

Rehabilitation Administrative Manual (RAM)  
Chapter 34  
**OTHER CONSUMER-RELATED TOPICS**

**This update includes revisions to the following sections:**

- 3432 Limited Examination and Appointment Program Certification (08/22)
- 3432.1 Determining LEAP Eligibility (08/22)
- 3432.2 Documenting LEAP Requirements (08/22)
- 3432.3 Entering LEAP Certification in CalHR ECOS (08/22)

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DEPARTMENT OF REHABILITATION - STATE OF CALIFORNIA

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### **3400 INTRODUCTION (02/16)**

This chapter provides guidance on policies and procedures involving consumer-related topics not covered in other chapters, including, but not limited to, the following:

- Supplemental Job Displacement Benefits
- Consumer rights and remedies
- Educational loan deferment
- Schedule A and LEAP certifications
- Wage and Abstract Information requests
- Mandated reporting requirements
- Confidential information disclosure
- Services to DOR employees, relatives, and friends
- The National Voter Registration Act

The Department of Rehabilitation (DOR) shall use this chapter in conjunction with applicable regulations, and other key procedural resources, including, but not limited to, the following:

- [Accounting and Support Desk Manual](#)
- [AWARE Reference Guide](#)
- [District Tools, Activities, and Resources Portal \(TARP\)](#)
- [Vocational Rehabilitation Service Delivery \(VRSD\) Team Business Processes Desk Manual](#)

The resources listed above are located on the DOR intranet and are updated periodically.

For brevity, this chapter uses the following conventions:

- References to California Code of Regulations, title 9, sections within the narrative text of this RAM chapter are described as “CCR <section number>,” e.g., CCR 7122.
- “Record of services” replaces the term “case file.”
- The term “consumer” is synonymous with the term “eligible individual.”

- The terms “Individualized Plan for Employment,” “IPE,” and “Plan” may be used interchangeably.
- The term "Rehabilitation Counselor" refers to the Senior Vocational Rehabilitation Counselor, Qualified Rehabilitation Professional (SVRC, QRP) for the purposes of this chapter.
- The terms "designated district staff" or "designated district support staff" refer to standard and optional actors within a VRSD team or a District Operations Support (DOS) team, and other authorized staff. The VRSD team provides direct services, and the DOS team typically provides accounting and support functions.
- The term “Team Manager” refers to the Staff Services Manager-1 (SSM 1-TM) in a VRSD team. The term DOS Manager refers to an SSM 1-DOS or Supervising Program Technician II in a DOS team. The term “district manager” refers to the Team Manager or a DOS Manager within a DOR district.
- The term “DOR districts” refers to the 13 districts in the Vocational Rehabilitation Employment Division (VRED) and the Blind Field Services (BFS) district in the Specialized Services Division.
- References to the "individual," the "applicant," or the “consumer” shall also include the individual's, the applicant's, or the consumer's representative by inference.

In accordance with federal and state regulations, the use of the words “shall” or “must” means mandatory, and the use of the word “may” means permissive. For the purpose of this chapter, the use of the word “will” also means mandatory.

The hyperlink to a copy of the CCR is provided at the end of each section in which a CCR is referenced, as follows:

[Go to CCR.](#)

[Go to Code of Federal Regulations \(CFR\).](#)

**3410 INDUSTRIAL INJURED WORKERS BENEFITS  
(WORKER'S COMPENSATION PROGRAM) (02/16)**

This section provides information and guidance on how workers' compensation benefits may impact the provision of vocational rehabilitation (VR) services to DOR consumers who are industrially injured workers. Industrially injured workers may apply for VR services with the DOR even without workers' compensation VR benefits.

The DOR shall remain current on comparable services and benefits available through the workers' compensation program for industrially injured workers.

The DOR shall review the DWC-AD 10133.57 SUPPLEMENTAL JOB DISPLACEMENT NONTRANSFERABLE TRAINING VOUCHER form when presented by the consumer.

The DOR shall use the DR 264 CONSENT TO RELEASE NON-MEDICAL INFORMATION form to inquire about workers' compensation claim status and benefits.

The DOR shall use the DR 264A CONSENT TO RELEASE MEDICAL INFORMATION form to obtain medical history and diagnosis, functional limitation, and permanent disability rating information.

Authority: CCR, title 9, sections 7006, 7029.7, 7035, 7037, 7050–7053, 7054–7057, 7060, and 7062.

[Go to CCR.](#)

**3411 Supplemental Job Displacement Benefits (02/16)**

Beginning January 1, 2009, workers who were injured on January 1, 2004, or later may be eligible to receive Supplemental Job Displacement Benefits (SJDB) through an employer-provided workers' compensation program.

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Workers who were injured before 2004 are not eligible to receive SJDB. They may still receive workers' compensation VR benefits if they were determined eligible before Title 8, Article 7, Chapter 4.5 (Sections 10122-10133.22), Vocational Rehabilitation, was repealed.

The Rehabilitation Counselor or designated district staff will remain knowledgeable on the following considerations:

- Individuals participating in the workers' compensation program are subject to the same criteria for eligibility, order of selection, and provision of services as any other individual applying for VR services, regardless of the date of injury.
- SJDB may be considered a comparable benefit for industrially injured workers who are DOR consumers.

The Rehabilitation Counselor or designated district staff will determine the following:

- Whether an industrially injured worker who is a DOR consumer is eligible to receive SJDB under workers' compensation.
- Whether the benefit is available to the consumer.

#### **3412 SJDB Voucher Defined (02/16)**

##### Injuries between January 1, 2004, and December 31, 2012

Individuals injured between January 1, 2004, and December 31, 2012, who are permanently unable to do their usual job, and whose employer does not offer other work, may qualify for SJDB. The benefit comes in the form of a non-transferable voucher that can be used for the following:

- Educational retraining or skill enhancement, or both, at state-approved or state-accredited schools.
- School tuition, fees, books, and expenses required by the school for training.

The amount of the voucher varies from \$4,000 to \$10,000, depending on the individual's permanent disability level. No more than 10

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percent of the value of the voucher can be used for vocational and return-to-work counseling.

Injuries on or after January 1, 2013

Individuals injured on or after January 1, 2013, who are permanently unable to do their usual job, and whose employer does not offer other work, may also qualify for a SJDB voucher. The voucher can be used for any of the following:

- Training at a California public school or any other provider listed on the state's eligible training provider list.
- Licensing or certification.
- Testing fees.
- Tools required by a training course.
- Computer equipment of up to \$1,000.
- Reimbursement up to \$500 in miscellaneous expenses.

The voucher amount is \$6,000 for all permanent disability ratings. Up to 10 percent, or \$600, may be used to pay for the services of a licensed placement agency or vocational counselor. No more than 10 percent of the value of the voucher can be used for vocational and return-to-work counseling.

**3413 SJDB Voucher Availability and Expiration (02/16)**

Injuries between January 1, 2004, and December 31, 2012

For injuries occurring between January 1, 2004, and December 31, 2012, the voucher is offered to an injured worker when his or her permanent disability (PD) level has been determined, either by way of an agreement between the worker and the employer or insurance company or by way of an award by a workers' compensation judge. If issued prior to January 1, 2013, the voucher does not expire.

Injuries on or after January 1, 2013

For injuries on or after January 1, 2013, the voucher is due 60 days after a treating doctor, agreed medical evaluator (AME), or qualified medical evaluator (QME) declares the injured worker permanent and stationary, and issues a report outlining the worker's work capacities, if the employer does not offer the worker a job. If issued on or after January 1, 2013, the voucher will expire within two years of being issued or five years from the date of injury, whichever comes later.

#### **3414 Determination of SJDB Voucher Amount (02/16)**

##### Injuries between January 1, 2004, and December 31, 2012

For injuries occurring between January 1, 2004, and December 31, 2012, the amount of the voucher depends on the amount of the injured worker's permanent disability award. The workers' compensation judge bases this determination on the settlement of the case or when issuing findings and award regarding a case. Rating is the percentage that estimates how much a worker's disability limits the amount of work an injured worker can do or the worker's ability to earn a living. The dollar amount of a voucher is as follows:

- Up to \$4,000 voucher for permanent partial disability of less than 15 percent.
- Up to \$6,000 voucher for permanent partial disability between 15 and 25 percent.
- Up to \$8,000 voucher for permanent partial disability between 26 and 49 percent.
- Up to \$10,000 voucher for permanent partial disability between 50 and 99 percent.

