

# Employment Training Series Week #4: Services to Help You Keep Your Job

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DRC Logo, Employment Training Series, Services to Help You Keep Your Job, presented by Rebecca Hoyt, Senior Advocate, Stephen Peters, Attorney

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### Our Mission as an Organization

Disability Rights California advocates, educates, investigates, and litigates to advance the rights, dignity, equal opportunities, and choices for all people with disabilities.

Photo: Photo of a boy with a disability in a wheelchair. His young sister is kneeling next to him holding his hand.

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### Client Assistance Program

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### Client Assistance Program

The Client Assistance Program (CAP) helps people with disabilities who receive or need services from:

- Department of Rehabilitation,
- Independent Living Centers, or
- Other Rehabilitation Act-funded partners.

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### How Can CAP Help Me?

- Information about agencies that may be able to help you with employment

- Information about your rights under the Americans with Disabilities Act
- Answer questions and provide advice
- Advocate on your behalf
- Advocate for changes that affect many people

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### Keeping Your Job During the COVID-19 Pandemic

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There is help!

Reasonable accommodations

- Modifications to a policy or practice, equipment, etc.
- Provided by your employer

Services

- Supports, equipment, assistive technology, training and other purchased goods
- Services for employment retention generally come from the Department of Rehabilitation

Benefits

- Payment or leave time if you are unable to work
- Provided by your employer, the state or another public entity

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Reasonable Accommodations

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Americans with Disabilities Act (ADA) Fair Employment and Housing Act (FEHA)

Both laws require most employers to provide reasonable accommodations to help people with disabilities perform their job.

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## Reasonable Accommodations at Work

- A reasonable accommodation can be a modification of a policy or practice that helps a qualified person with a disability to do their job effectively.
- A reasonable accommodation may also be a device or technology that helps a person with a disability perform their job duties.

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#### Reasonable Accommodation Examples

Scenario: Maria is an individual with a compromised immune system. She works in the billing department of an auto repair shop, and is expected to return to work. She is concerned about contracting COVID-19 while interacting with customers.

Potential Accommodations:

- Maria's employer could provide Personal Protective Equipment (PPE) to ensure she is able to perform her job duties without contracting COVID-19.
- Maria could be re-assigned to a task that does not involve public interaction.
- Maria's employer may decide to move their billing department to a virtual format for the safety of Maria and its customers.

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#### How to Ask for a Reasonable Accommodation

You can request a reasonable accommodation at any time. You can make your request in-person, over the phone or in writing.

Your request should:

- Let your employer know you are a person with a disability;
- Explain how your disability affects your job;
- Let your employer know the accommodations you need and how they will help you;
- Include a deadline for your employer to let you know if you will get the accommodations you are asking for

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### Employer Responsibilities

- Once an employer has your reasonable accommodation request, it must work with you to find out what accommodations will meet your needs.
- Employees are entitled to effective accommodations, but not necessarily the best accommodations.

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### Employer Responsibilities

- Employers may not have to provide an accommodation if:
  - The accommodation would cause undue hardship to the employer
  - The accommodation poses a direct threat to the health and safety of others
  - The accommodation changes the job in a significant way, or
  - The employee is not covered by the ADA or DFEH

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### For More Information....

Job Accommodation Network (JAN): <https://askjan.org/>

Equal Employment Opportunity Commission (EEOC):  
<https://www.eeoc.gov/>

California Department of Fair Employment and Housing:  
<https://www.dfeh.ca.gov/>

Disability Rights California Publications:  
<https://www.disabilityrightsca.org/publications>

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Department of Rehabilitation Employment Retention Services

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### DOR Services

The goal of the State Vocational Rehabilitation programs is to help individuals with disabilities “prepare for, secure, retain, advance in or regain employment.”

34 CFR Section 361.42(a)(1)(iii)

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### Who is eligible for services?

- A person with a disability
- Your disability makes it hard for you to keep your job
- You need vocational rehabilitation services to help you keep your job
- You can benefit from vocational rehabilitation services

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### Applying for Services

- Obtain an application for services at:  
<https://www.dor.ca.gov/Home/HowToApply> or by calling your local DOR office
- Once you apply, the DOR has 60-days to make an eligibility determination and 90-days to develop an Individualized Plan for Employment (IPE)

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### What can the DOR consider to determine my eligibility?

- Information from you, your family or your representative
- Rehabilitation Counselor observations
- Medical records
- Education records
- Information from other agencies like social security, school districts and the regional center
- Information from your employer
- Assessments – *ONLY if there is not enough information*

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### Individualized Plan for Employment (IPE)

- An IPE is an agreement between you and the DOR about your goals, responsibilities, rights, and the services you will receive from the DOR.
- Can be changed at any time when you and the DOR agree and sign a plan amendment.

