

Sec. 17b-653-9. Employment plan

The following standards and procedures shall apply in the development, amendment and use of the employment plan.

(a) Timing and Initiation of the Employment Plan

The employment plan shall be initiated after certification of eligibility for individuals for whom the bureau is able to provide services under an order of selection, if applicable.

(b) Plan Development and Approval

(1) The employment plan may be developed by the client or in conjunction with the appropriate representative of the bureau and the client with a disability and, as appropriate, his or her parent, guardian or other representative.

(2) The plan shall be jointly reviewed by the client and counselor, or other appropriate bureau representative.

(3) The plan shall be approved by the client, counselor and, as deemed necessary by the bureau, other representative of the bureau. Reasons for which the bureau may deny approval of an employment plan, in whole or in part, may include but shall not be limited to a determination by the bureau that:

(A) The employment outcome chosen by the client is inconsistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests or informed choice;

(B) The nature, scope or duration of one or more of the services contained within the plan are not necessary to achieve the employment outcome or otherwise not appropriate to the vocational rehabilitation needs of the client; or

(C) The plan is otherwise inconsistent with federal or state statute, regulations or the state plan.

(c) Provision for Copy of Employment Plan to the Client The client or, as appropriate, his or her parent, guardian or other representative shall be provided with a copy of the employment plan and any amendments thereto and shall be advised by the bureau of the procedures and requirements affecting the development and review of the employment plan.

(d) The client shall cooperate in applying for or otherwise securing comparable benefits and services, benefits available as a legal right under state or federal law or other resources that may be necessary in order to achieve the employment outcome. Except as provided in subsection 17b-653-23(g) of sections 17b-653-1 to 17b-653-24, inclusive, of the Regulations of Connecticut State Agencies, the bureau may deny or terminate services in such cases where a client fails to cooperate in the securing of such benefits and services. Services may be included under an employment plan only after consideration of comparable benefits and services, in accordance with section 17b-653-11.

(e) Review

The employment plan shall be reviewed as often as necessary but at least every twelve months. Each client or, as appropriate, his or her parent, guardian or other representative shall be given an opportunity to review the plan and, if necessary, jointly redevelop and agree to its terms.

(f) Ineligibility Determination for Persons Receiving Services under an Employment Plan

(1) If services are to be terminated under an employment plan because of a determination

that the client is no longer eligible for services, the bureau shall:

(A) complete a certificate of ineligibility and inform the client, in accordance with section 17b-653-8(c); and

(B) review the decision, in accordance with section 17b-653-8(d).

(2) A determination that the individual is no longer eligible due to a finding that the client cannot benefit from vocational rehabilitation services shall be based on the bureau determining that there is clear and convincing evidence that the individual is incapable of benefiting in terms of an employment outcome from such services.

(g) **Content of the Employment Plan**The employment plan shall:

(1) include a statement of the specific employment outcome based on an assessment for determining vocational rehabilitation needs;

(2) include a statement of the specific vocational rehabilitation services that are needed to achieve the employment outcome, and the projected date for the initiation of services and the projected time lines for the achievement of the individual's employment outcome;

(3) include the entity that will provide services and the methods used to procure services;

(4) include a description of criteria to evaluate progress toward achievement of the employment outcome;

(5) include the terms and conditions of the employment plan, including, as appropriate, information describing:

(A) the responsibilities of the bureau;

(B) the responsibilities of the eligible individual, including:

(i) the responsibilities the eligible individual will assume in relation to the employment outcome of the individual;

(ii) if applicable, the participation of the eligible individual in paying for the costs of the plan; and

(iii) the responsibility of the eligible individual with regard to applying for and securing comparable benefits;

(C) the responsibilities of other entities;

(6) for individuals with the most significant disabilities for whom the employment outcome is supported employment, include the nature and source of extended services needed after completion of services provided by the bureau; and

(7) be reviewed annually.

(h) Except as provided in section 17b-653-23(g), an employment plan can be modified or discontinued in whole or in part under any of the following conditions:

(1) by mutual agreement by the parties;

(2) a determination by the bureau that:

(A) the client is no longer eligible;

(B) the client has failed to comply with the terms of the employment plan;

(C) the employment outcome is no longer deemed appropriate;

(D) the duration, nature or scope of services contained within the plan is no longer appropriate; or

(E) services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the client or the client's representative; or

(3) budgetary shortfall or other circumstances beyond the control of the bureau which

necessitate a discontinuation or modification of the plan.

(i) Clients shall have the responsibility of being actively involved in treatment or other interventions which the bureau determines necessary in order for the individual to achieve an employment outcome. In such cases where the client fails to comply with such treatment or intervention, the bureau may decline to approve or, except as provided in subsection 17b-653-23(g), may discontinue services contained within an employment plan.

(Adopted effective June 6, 2000)