##### Injuries on or after January 1, 2013

For injuries occurring on or after January 1, 2013, the amount of the voucher is \$6,000.

#### **3415 Obtaining and Using the SJDB Voucher (02/16)**

##### Injuries between January 1, 2004, and December 31, 2012

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For injuries occurring between January 1, 2004, and December 31, 2012, if the individual is eligible for a voucher and has not settled his or her eligibility (as part of an overall settlement in the case), he or she will receive the voucher from the claims administrator within 25 calendar days from the date the disability award is issued by the workers' compensation judge at the local Workers' Compensation Appeals Board district office.

For injuries occurring between January 1, 2004, and December 31, 2012, the individual will receive the voucher on a [SUPPLEMENTAL JOB DISPLACEMENT NONTRANSFERABLE TRAINING VOUCHER](#) form (DWC-AD 10133.57). When he or she receives the voucher, the claims administrator should have completed lines 1–8. The individual is then responsible for completing lines 9–19. Lines 9–12 must be completed when using a Vocational Return-To-Work Counselor (VRTWC). If the individual does not select a counselor, he or she does not need to complete lines 9–12. The training provider selected should assist in completing lines 13–19 on the voucher.

When the individual has completed, signed, and dated the voucher, he or she must return the completed voucher to the claims administrator. The individual must also attach any receipts or invoices for direct payment to him or her, the training provider, and/or the VRTWC. The individual can expect the payment to be made within 45 calendar days from the date the claims administrator receives the voucher.

#### Injuries on or after January 1, 2013

For injuries occurring on or after January 1, 2013, the voucher is due 60 days after a treating doctor, AME, or QME declares the injured worker permanent and stationary, and issues a report outlining the worker's work capacities, if the employer does not offer the worker a job.

For injuries on or after January 1, 2013, the individual will receive the voucher on a DWC-AD 10133.32 form. When he or she receives the voucher, the claims administrator should have completed the

information on the first page. If the individual will be using the services of a VRTWC, and/or training provider or school, he or she will complete the second page and mail it along with a copy of the first page to the claims administrator. If the individual would like to request an advance or reimbursement on miscellaneous expenses up to \$500, he or she will complete the third page and return it to the claims administrator. If he or she would like to request reimbursement for computer equipment, tuition, fees, books, and/or tools, return page four to the claims administrator along with receipts and documentation. The individual can expect the payment to be made within 45 calendar days from the date the claims administrator receives the voucher.

The claims administrator must issue reimbursement payments to the individual or direct payments to the VRTWC and training provider within 45 calendar days from receipt of the completed voucher, receipts, and documentation.

### **3416 Where to Use the SJDB Voucher (02/16)**

#### Injuries between January 1, 2004, and December 31, 2012

For injuries occurring between January 1, 2004, and December 31, 2012, information on accredited private providers of education-related retraining or skill enhancement schools is available from the Bureau for Private Postsecondary Education (BPPVE). Contact information is as follows:

- Mailing address:  
Bureau for Private Postsecondary Education  
P.O. Box 980818  
West Sacramento, CA 95798-0818
- Physical address:  
Bureau for Private Postsecondary Education  
1625 North Market Blvd., Suite S-202  
Sacramento, CA 95834

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Phone: (916) 574-7720 Toll Free: (888) 370-7589

Web site: [www.bppe.ca.gov](http://www.bppe.ca.gov)

E-mail: [bppve@dca.ca.gov](mailto:bppve@dca.ca.gov)

Injuries on or after January 1, 2013

For injuries occurring on or after January 1, 2013, information about state-certified providers is available online from The State of California's Eligible Training Provider List, at: <http://etpl.edd.ca.gov>.

Refer to the [State of California Department of Industrial Relations](#) for more information on the SJDB benefits.

**3417 Documenting Workers' Compensation Benefits  
(02/16)**

The Rehabilitation Counselor or designated district staff will gather sufficient information during the initial interview or during Individualized Plan for Employment (IPE) development meetings to identify an applicant or consumer's workers' compensation benefit. Workers' compensation benefit information may include the following:

- Workers' compensation claim number
- Date of injury (DOI)
- Workers' compensation insurance carrier
- Claim administrator's name
- Contact information

The Rehabilitation Counselor or designated district staff will complete the following actions:

- Document workers' compensation information in the Initial Interview case note at the time of application or in a separate case note during plan development.
- Document that the individual receives workers' compensation benefits on the Special Programs page in AWARE. This action allows the DOR to accurately track the number of referrals from the workers' compensation program.

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The claim number and DOI identify the industrially injured worker on workers' compensation documents, including medical reports, correspondence from insurance claims representatives, attorneys, and SJDB-related information.

**3420 CONSUMER RIGHTS AND REMEDIES (02/16)**

This section provides guidance on remedies to resolve conflict between the DOR and an applicant or consumer. The DOR shall utilize a wide variety of strategies to resolve conflicts as they occur during the VR process. Remedies available to resolve a dispute regarding the provision of services, actions, or inactions between the individual and the DOR, include the following:

- Client Assistance Program
- Supervisor Review
- Administrative Review
- Mediation Program
- Fair Hearing

The DOR shall provide information about the Client Assistance Program (CAP) to applicants and consumers who would like assistance with legal, administrative, or other appropriate action, to ensure their rights and facilitate access to appropriate services.

Under federal and state regulations, applicants and consumers have the right to request a Supervisor Review, which is an informal meeting with the Rehabilitation Counselor's Team Manager, when the applicant or consumer is dissatisfied with any action, inaction, or decision of the DOR relating to the application for or receipt of services.

Under federal and state regulations, applicants and consumers have the right to request Administrative Review when the applicant or consumer is dissatisfied with any action, inaction, or decision of the DOR relating to the application for or receipt of services. The applicant or consumer has one year to request Administrative Review, with exceptions noted in DOR regulations. The DOR shall provide an Administrative Review by the District Administrator, or a Rehabilitation Supervisor delegated to conduct the review, in accordance with regulations, and follow the policies in [Section 3422](#). The written Administrative Review Decision must be mailed to the

applicant or consumer within 15 days of the date of the request was received by the DOR.

Under federal and state regulations, applicants and consumers have the right to request voluntary mediation within one year of the action or decision involved. The DOR shall cooperate with applicants and consumers who request mediation by agreeing to participate, unless there are unusual circumstances. The DOR shall follow the policies in [Section 3423](#). Mediation shall be held within 25 days of the date of receipt of the request for mediation, unless the parties agree to a later date.

Under federal and state regulations, applicants and consumers have the right to request a Fair Hearing within one year, with exceptions noted in DOR regulations. The DOR shall provide a Fair Hearing by an Impartial Hearing Officer and follow the policies in [Section 3424](#) when an applicant or consumer is dissatisfied with any action, inaction, or decision of the DOR relating to the application for or receipt of services. The Fair Hearing shall be held within 60 calendar days from the date of receipt of the request.

For purposes of this section, an applicant or consumer who requests mediation or a fair hearing will be referred to as an appellant.

The DOR shall use the DR 1000 RIGHTS AND REMEDIES form to inform applicants and consumers of their rights regarding remedies to resolving conflict that may occur during the provision of services.

The DOR shall use the DR 107 REQUEST FOR MEDIATION and/or FAIR HEARING form and follow the policies in [Section 3423](#) when an applicant or consumer requests assistance from an impartial mediator in resolving a difference in viewpoints regarding a decision made or action taken by the DOR.

The DOR shall use the DR 107 REQUEST FOR MEDIATION and/or FAIR HEARING form and follow the policies in [Section 3424](#) when an applicant or consumer requests a review from an Impartial Hearing Officer of a decision made or action taken by the DOR.

The DOR shall use the DR 108 AUTHORIZED REPRESENTATIVE form when an applicant or consumer would like another individual to act on his or her behalf in the mediation and/or fair hearing process.

The DOR shall make the DR 1000, DR 107, and DR 108 forms available internally for DOR staff to provide to applicants and consumers, as well as on the DOR Internet website.

Authority: 34 Code of Federal Regulations (CFR) 361.5, 361.57; Welfare and Institutions Code sections 19700.1 through 19710; CCR, title 9, sections 7350 through 7361.

### **Rights and Remedies Notification**

The Rehabilitation Counselor or designated district staff will notify applicants of rights and remedies through the Consumer Information Handbook, orientation sessions, the DR 1000 RIGHTS AND REMEDIES form, and intake interviews.