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### Services Offered by the DOR

The DOR is required to provide services that are necessary for you to achieve the employment goal listed in your IPE. These can include:

- Assessments to see if you are eligible and to find out what you need
- Counseling, guidance and referral
- Services to help remove barriers to employment
- Training
- Extra expenses for training or job-search
- Transportation
- Services to family members
- Interpreters, readers, and orientation and mobility services for individuals who are blind
- Job-related services
- Supported employment services

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### Services Offered by the DOR (cont'd)

- On the Job Training
- Customized employment
- Personal assistance services
- Services to help you keep your job
- Licenses, tools, equipment, initial stocks, and supplies
- Technology, devices and training
- Pre-Employment Transition Services
- Guidance about self-employment or telecommuting
- Other things you need to reach your employment goal

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### Determining Appropriate Services

- The DOR is required to provide counseling and guidance to help you decide which services are right for you;
- You have the right to make informed choices about the services you receive.
- The DOR may look for “comparable benefits” or services that are available at the time needed and paid for, at least in part, by a public source or an employee benefit.

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### Department of Rehabilitation Post Employment Services

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### Post-Employment Services

- Post-employment services are services you get after the DOR has helped you find a job.
- Some post-employment services may be included in the initial IPE.
- Some post-employment service needs arise after your case is closed.

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### Post-Employment Services Eligibility

Available if:

- You were a DOR client in the past
- Your case closed within the last 12 months with a successful employment outcome
- You need post-employment services to keep your job
- Your service needs are limited in scope and time-limited

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### Short-Term Services?

- If you need many services over a longer period of time, Post-Employment might not be for you.

- You may be better served by the traditional vocational rehabilitation program.

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### How to get Post-Employment Services

- An eligibility redetermination is not required for post-employment services.
- Contact your counselor to request services.
- Your counselor should help you develop a Post-Employment Plan.
- You can get post-employment services after your plan is developed.

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### More About DOR

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### DOR Appeals Process

#### Administrative Review –

- Optional for the appellant
- District Administrator (or designee) decision within 15 days of the request
- 30 days to appeal if client disagrees with the decision

#### Mediation –

- Optional for both parties
- Held within 30 days of a request
- May not delay a Fair Hearing

#### Fair Hearing – Office of Administrative Hearings

- Held within 60 days of request
- Standard of Proof is a preponderance of evidence
- Decision within 30 days of hearing

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### COVID-19 and DOR

- DOR offices remain open
- Social distancing at in-person meetings
- Most services can be provided over the phone or virtually
- Processing new applications
- You should still get the services in your Individualized Plan for Employment
- The DOR should let you know if your services have changed or been postponed
- Soft hold on case closures for lack of cooperation, transportation issues and to allow for additional time to ensure stabilization of employment
- Let your counselor know if your service needs have changed

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#### Benefits

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#### COVID-19 Employment Benefits

##### The Coronavirus Aid, Relief and Economic Security (CARES) Act

- Expands unemployment insurance (UI) for employees who lose their job or have reduced hours due to the COVID-19 pandemic.
- Allows people that are self-employed, independent contractors, or have limited work history to receive unemployment insurance if they are unable to work because COVID-19.
- Allows many employees to take an extended leave of absence if they or someone they care for may have COVID-19, or are subject to a shelter-in-place order.

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#### Unemployment Insurance and Returning to Work

Many California businesses that were closed due to COVID-19 are beginning to re-open. This means that some people who are currently receiving unemployment insurance may have the option to return to work. If you are able to return to work, you may no longer be eligible to receive unemployment insurance.

To qualify for unemployment insurance, you generally

- Must be actively looking for work
- Willing to accept a job offer for suitable employment.

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What if my employer asks me to come back to work, but I do not feel like it is safe to do so?

Most employers are required by law to provide a safe work environment by taking steps to protect employees from COVID-19 exposure.

- If you are immunocompromised because of your disability, you can ask your employer to provide reasonable accommodations that allow you to safely and effectively do your job.
- If your employer is unable to provide reasonable accommodations during the COVID-19 pandemic, you may be able to take a temporary leave of absence.

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#### **Safe Working Environments**

- If your employment is classified as non-essential, your employer cannot require you to come back to work.
- If your employer is an essential business but cannot provide a safe working environment, you may still be eligible for unemployment insurance if you choose not to go back to work.
  - To qualify for UI, you must be willing to accept suitable employment.

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#### **Additional Resources**

- Employment Development Department (EDD) Pandemic Unemployment Insurance:  
[https://edd.ca.gov/about\\_edd/coronavirus-2019/pandemic-unemployment-assistance.htm](https://edd.ca.gov/about_edd/coronavirus-2019/pandemic-unemployment-assistance.htm)
- Department of Fair Employment and Housing Employment Information on COVID-19:

[https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ\\_ENG.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ_ENG.pdf)

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How to Get DRC Services

Intake line: (800) 776-5746

[www.disabilityrightsca.org](http://www.disabilityrightsca.org)