVR's intranet under Communications.

1.11 Transportation Liability

1. Florida Statutes state: "No employee...shall be held personally liable...in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of his/her employment or functions, unless such employee acted in bad faith or with malicious purposes or in a manner exhibiting wanton and willful disregard of human rights, safety or property."
2. The key element of this sovereign immunity is the fact that the employee is within the "scope of employment." Staff must maintain state business at all times while transporting the consumer. They must not stop to perform a personal errand or any such action while the consumer is being transported. The moment one's behavior can be construed to be anything other than an employment function, sovereign immunity is lost.
3. The law does not eliminate the necessity of employees maintaining personal auto insurance coverage.

1.12 Public Records Request

1. "Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. [Reference: Chapter 119, Florida Statutes,]. All department employees' records are also considered to be public records.
2. If a DVR employee receives a public records request, the employee must forward the request to the Public Records' Request Coordinator for the Division. The request can be mailed to 325 W. Gaines Street, Suite 1144, Tallahassee, FL 32399-0400 or faxed (850-245-3316).
3. If a DVR employee receives a public records request on a DVR client's record and/or email, this information is exempted from public information because it is confidential and privilege.

1.13 Family Members

1. All DVR employees, household members or an immediate member of their family (immediate family member is defined as the spouse; or child, parent, grandparent, sister, brother, or grandchild of either the employee or the spouse of the employee; or a person for whom the employee or the spouse of the employee has documented legal responsibility), or an individual who has a sexual or romantic relationship with a DVR employee requesting services shall be assigned a counselor by the Area Director or designee. The counselor should be in another unit

when possible, so as to preclude any conflict of interest or breach of confidentiality. This assignment will be documented in the case notes.

2. Services provided to the DVR staff members and family members require Area Office prior approval. [Reference: Chapter 15]

1.14 Securing DVR Case Records

1. DVR employees must exercise due professional care in securing active case records and working papers containing confidential client information.
2. Closed case records and records not in use must be secured in a designated locked area or file accessible only to DVR employees.

1.15 Destruction of Documentation/Case Record

1. DVR may destroy an individual's closed case records five (5) years after the most recent case closure date or action (Reference: 6A-25.012(4), 1B-24.003(1)(a) and GS1-SL schedule #275 of the Florida Department of State.) In all cases, destruction must be certain and confidentially assured.
2. Any printed documents that identify applicants or eligible individuals or contain confidential information must be destroyed/disposed of in a manner that insures confidentiality.

1.16 Assignment of Cases

1. An individual will be served within the Area in which he/she resides.
2. Assignment of an applicant or individual to a DVR counselor will be based upon the needs of the individual. Consideration is given to location of primary residence, and/or the unique characteristics of the impairment. Individuals have the right to request assignment to a specific counselor and/or a change of counselor at any time.
3. Decisions regarding the individual's request for a specific counselor or for a change in counselor shall be made by the unit supervisor if the requested counselor is in the same unit or made by the Area Director or designee if the requested counselor is in a different unit. The decision shall be based on the individual's impairment(s), the individual's perception of the counseling relationship, location of the requested counselor, the counselor's case load size, and the present counselor's perception of the counseling relationship.
4. Employees of DVR, household member or an immediate member of their family (immediate family member is defined as the spouse; or the child, parent, grandparent, sister, brother, or grandchild of either the employee or the spouse of the employee; or a person for whom the employee or the spouse of the employee has documented legal responsibility), or an individual who has a sexual or romantic relationship with a DVR employee, requesting services shall be assigned a counselor by the Area Director or designee. That counselor should be in another unit when possible, so as to preclude any conflict of interest or breach of confidentiality. This assignment will be documented in the case notes.

5. Case transfers should be handled in accordance with FSOP Casework Process 2 – Case Transfer.

1.17 Independent Status for Counselors.

1. Independent status should be considered for all counselors and consultants at the time the performance evaluation is completed at the end of the probationary period. For individuals who have completed probation, but have not obtained independent status, consideration must be granted upon the individual's request.
2. Based on case reviews, independent status may be granted to counselors and consultants at the recommendation of the Unit Supervisor and at the discretion of the Area Director.
3. The Unit Supervisor will select and review a minimum of five (5) cases utilizing the Area Quality Assurance Case Review form (A peer review team approach may be used).
4. To obtain and retain independent status, the following requirements must be met:
 - a. 95% eligibility accuracy
 - b. 85% IPE accuracy
 - c. 95% financial accountability
 - d. 95% case closure (accuracy)
5. If the Unit Supervisor:
 - a. approves the request, he or she completes the Independent Status Request form and forwards it to the Area Supervisor and Area Director for approval.
 - b. denies the request, he or she will notify the counselor or consultant of the decision with recommendations for professional development.
6. If the Area Director approves the independent status request, he or she scans the form and forwards it to the Bureau of Field Services to process the request.
7. Independent status allows the counselor or consultant to complete eligibility determinations, IPEs and case closures without supervisory review or approval.
8. Supervisors must approve all authorizations electronically.
9. Independent Status Review
 - a. The Unit Supervisor will select a minimum of five cases, utilizing the Area Quality Assurance Case Review form every six months, from initial approval of Independent Status.
 - b. In order to approve the retention of independent status, the above requirements (# 4) must be met.
 - c. The Unit Supervisor completes the independent status review and recommends to retain or revoke the independent status.

10. The Area Director's designee will maintain a log of independent status requests and reviews.

1.18 Quality Assurance.

1. A system of quality assurance has been designed to include DVR Counselor, Area Operations, and the Bureau of Field Services.
 - a. The DVR Supervisor, through individual case reviews and face-to-face coaching meetings with DVR Counselor, performs the first level of quality assurance. The quality assurance review encompasses all of the requirements of this manual.
 - b. The Area Director is responsible to develop a quality assurance process to examine DVR Counselor casework performance at the Area level and to provide a feedback report to the Bureau of Field Services. This process may include a team approach and/or Area Supervisor reviews. These reviews are planned to sample cases quarterly.

1.19 Case Record Review.

1. Individual case records must be reviewed by the supervisor at, eligibility, plan development, annual review, closure, and at transfer. Reviews, except transfer reviews, are to be recorded on the case review form or the RIMS based screen. Counselors on Independent Status will have a sample of files reviewed.
2. Transfer reviews will be documented by a case note recorded in RIMS and will be reviewed by the Area Supervisor during the case transfer process.

Stevens Amendment

The Florida Department of Education, Division of Vocational Rehabilitation (VR) is an equal opportunity employer. It is against the law for VR as a recipient of Federal financial assistance to discriminate against any individual in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief. The application process used by VR to determine eligibility for services, any subsequent services and the entire VR process are subject to these non-discrimination requirements. Auxiliary aids and services are available upon request to individuals with disabilities. VR program receives 78.7 percent of its funding through a grant from the U.S. Department of Education. For the 2021 Federal fiscal year, the total amount of grant funds awarded were \$176,836,896. The remaining 21.3 percent of the costs (\$47,860,557) were funded by Florida State Appropriations. Revised October 2021.