The Rehabilitation Counselor or designated district staff, including the Team Manager, will notify consumers of rights and remedies in written communications, meetings, and telephone contact with the individual. The Rehabilitation Counselor will also remind consumers of the mediation program at the Plan Review held at least annually.

The Rehabilitation Counselor or designated district staff will perform the following actions:

- Provide a copy of the DR 1000 form to applicants or consumers who are dissatisfied with a DOR action or decision regarding services.
- Ensure that the DR 1000 form is attached to determinations or letters that are sent or provided to applicants and consumers, as appropriate to the individual case.

Additional information on the DOR mediation program is available from the following:

- [DOR Internet](http://www.dor.ca.gov) located at [www.dor.ca.gov](http://www.dor.ca.gov).

- Client Assistance Program administered by [DRC](http://www.disabilityrightsca.org/about/cap.html) and located at <http://www.disabilityrightsca.org/about/cap.html>.
- DR 107 REQUEST FOR MEDIATION and/or FAIR HEARING form.

### **3421 Client Assistance Program (02/16)**

The Client Assistance Program (CAP) provides information on state and federally regulated services and benefits available to DOR applicants and consumers. The CAP provides assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.

In the event that an individual encounters a problem as an applicant or consumer of the DOR, he or she is encouraged to try to resolve the problem first with the Rehabilitation Counselor or the Team Manager. The applicant or consumer may contact the CAP at any time.

While the CAP may play a role in dispute resolution, its primary function is to act as an advocate for the individual. The CAP, through an independent advocate, may provide the following services to an applicant or consumer:

- Dissemination of information on all available benefits under the Workforce Innovation and Opportunity Act (WIOA).
- Advocacy in the individual's relationships with projects, programs, and services provided and funded under the WIOA (e.g., DOR, Independent Living Centers).
- Assistance in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the individual's rights.
- Facilitation toward access of appropriate services.
- Representation when meeting with DOR staff; the applicant or consumer has the right to bring a family member, representative, or CAP advocate to meet with DOR staff.

- Assistance in requesting, preparing for, and/or representing the individual at a mediation meeting, Administrative Review, or a Fair Hearing, when a resolution is not reached at a local level.

The CAP is administered by [Disability Rights California](http://www.disabilityrightscalifornia.org/about/cap.html), located at <http://www.disabilityrightscalifornia.org/about/cap.html>. The statewide toll-free number for DRC is 1-800-776-5746 or TTY 1-800-719-5798.

### **3422 Administrative Review (02/16)**

When an applicant or consumer is dissatisfied with any action, inaction, or decision made by the DOR relating to the application for or receipt of services, he or she will have the opportunity for a prompt Administrative Review by the District Administrator. Many conflicts can be resolved informally and more quickly at the local level than through mediation or a Fair Hearing.

The Administrative Review process is optional for an applicant or consumer only, and the DOR does not have the authority to opt out or not conduct a review and issue an Administrative Review decision should the applicant or consumer request a review.

#### **Administrative Review Request**

Timeliness related to an Administrative Review includes the following:

- An applicant or consumer may request an Administrative Review by the District Administrator within one year of the action or decision.
- The District Administrator, or the Team Manager who was delegated to conduct the review, will render an Administrative Review decision within 15 calendar days of the date of the request, unless the applicant or consumer agrees to a later date.
- If the individual disagrees with an Administrative Review decision, he or she may file a request for fair hearing within 30 calendar days of the receipt of the written decision of the Administrative Review.

Any service currently being provided to an individual under an IPE will not be suspended, reduced, or terminated pending the Administrative Review (or decision in a fair hearing, if requested), unless one of the following conditions exists:

- The individual requests the suspension, reduction, or termination of services.
- The DOR has determined that services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the applicant or consumer.

If an applicant or consumer has submitted a request for a Fair Hearing, he or she may concurrently seek an Administrative Review.

### **3423          Mediation Program (02/16)**

The DOR has established a mediation program to assist in conflict resolution between an individual and the DOR. Through an interagency agreement, the Office of Administrative Hearings (OAH) administers the DOR mediation program.

Mediation is a confidential process whereby parties meet to identify problems, consider alternatives, and reach a mutually acceptable agreement. Mediation proceedings may provide opportunities for the Rehabilitation Counselor and the applicant or consumer to:

- Uncover underlying issues affecting progress in the VR process.
- Provide options not previously explored.
- Clarify the application of DOR regulations and policies.
- Understand the primary employment factors of the applicant or consumer.

Consistent with the individual nature of all DOR services, mediation agreements do not establish precedent and are not relevant to other records of services.

Mediation does not replace the CAP or the applicant or consumer's right to pursue the administrative review or fair hearing. Mediation cannot result in a delay of an administrative review or fair hearing.

The mediation process is optional for an applicant or consumer only, and the DOR does not have the authority to opt out.

### **Mediation Request**

Any issue arising from the application for or receipt of VR services may be mediated. The Rehabilitation Counselor will remind applicants or consumers that they have a right to request mediation, as well as other dispute resolution procedures. If the applicant or consumer chooses mediation, he or she will need to submit a DR 107 REQUEST FOR MEDIATION and/or FAIR HEARING form to the DOR Mediation and Fair Hearing Office. The request may be submitted by personal delivery, email, fax, or mail. Refer to the DR 107 form for address, telephone, email address, and fax numbers for the DOR Mediation and Fair Hearing Office. Emailed requests do not need to be signed by the applicant or consumer.

Timeliness related to mediation includes the following:

- An applicant or consumer may request a mediation conference within one year of the action or decision of the DOR that the individual wants mediated.
- A mediation conference will be held within 25 calendar days from receipt of the mediation request by DOR Mediation and Fair Hearing Office, unless the applicant or consumer agrees to waive this timeframe.

An applicant or consumer may request mediation, as well as a fair hearing, concurrently by using the same DR 107 form.

The requests are directed to the DOR Mediation and Fair Hearing Office to analyze the request for compliance with regulation, provide technical assistance, and to identify hearing dates that are most convenient for the applicant or consumer.

Refer to Exhibit A - Mediation Request Procedures for more information.

### **Mediation Roles and Responsibilities**

The applicant or consumer, referred to as the appellant, initiates the request for a mediation conference. The appellant may request the presence of others to assist him or her throughout the mediation process. When an appellant who is seeking mediation is conserved, the Rehabilitation Counselor or designated district staff will advise the DOR Mediation and Fair Hearing Office to ensure the conservator is present at the mediation conference.

The District Administrator or designated district staff will inform the appellant of his or her options but shall not influence or attempt to influence the appellant's decision.

The impartial mediator conducts the mediation conference. The role of the mediator is to create an atmosphere of comfort and equality that promotes non-adversarial resolution.

The District Administrator, or his or her designee, will ensure full exploration of the issues and appropriate implementation of the mediation agreement through the following actions:

- Support a non-adversarial environment; support includes flexibility in scheduling, location selection, and participants in the mediation.
- Determine who shall participate in the mediation conference for the DOR. Mediation is distinguished from the Fair Hearing process because the applicant or consumer and the DOR make the decision rather than the Impartial Hearing Officer. Therefore, the participants in the mediation process should be vested with decision-making authority.
- Consider including the Rehabilitation Counselor and VRSD team members who have interacted with the appellant in the mediation conference, as appropriate.

- Ensure that technical experts are available for consultation (e.g., by telephone) during the mediation process, as appropriate. Technical experts may include assistive technology staff, Consulting Psychologist, Medical Consultant, and other DOR staff who may be able to share expertise in procurement and other specialties.
- Sign the mediation agreement on behalf of the DOR if an agreement is reached, which must be consistent with state and federal laws. Therefore, dispute resolutions cannot result in commitments that conflict with federal and state regulations.

The Rehabilitation Counselor and VRSD team will follow through with commitments made in the mediation agreement, as long as the appellant is participating appropriately in his or her IPE and is otherwise cooperating with the VR process.

While the goal of mediation is to resolve a dispute, mediation is not binding. An appellant has the right to change his or her mind about commitments made in the mediation agreement or may withdraw the agreement altogether.

### **Documenting Mediation**

The Rehabilitation Counselor will document the following information about the mediation process in the record of services:

- The request for mediation.
- Contents of any agreement reached during the mediation.

Maintaining confidentiality of the mediation discussions helps to establish a non-threatening and collaborative environment, and allows both parties to explore and propose resolutions openly.

The District Administrator, Rehabilitation Counselor and designated district staff will not:

- Disclose information about discussions during mediation proceedings.

- Document discussions during the mediation proceedings in the record of services.

If the parties reach an agreement during mediation, the agreement must be:

- Documented in writing.
- Issued by the mediator.
- Signed by all parties.
- Provided to each party in writing.
- Placed in the record of services.

### **Mediation Program - Disputes Not Included**

Issues of discrimination may not be mediated. Instead, the individual must be advised of his or her right for a prompt administrative review or to file a complaint with the DOR Office of Civil Rights (OCR) when discrimination is alleged.

Mediation is not available to resolve disputes between employees of the DOR or between applicants and consumers and third parties, e.g., community partners, service providers, unless the issue relates to provision of services, including request for a different service provider.

### **3424 Fair Hearing (02/16)**

When an applicant or consumer is dissatisfied with any action or inaction of the DOR relating to the application for or receipt of services, he or she will have the opportunity to request a fair hearing with an Impartial Hearing Officer; who is an Administrative Law Judge (ALJ) will conduct the hearing as the Impartial Hearing Officer. Impartial Hearing Officers will conduct fair hearings throughout the state and render decisions on whether the DOR actions or decisions are in accordance with state regulations and other applicable law.

Resolving disputes at the lowest level is preferable. Even when the DOR cannot agree to provide the requested service, a dispute may

be resolved as a result of the Impartial Hearing Officer explaining that the DOR decision is consistent with the law and the applicant or consumer will not likely prevail.

### **Fair Hearing Request**

The Rehabilitation Counselor will remind the applicant or consumer that they have a right to request a fair hearing as well as other dispute resolution procedures. If the applicant or consumer chooses fair hearing, he or she will be asked to make the fair hearing request.

Timeliness related to fair hearing includes the following:

- An applicant or consumer, referred to as the appellant, may request a fair hearing within one year of the action or decision, or within 30 calendar days from a receipt of a written Administrative Review decision.
- The fair hearing will be held within 60 calendar days from the date of the request unless the appellant agrees to a later date.
- A decision will be made within 30 calendar days after the hearing.
- If the appellant is not satisfied with the fair hearing decision, he or she can file a writ of mandate within six months after receiving the decision with the California Superior Court.

An appellant may request a fair hearing by using the DR 107 form. In the DR 107 form, the appellant will explain the reason that he or she is requesting a hearing, why the DOR action or decision should be changed, and what action he or she would like taken to resolve the issue.

The Mediation and Fair Hearing Office will respond to the request within two weeks and indicate if the appellant's appeal has been accepted. If it has been accepted, the fair hearing will be set within 60 calendar days, unless the appellant agrees to a later date.

When an appeal request is accepted, it means that the issue is subject to appeal and within the jurisdiction of the Impartial Hearing

Officer. If the request is not accepted, the Mediation and Fair Hearing Office may ask for more information, or the appellant will receive information on why the request was denied and will be provided information on additional options.

The request is directed to the DOR Mediation and Fair Hearing Office by mail, fax, hand delivery, or email.

Refer to the DR 107 form for the DOR Mediation and Fair Hearing Office address, telephone, email address, and fax numbers.

### **Fair Hearing Roles and Responsibilities**

As noted in [Section 3422](#), discussions that occur during mediation are confidential. Neither the DOR nor the appellant may share discussions that took place during mediation. Evidence that only became known through mediation discussions cannot be used during a fair hearing. The DOR Mediation and Fair Hearing Office will assist the district in scheduling a fair hearing after mediation is completed and will make sure that another ALJ is assigned, as it is not appropriate for the same ALJ to conduct the mediation and fair hearing in an appeal.

Before the fair hearing, the appellant and District Administrator will receive a notice of hearing which identifies the time and place of the hearing. The notice of hearing will define the issue and contain instructions to all parties. The appellant and the District Administrator or designated district staff will bring three (3) copies of a written summary of the issue(s) and any supporting evidence to the hearing.

The appellant may choose to have a CAP advocate or other representative. The appellant must sign and submit the DR 108 AUTHORIZED REPRESENTATIVE form to the DOR Mediation and Fair Hearing Office or the Impartial Hearing Officer prior to the hearing.

One Impartial Hearing Officer will conduct the hearing. The Impartial Hearing Officer will receive evidence, including documents and testimony, presented by the parties and may ask questions or and request additional information, if needed, to make his or her decision.

The Impartial Hearing Officer may ask questions of either party at any time.

Both the appellant and the District Administrator or designated district staff will have the opportunity to present their cases, including any witnesses. All persons testifying shall be placed under oath or affirmation.

At the fair hearing, the appellant will have the burden of demonstrating his or her case by a preponderance of the evidence. However, the DOR shall have the burden of proof where an appellant has been determined ineligible for services, based on clear and convincing evidence, that the appellant is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome in an integrated setting due to the severity of the appellant's disability.

The appellant may choose to:

- Appear in person or have the matter decided on the written record by providing written notification to the Impartial Hearing Officer.
- If appearing in person, bring an outline of issues and questions.
- Be accompanied by a CAP advocate or other representative of his or her choice.
- Present written or documentary evidence.
- Testify or present testimonial evidence of witness.

The Impartial Hearing Officer shall consider the presentation of relevant viewpoints about the issues of disagreement, examine the evidence presented during the hearing, and issue a decision to the parties, written in ordinary and concise language and in compliance with federal and state law and regulations, which includes findings and grounds for the decision. The Impartial Hearing Officer will render his or her final decision within 30 days of the fair hearing. The final written decision is sent by certified mail to the appellant and to the District Administrator.

There may be times that a appellant may request or file a motion requesting that the decision be reconsidered. To date, this has not occurred and the DOR's regulations do not provide for it.

### **Documenting Fair Hearing**

The Rehabilitation Counselor will document the following information about the fair hearing in AWARE:

- The request for fair hearing.
- The written decision rendered by the Impartial Hearing Officer.

As appropriate to the individual case, the District Administrator or Team Manager may document the written decision or related information.

### **3425 EDUCATIONAL LOAN DEFERMENT (02/16)**

This section provides information and guidance on the educational loan deferment request process when initiated by the DOR consumer.

There are situations in which a borrower may defer making a scheduled installment repayment on a Federal Perkins loan, a National Direct Student Loan (NDSL), or a Defense loan, regardless of contrary provisions of the borrower's promissory note and regardless of the date the loan was made. A borrower may be eligible for a deferment when he or she is enrolled in a full-time rehabilitation training program.

The DOR shall carefully review and apply the loan program standards as reflected on the deferment request form that DOR is asked to certify for the consumer.

Authority: Title 20, USC sections 1077, 1078, 1087e, and 1087dd; 34 CFR 674.34, 682.210, and 685.204.

#### **3425.1 Process for Educational Loan Deferment Requests (02/16)**

As part of the deferment request process, the Rehabilitation Counselor will confirm the consumer's participation in a rehabilitation training program using the Department of Education (DOE) Education Related Deferment Request form or a form provided by the lender, as appropriate.

The eligibility requirements for deferment requests by individuals participating in a full-time rehabilitation training program are as follows:

- The training program must: (1) be licensed, approved, certified, or recognized as providing rehabilitation training to disabled individuals by the Department of Veterans Affairs or a state agency responsible for vocational rehabilitation, drug abuse treatment, mental health services, or alcohol abuse treatment

programs; (2) provide services under a written individualized plan that specifies the date the services are expected to end; and, (3) be structured in a way that requires a substantial commitment to the consumer's rehabilitation.

"Substantial commitment" means a commitment of time and effort that normally would prevent an individual from engaging in full-time employment either because of the number of hours that must be devoted to rehabilitation or because of the nature of the rehabilitation. For the purposes of loan deferment requests, full-time employment involves at least 30 hours of work per week in a position expected to last at least three months.

- The consumer must be either receiving, or scheduled to receive, rehabilitation services under a program designed to rehabilitate disabled individuals.

The Rehabilitation Counselor will perform the following actions:

- Fully review the deferment request form to ensure he or she understands all aspects of the certification and that the eligibility criteria set forth on the form are satisfied.
- Place a copy of the certification in the consumer's record of services, if and when he or she certifies that the consumer meets the criteria for deferment.

The Rehabilitation Counselor will not perform the following actions:

- Make determinations for financial hardship deferments because he or she is not authorized to make such determinations. Financial hardship deferments fall under separate provisions in the loan programs.
- Disclose to another entity any information regarding a consumer without the consumer's written consent unless a regulatory exception is applicable.

### **3430 CERTIFICATIONS (02/16)**

This section provides guidance on certification requirements related to the following programs:

- Schedule A Program
- Limited Examination and Appointment Program

The DOR shall support the federal Schedule A and the state Limited Examination and Appointment Program (LEAP) programs to enhance employment opportunities for individuals with disabilities.

The DOR shall use the DR 996 SCHEDULE A CERTIFICATION form to certify an individual's disability and eligibility for Schedule A appointment.

The DOR shall use the California Department of Human Resources (CalHR) Exam and Certification Online System (ECOS) database to certify an individual's disability and eligibility to participate in the LEAP program.

Refer to the following publications for additional information on LEAP certification:

- Executive Order S-4-05 by the Governor of the State of California.
- SPB Publication SPB-84 (11/05) "Limited Examination and Appointment Program for the Recruitment and Hiring of Persons with Disabilities."
- SPB/DOR Publication "What Rehabilitation Counselors Should Know About LEAP."

Authority: Title 20, USC, section 1077, 1078, 1087(e), and 1087(dd); 34 CFR 674.34, 682.210, and 685.204; Title 2, Government Code, section 19240 et seq.; CCR, title 2, section 547.51; Title 2, Government Code, section 19240-19243.4 et seq.; CCR, title 2, section 547.51; Title 2, Government Code, section 19240-19244; CCR, title 2, section 547.50 et seq.

### **3431 Schedule A Certification (02/16)**

This section provides information and guidance on the Schedule A hiring process. The Schedule A hiring process is a federal government program designed to remove barriers and increase employment opportunities for persons with disabilities; the program is administered by the Office of Personnel Management (OPM).

Federal agencies fill jobs two ways: competitively and noncompetitively. Persons with disabilities may apply for jobs filled either way. People who are selected for jobs must meet the qualification requirements for the jobs and be able to perform the essential duties of the jobs with or without reasonable accommodation.

To be eligible for federal assistance in applying for federal employment, including special testing arrangements, temporary (700 hours) appointments, and excepted appointments (i.e., Schedule A), an individual must meet all of the following requirements:

- Has been diagnosed with a severe physical disability including, but not limited to, blindness, deafness, partial or complete paralysis, missing limbs, convulsive disorders, intellectual disability, and mental illness, among others.
- Provides proof of the disability.
- Provides a certification letter from a DOR Rehabilitation Counselor.
- Meets the qualifications of the job with or without reasonable accommodation.

#### **3431.1 Process for Schedule A Certification (02/16)**

The job applicant will request a Schedule A certification letter from a DOR Rehabilitation Counselor to submit with their job application. The job applicant does not need to have applied for or become eligible for DOR services in order to receive a Schedule A certification letter. The Rehabilitation Counselor may complete the certification letter without opening a record of services.

As part of the certification process for excepted appointments, the Rehabilitation Counselor will verify that the job applicant is eligible under a Schedule A appointment authority.

### **3431.2 Documentation for Schedule A Certification (02/16)**

The Rehabilitation Counselor will complete the DR 996 SCHEDULE A CERTIFICATION form for excepted appointments to verify that the applicant is eligible under Schedule A appointment authority.

The certification letter states that the person has been certified by the Rehabilitation Counselor as disabled and eligible for appointment. The certification letter does not detail the applicant's medical history, state their disability, provide criteria of whether the individual has the education or experience for the job, or is in need of an accommodation.

The OPM imposes no requirements concerning the recentness of the documentation (provided the information is accurate), or any limitations on the number of times an applicant may submit such documentation.

The Rehabilitation Counselor or designated district staff will perform all of the following actions:

- Meet with the individual to review his or her request for Schedule A certification and complete the certification process, as appropriate.
- Review medical records to confirm diagnosis of disability.
- Complete the DR 996 Schedule A Certification form in Aware according to the [Aware Reference Guide](#) and the [Accounting and Support Desk Manual Volume 1](#).

While the federal government has no apparent reporting requirement, the District Administrator may monitor any certifications completed on individuals who are not DOR consumers via the data records in the Aware Referral module.

### **3432 Limited Examination and Appointment Program Certification (08/22)**

DOR provides statewide leadership in the hiring of people with disabilities in State service, including provision of Limited Examination and Appointment Program (LEAP) certification. DOR may provide LEAP certification for individuals receiving services. Individuals who are not receiving DOR services may contact DOR solely for a LEAP certification; they shall be assisted as part of the DOR statewide referral and information system.

DOR has collaborated with the California Department of Human Resources (CalHR) and Department of Developmental Services (DDS) to launch the LEAP State Internship Program (SIP). The LEAP State Internship Program provides an alternate way for individuals with intellectual and developmental disabilities to become eligible for state service.

This section provides information and guidance on LEAP, an alternate examination and appointment process administered by the California Department of Human Resources (CalHR). This section describes the process for DOR Rehabilitation Counselors to determine and document LEAP eligibility. It additionally provides instruction to enter the individual into the CalHR Examination and Certification Online System (ECOS) database.

For more information on the LEAP State Internship Program visit the DOR website at <https://www.dor.ca.gov/Home/SIP>.

#### **3432.1 Determining LEAP Eligibility (08/22)**

This section provides information on the process for working with individuals with disabilities when determining LEAP eligibility. An individual qualifies for LEAP if they meet one of three criteria that satisfy the definition of a “disability” from the California Fair Employment and Housing Act (FEHA). Individuals who qualify for LEAP will be able to apply for any LEAP-specified examination for which minimum qualifications are met.

The Rehabilitation Counselor will follow the guidelines below:

- Conduct meetings in a manner that is consistent with the individual's preferred mode of communication, learning style, and linguistic preferences.
- Use flexible strategies, including virtual technologies in addition to in-person appointments. When the virtual or in-person meeting is scheduled, the individual should be advised to bring their proof of disability documentation to the meeting.

Generally, there are two categories of individuals seeking LEAP certification: a) individuals receiving DOR services; and b) individuals who are not receiving DOR services. The following information details the process for the two categories.

### **Individuals Receiving DOR Services**

An individual meets LEAP eligibility based upon the individual receiving DOR services, including potentially eligible students with disabilities receiving student services, applicants, and eligible individuals. The Rehabilitation Counselor need not make any further determinations to approve the individual's eligibility for the LEAP and need only complete administrative steps.

### **Individuals Who Are Not Receiving DOR Services**

The Rehabilitation Counselor will determine whether an individual who is not receiving DOR services meet LEAP eligibility criteria. The eligibility is based upon observing an apparent disability or proof of disability documentation that verifies the individual meets one of the following three disability criteria of the FEHA:

1. Has a physical or mental impairment or medical condition that limits one or more major life activities.
2. Has a record or history of such impairment or medical condition.
3. Is regarded as having such an impairment or medical condition.

Authority: [California Code of Regulations \(CCR\), title 2, section 174.8](#); [CCR, title 2, section 52.4, et. seq.](#); [CCR, title 2, sections 547.50 to 547.58.9](#); [Government Code section 19230, subdivision \(c\)](#); [Government Code sections 19240 – 19244](#).

### **3432.2 Documenting LEAP Requirements (08/22)**

This section provides proof of disability documentation requirements for the LEAP certification process. It additionally instructs DOR staff to document LEAP certification in Aware.

The proof of disability documentation may include any of the following:

- Medical records, including a letter on a physician or medical professional's letterhead.
- Educational records.
- Recent copy of a Social Security Administration (SSA) award or continuation letter that the individual is receiving Supplemental Security Income / Social Security Disability Insurance (SSI/SSDI) benefits due to their own disability.
- Recent copy of a Benefits Planning Query Report (BPQY) from SSA.
- Certificate from a private Vocational Rehabilitation Counselor or other counselor who issues or provides disability benefits.
- Documentation from any federal, state, district of Columbia, or US territory agency that issues or provides disability benefits showing that the individual has a disability.

Verification is not required if the applicant has received a referral to the LEAP State Internship Program from a DDS regional center.

### **Individuals Receiving DOR Services**

Certification from a DOR Rehabilitation Counselor is sufficient proof of disability for individuals receiving DOR services. The Rehabilitation Counselor will follow the steps for the LEAP certification process for

an individual who is receiving services provided in [Section 3432.3](#) Entering LEAP Certification in CalHR ECOS.

For individuals who are receiving DOR services, the Rehabilitation Counselor will record the LEAP Certification in the Aware **Participant Module** by adding a copy of the LEAP Approval Letter to the individual's record of services.

### **Individuals Who Are Not Receiving DOR Services**

The Rehabilitation Counselor will meet with individuals who are not receiving DOR services and who are interested in establishing LEAP eligibility. If the individual meets LEAP eligibility, the Rehabilitation Counselor will certify LEAP eligibility and follow the steps for the LEAP certification process provided in [Section 3432.3](#) Entering LEAP Certification in CalHR ECOS.

To complete the proof of disability process for an individual who is not receiving DOR services, the Rehabilitation Counselor will perform the following actions:

- View the individual's driver's license or State-issued photo identification to verify their identity.
- Review the individual's proof of disability documentation to determine if it is sufficient for LEAP eligibility.

For individuals who are not receiving DOR services, the Rehabilitation Counselor will record the LEAP Certification in the Aware **Referral Module** by creating a new referral in the name of the applicant. The referral outcome is "Closed-LEAP Certificate."

Prior to closing the referral, the Rehabilitation Counselor will provide the individual with information about the VR program and referral to other resources, as appropriate.

Refer to the [Aware Reference Guide](#) and the [Accounting and Support Desk Manual Volume 1](#) for more information on LEAP certification in Aware.

### **3432.3 Entering LEAP Certification in CalHR ECOS (08/22)**

Eligibility and participation in LEAP certification require proof of disability in the form of a record in the name of the LEAP applicant created in the CalHR ECOS database.

The following must occur prior to completing a LEAP certification in the CalHR ECOS database:

- The Rehabilitation Counselor must request an account on the CalHR ECOS website at <[www.ecos.ca.gov](http://www.ecos.ca.gov)> by clicking the link beneath the User ID Box.
- The individual must have an account on CalCareers at <https://www.calcareers.ca.gov/CalHRPublic/Login.aspx> to take examinations and apply for a State job.

The Rehabilitation Counselor will complete the LEAP certification in the CalHR ECOS database within 24 hours of the initial contact, whenever possible. This timeliness will ensure that LEAP-eligible individuals are able to meet LEAP examination deadlines.

To complete a LEAP certification, the Rehabilitation Counselor will create a LEAP record in the name of the applicant in the CalHR ECOS database as follows:

1. Log in by entering your User ID and password into the CalHR ECOS database at <[www.ECOS.ca.gov](http://www.ECOS.ca.gov)>.
2. Navigate to the LEAP Records page by clicking on “INDIVIDUAL RECORDS” tab and then the “LEAP RECORDS” subtab. You will be routed to the “Select LEAP Records” page.
3. Verify that the applicant is not already LEAP-certified by entering the applicant’s Social Security Number, or first and last name, and clicking the “SEARCH” button.
  - If no LEAP records match the search criteria, click “ADD LEAP RECORD” button at the bottom of the page.
4. Enter the applicant’s details in the data fields, as required. Save changes.

5. Make the LEAP Record active by clicking the drop-down menu and selecting “ACTIVE.” Save changes.
6. Check the “Associate” box under the “Profile Association” field.
  - If there is no box to check under the “Profile Association” field, the individual may not have created a Cal Career account or did not add their Social Security Number to their Cal Career account.
7. Click “SAVE” button when process is complete. This is important because it is associating the individual’s Cal Career account to CalHR ECOS database to ensure the individual is LEAP certified.
8. Having completed the LEAP certification, you will provide a confirmation letter to the individual by clicking “PRINT LETTER” button and selecting “LEAP – Approval Letter” template from the drop-down menu in the print preview. Select “CONTINUE” button to print. Provide the original letter to the individual.

The applicant is now LEAP-certified and can begin taking LEAP examinations and completing job applications on the State jobs website at [www.jobs.ca.gov](http://www.jobs.ca.gov).

**3440 REQUEST FOR WAGE ABSTRACT AND EMPLOYER  
INFORMATION (02/16)**

This section provides guidance on how to obtain employment information from the Employment Development Department (EDD) for a DOR consumer in an IPE who has lost contact with the VRSD team.

The DOR shall strive to increase the quantity and quality of successful employment outcomes by monitoring progress toward the employment outcome, as well as verifying that requirements for closure with an employment outcome are met.

The DOR shall use the EDD Quarterly Contributions Returns and Report of Wages (QCEW) to obtain information on quarterly wages and monthly employment of DOR consumers. The EDD requires that all employers covered under the California Unemployment Insurance laws report their quarterly wages and monthly contribution to the EDD using the QCEW. These wages are used to populate the QCEW database.

The DOR shall use the wage abstract and employer information provided in the QCEW as a tool to gather information when other reasonable means of contacting the consumer have failed or the Rehabilitation Counselor or designed district staff is trying to verify employment. Yet, the employment information alone shall not constitute the only basis for record of services closure with an employment outcome.

Authority: CCR, title 9, section 7179.2.

[Go to CCR.](#)

**3440.1 Requesting Wage Abstract and Employer Information  
(02/16)**

Prior to closing a record of services with an employment outcome, the Rehabilitation Counselor will perform the following actions:

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- Monitor progress toward the employment outcome as agreed upon in the IPE through regular contact with the consumer.
- Verify that the requirements for closure with an employment outcome are met, according to CCR 7179.2.

Despite the best efforts of the VRSD team, contact with a consumer is sometimes lost. On these occasions, one method that may be used to reestablish contact with the consumer, and determine if the consumer has obtained employment as a result of VR services, is to request the wage abstract information from the district liaison. This information may be useful in verifying whether the consumer has benefited from VR services and achieved an employment outcome consistent with his or her IPE.

The process for requesting wage abstract and employer information is automated. This process will increase accessibility of vital employment information, which in turn will assist the Rehabilitation Counselor in increasing the number of successful outcomes and with consumer contact.

The District Administrators will designate a Wage Abstract Liaison who has access to the wage abstract and employer information on the DOR intranet. The Wage Abstract Liaison will provide a consumer's employment and wage information to the Rehabilitation Counselor or designated district staff.

When reviewing the wage abstract and employer information, the Rehabilitation Counselor or designated district staff should consider the following parameters:

- Wage and employment data is for consumers who were in-plan and received VR services.
- Only consumers who are working or have reportable wages will be reflected in the report.
- Wage abstracts will be automatically updated approximately every 90 days.

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- The wage data received from EDD can be up to six months behind.

The Rehabilitation Counselor or designated district staff will contact his or her district Wage Abstract Liaison if he or she needs assistance or have any questions pertaining to wage abstract information.

The Rehabilitation Counselor will use the wage abstract and employer information only as a last resort when all other reasonable means of contacting the consumer have failed.

#### **3440.2 Documenting Wage Abstract and Employer Information (02/16)**

The Rehabilitation Counselor will document the following in the record of services:

- Receipt and review of the wage abstract and employer information.
- Any additional efforts made to contact the consumer after review of the wage abstract and employer information.
- Record of services closure, as appropriate to the individual case.

Refer to [RAM Chapter 30](#) for more information on record of services closure requirements.

**3450 MANDATED REPORTING OF SUSPECTED ABUSE  
(02/16)**

This section provides guidance on legal requirements related to the following issues:

- Suspected abuse of elderly and dependent adults.
- Suspected abuse and neglect of children.

California law requires mandated reporters, who are persons engaged in certain types of employment or who hold certain occupations or licenses, to report known or suspected instances of abuse of certain defined categories of vulnerable persons, including elderly adults, dependent adults, and children.

Pursuant to Welfare and Institutions Code section 15659 and Penal Code section 11166.5, prior to commencing employment and as a condition of employment, the DOR shall require any mandated reporter to sign a statement on a form provided by the DOR to the effect that he or she has knowledge of the provisions of Welfare and Institutions Code section 15630 and Penal Code section 11166 and will comply with these provisions. The statement shall inform the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligation under the above cited laws and of his or her confidentiality rights under Penal Code section 11167(d). Copies of Welfare and Institutions Code section 15630 and Penal Code sections 11165.7, 11166, and 11167 shall be provided to the employee. The signed statements shall be retained by the DOR.

The DOR policies related to mandated reporting of suspected abuse apply to DOR districts, as well as other related programs, e.g., Orientation Center for the Blind and Business Enterprise Program for the Blind.

The DOR shall use the DR 643 ACKNOWLEDGMENT OF RECEIPT - MANDATED REPORTING OF SUSPECTED ABUSE form to document that mandated reporters of suspected abuse of elder and dependent

adults and children have been informed of, and will comply with, their mandated reporting responsibilities.

The DOR shall use the DR 643A MANDATED REPORTING OF SUSPECTED ABUSE – ATTACHMENT A form to inform mandated reporters of the Elder Abuse and Dependent Adult Civil Protection Act, commencing with California Welfare and Institutions Code section 15600, and specifically Welfare and Institutions Code section 15630.

The DOR shall use the DR 643B MANDATED REPORTING OF SUSPECTED ABUSE – ATTACHMENT B form to inform mandated reporters of the Child Abuse and Neglect Reporting Act, commencing with California Penal Code section 11164, and specifically Penal Code sections 11165.7, 11166, and 11167.

Authority: 34 C.F.R. §§ 361.37 and 361.38; Welfare and Institutions Code, section 15600 et seq.; Penal Code section 11164 et seq..

### **3450.1 Mandated Reporters (02/16)**

For purposes of this section, the following definition applies:

“Health practitioner” means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, registered nurse, dental hygienist, licensed clinical social worker or associate clinical social worker, marriage and family therapist, licensed professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, or person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, an unlicensed marriage and family therapist intern registered under Section 4980.44 of the Business and Professions Code, a clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions

Code, a clinical counselor intern registered under Section 4999.42 of the Business and Professions Code, a state or county public health or social service employee who treats an elder or a dependent adult for any condition, or a coroner.

All DOR employees who provide services to elder or dependent adults, or who are health practitioners, as defined in Welfare and Institutions Code section 15610.37, and are therefore mandated reporters of suspected elder or dependent adult abuse, must adhere to the following:

- Be informed of their mandated reporting responsibilities by being provided a copy of the DR 643A form.
- Sign the DR 643 form, stating that they have knowledge of the mandatory reporting requirements in Welfare and Institutions Code section 15630 and will comply with its provisions.

All DOR employees whose duties require direct contact and supervision of children, or are in occupations described in Exhibit C, and are therefore mandated reporters of suspected child abuse and neglect, must adhere to the following:

- Be informed of their mandated reporting responsibilities and confidentiality rights by being provided a copy of the DR 643B form.
- Sign the DR 643 form, stating that they have knowledge of the provisions in Penal Code section 11166 and will comply with its provisions.

Managers of staff whose duties require direct contact and supervision of children, or are in occupations described in Exhibit C, will ensure these forms are provided to, and signed as required by, employees who are mandated reporters of suspected abuse. Such managers may include, but are not limited to, District Administrators, or their designees, and other program managers, e.g., Orientation for the Blind, Business Enterprise Program for the Blind.

When updates to the DR 643, DR 643A, or DR 643B forms occur due to mandated reporting laws changes, District Administrators or their designees, or other program managers as described above will ensure that employees who are mandated reporters receive and review the updated forms, laws, and comply with any new requirements.

The DOS Manager or designated support staff (e.g., personnel or attendance clerk) is responsible for coordination of the signed forms prior to sending the forms to DOR Personnel Services for filing in the employee's official file.

Refer to [Exhibit B](#) for more information on reporting Suspected Elder or Dependent Adult Abuse.

Refer to [Exhibit C](#) for more information on reporting Suspected Child Abuse or Neglect.

### **3450.2 Informed Choice and Referrals to Victim Services (02/16)**

During the intake process, the Rehabilitation Counselor or designated district staff will:

- Provide applicants with the opportunity to disclose and discuss any experience of abuse or crime for purposes of providing appropriate information and referrals to the individual.
- Advise applicants that while most information they provide to the DOR is confidential, DOR employees are required to report suspected abuse under certain circumstances, as an exception to the consumers' general right to confidentiality. This information should be discussed at the beginning of the intake process.

Consistent with informed choice, an applicant, and later, the consumer, may choose whether to disclose this information. Some applicants or consumers may decline to discuss abuse when they understand that the Rehabilitation Counselor or designated district

staff is required to report to an outside agency. Other consumers may welcome the opportunity to disclose abuse and receive assistance and referrals to victim services, knowing that DOR employees are required to make a report to other agencies.

Each DOR office may also refer victims of crime and abuse to local resources, including the following:

- Local Victims of Crime programs
- Law enforcement agencies
- Domestic violence shelters

When a referral is made to a victim service, the Rehabilitation Counselor will follow the referral procedure by providing the DR 914 NOTICE OF REFERRAL form to the applicant or consumer.

### **3450.3 Penalties for Failure to Report Suspected Abuse or Impeding or Inhibiting a Mandated Report (02/16)**

California law establishes the failure to report suspected abuse, or impeding or inhibiting the reporting, as a misdemeanor punishable up to six months in county jail or a fine of \$1,000 or both. Should death result, the penalties are higher. If a mandated reporter intentionally conceals his or her failure to report abuse or severe neglect as defined, the failure to report is a continuing offense until the offense is discovered.

### **3450.4 Differences in Reporting Requirements (02/16)**

There are differences in the requirements for reporting suspected abuse of adults and children, including the forms used to report abuse and the timeframes for filing a written report following the telephone report.

Refer to [Exhibit B](#) for more information on reporting Suspected Elder or Dependent Adult Abuse.

Refer to [Exhibit C](#) for more information on reporting Suspected Child Abuse or Neglect.

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### OTHER CONSUMER-RELATED TOPICS Investigating Complaints of Abuse, Neglect or Unsafe Practices Within Community Rehabilitation Programs

#### **3451 INVESTIGATING COMPLAINTS OF ABUSE, NEGLECT OR UNSAFE PRACTICES WITHIN COMMUNITY REHABILITATION PROGRAMS (02/16)**

This section provides guidance on procedures for investigating complaints of abuse, neglect, or unsafe practices within Community Rehabilitation Programs (CRPs).

As appropriate, the DOR shall purchase VR services from CRPs. A CRP refers to an agency, organization or institution, or unit of an agency, organization or institution that directly provides or facilitates the provision of VR services as one of its major functions.

The DOR shall ensure services provided by CRPs to DOR applicants and consumers are conducted in an environment that protects the individuals' health, safety, and welfare. The DOR shall investigate and take immediate corrective action on all complaints concerning abuse, neglect, or unsafe practices within the CRP, as appropriate.

The DOR shall document, in writing, all allegations of abuse, neglect, or unsafe practices, whether verbal, written, or anonymous. Fact-finding and/or an investigation will be initiated to determine the accuracy of the allegation(s). Conclusions will be reached and any necessary corrective measures will be identified. A report will be issued, documenting the outcome of the DOR fact-finding or investigation.

As appropriate to the individual case, the DOR shall involve its [Office of Civil Rights](#) (OCR) in relation to certain types of complaints. Contact the [OCR](#) by phone at 916-558-5850, or by email at [ocr@dor.ca.gov](mailto:ocr@dor.ca.gov), for more information.

Authority: CCR, title 9, sections 7330(e), 7331, and 7332.

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## CHAPTER 34

### OTHER CONSUMER-RELATED TOPICS Investigating Complaints of Abuse, Neglect or Unsafe Practices Within Community Rehabilitation Programs

#### **3451.1 Receipt of Complaint (02/16)**

The DOR Community Resources Development (CRD) unit has the primary responsibility for the certification of CRPs to ensure that CRP services purchased for DOR applicants and consumers are effective, coordinated, and provided in a safe environment. The CRD Chief will assign monitoring responsibility for any required corrective action(s). Monitoring will continue until all outstanding issues have been resolved.

When a DOR employee receives a complaint about alleged abuse, neglect, or unsafe practices within a CRP, the employee will contact the CRD Specialist assigned to the CRP and the District Administrator of the district in which the CRP resides. The CRD Specialist will report the incident to the CRD Chief and the Deputy Director of the appropriate division.

The DOR employee and the assigned CRD Specialist will discuss the complaint and determine the following:

- a) Whether the situation requires immediate action. This action may involve an unannounced visit to the CRP by the CRD Specialist to assess the criticality of the situation. In those cases where circumstances pose an immediate physical or emotional threat to DOR consumers or staff, the CRD Specialist will immediately take such action as required to remove the danger to the consumer(s) or staff. The CRD Specialist will immediately inform the CRD Chief of the actions taken.
- b) Whether additional information is necessary to determine the validity of the allegations. The CRD Specialist will contact the appropriate CRP staff to review their actions and discuss the outcome. If necessary, the CRD Specialist will schedule an initial site visit to the CRP facility within three (3) working days.
- c) The internal and external parties or entities that shall be advised of the complaint (e.g., Adult Protective Services, police department, and local Regional Center).

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### OTHER CONSUMER-RELATED TOPICS Investigating Complaints of Abuse, Neglect or Unsafe Practices Within Community Rehabilitation Programs

#### **3451.2 Community Rehabilitation Program Initial Site Visit (02/16)**

The assigned CRD Specialist will, within three (3) working days of receiving the complaint, schedule a meeting with the CRP Executive Director to discuss the allegations and obtain additional information. Depending on the nature and severity of the allegation or complaint, the CRD Specialist may include other DOR staff (e.g., District Administrator, Rehabilitation Counselor) and pertinent staff from other agencies (e.g., Regional Centers) to participate in the site visit. The purpose of the site visit will be to:

- Review specific allegation(s).
- Obtain additional information necessary to determine the validity of the allegation(s).
- Interview consumers, staff, or others who can provide additional information.
- Obtain results of the CRP's internal inquiry/investigation regarding the incident(s).
- Obtain a copy of the police report or investigation when available.
- Obtain a copy of the CRP's policies and procedures regarding abuse, neglect, and other consumer complaints.

The CRD Specialist will formulate a draft investigative report and circulate the report to all team members for accuracy and concurrence within three (3) days of the site visit. The report shall include the following:

- Allegation(s).
- Background.
- Findings.
- Recommendations.
- Rationale for recommendations.

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### OTHER CONSUMER-RELATED TOPICS Investigating Complaints of Abuse, Neglect or Unsafe Practices Within Community Rehabilitation Programs

The CRD Specialist will submit the written report to the CRD Chief within five (5) working days from the date of the completion of the draft report. The CRD Chief will review the report and make written recommendation(s) to the Assistant Deputy Director, DOR Collaborative and Community Resources, for review and approval.

#### **3451.3 Outcomes (02/16)**

Possible outcomes resulting from the initial site visit include:

- a) The incident has been reviewed and does not require a formal investigation.
- b) The incident has been resolved, but the CRD Specialist or site visit team determines that a corrective action plan is required. The corrective plan will include:
  - Action(s) to be taken by the CRP to remedy or prevent the incident from reoccurring.
  - Time frame(s).
  - Responsible party(s).
  - Monitoring format.
- c) It is determined that a formal investigation is required.

#### **3451.4 Formal Investigation (02/16)**

When a formal investigation is required, the assigned CRD Specialist, in coordination with appropriate rehabilitation staff, will develop an action plan for the investigative site visit and transmit it to the CRD Chief within three working days. The action plan will include the following:

- Names of the members of the investigating team, including the Team Leader.
- Date(s) of investigative site visit(s).
- Identification of the appropriate DOR staff and CRD Specialist who interact with the CRP on a regular basis to gather relevant background information.

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### OTHER CONSUMER-RELATED TOPICS Investigating Complaints of Abuse, Neglect or Unsafe Practices Within Community Rehabilitation Programs

- Written notification to the CRP Executive Director and the Board Chairperson of DOR's intent to conduct an investigation. The notification will include all of the following:
  - The date(s) of the investigative site visit(s).
  - Identification of the participating team members.
  - A copy of the specific allegation(s), investigation agenda, and identification of any support the team will need while at the CRP, such as a private room with table and chairs, telephone, consumer releases of information.

The Team Leader will perform the following actions:

- Facilitate a team meeting to review the process, specific assignments, develop questions for the investigation that are specific to the complaint, documentation requirements, additional logistics, and reiteration of policy on confidential reporting.
- Facilitate an entrance interview to review the purpose of the investigative site visit. All persons cooperating with the investigation will be told that the information they provide cannot remain confidential.
- Oversee the information-gathering activities during the investigative site visit to ensure that all information needed is being collected, documented in writing, and includes the following:
  - Name of person providing the information.
  - Date information was obtained.
  - The location where the information was obtained.
  - Name of person(s) gathering the information.
  - Questions asked and answers given, including quotes whenever possible.
  - Any other information gathered during the interview.
- Facilitate a team debriefing to formulate tentative findings to be presented during the exit interview.

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### OTHER CONSUMER-RELATED TOPICS Investigating Complaints of Abuse, Neglect or Unsafe Practices Within Community Rehabilitation Programs

- Facilitate an exit interview with the CRP Executive Director and other representatives of the CRP's choosing, prior to the team leaving the CRP. The team will present tentative findings during the exit interview and provide a final opportunity for the CRP to submit additional information that might impact the tentative findings. The presentation format of the findings will be on a case-by-case basis, depending on the nature of the allegation(s).
- Obtain a copy of all team member notes, interview summaries, and other documentation at the end of the exit interview for use in drafting the investigative report.
- Formulate and circulate a draft investigative report within seven (7) working days of the site visit to all team members for accuracy and concurrence. Team members will respond within three (3) working days. The report shall include the following information:
  - Name and address of the CRP.
  - Date(s) of the review.
  - Team members and areas of responsibility assigned.
  - CRP staff involved.
  - Names and titles of all persons interviewed.
  - Allegation(s)
    - Findings for each allegation.
    - Any other miscellaneous information.
    - DOR recommendations/actions.
    - CRP response.
- Forward the report to the CRD Chief within three (3) working days of receiving team members' final approvals. The CRD Chief will finalize and forward the draft report within five (5) working days to the Assistant Deputy Director, DOR Collaborative and Community Resources, for review and, if needed, consult with Legal Affairs and other appropriate staff.

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The Assistant Deputy Director will advise the CRD Chief within five (5) working days of his or her decision and any needed revisions to the report. The CRD Chief will finalize and issue the report, at the very minimum, to the CRP, the assigned CRD Specialist, the District Administrator, and the Deputy Director of the appropriate division.

If appropriate to the situation, the assigned CRD Specialist will monitor the corrective actions and recommendations established in the final report until they are resolved. Should they remain unresolved after the identified completion time frame, the CRP's certification will be revoked.

**3452 DISCLOSURE OF CONFIDENTIAL INFORMATION  
(02/16)**

This section addresses the requirements for seeking assistance from law enforcement when there is danger to self or others from a DOR consumer or applicant for services, as well as related information on disclosure of confidential information and guidelines on security procedures for protecting confidential personal information in the record of services.

Authority: Welfare and Institutions Code, sections 5150–5150.05; 34 CFR 361.18(c)(1)(i)(ii) and 361.38(e)(5); Civil Code, sections 7198 et seq.; Penal Code 290.46(l); and CCR, title 9, sections 7140(a)(1), 7143(a)(6), 7143(a)(7), and 7143.5(a).

[Go to CCR.](#)

**3452.1 Danger to DOR Staff or at DOR Office (02/16)**

The DOR should seek assistance from law enforcement (e.g., police, Sheriff, California Highway Patrol) when an applicant or consumer commits or threatens to commit a crime on the premises of the DOR or against DOR personnel. If law enforcement conducts an investigation or a consumer is prosecuted for a threat on DOR premises or against a DOR employee, the DOR is authorized to share information in an applicant or a consumer's record of services. If there is no investigation or prosecution, however, the DOR may not share information from a consumer's record of services with law enforcement.

Refer to [RAM Chapter 30](#) for additional information on Guidelines for Addressing Threatening and Harassing Behavior by Applicants or Consumers.

**3452.2 Danger to Others (02/16)**

Disclosure of information in the record of services, except the results of any HIV test performed, to law enforcement may be made to protect a potential victim when, in the exercise of reasonable skill,

knowledge, and care, a member of the professional staff of the DOR (e.g., Rehabilitation Counselor, Team Manager, District Administrator, Medical Consultant, Vocational Psychologist) determines, based on reliable information, that an applicant or consumer poses a threat to the safety of others.

**3452.3 Danger to Self (02/16)**

If a member of the professional staff of the DOR (e.g., Rehabilitation Counselor, Team Manager, District Administrator, Medical Consultant, Vocational Psychologist) believes the applicant or consumer poses a threat to his or her own safety, the DOR professional staff must contact law enforcement and may provide information in the record of services to assist in a determination of the individual's danger to self.

**3452.4 Medical Emergency (02/16)**

Disclosure of information in the record of services may be made to medical personnel, either private or governmental, when a medical emergency exists in the opinion of a member of the professional staff of the DOR (e.g., Rehabilitation Counselor, Team Manager, District Administrator, Medical Consultant, and Vocational Psychologist).

**3452.5 Prohibitions Against Use of Megan's Law Registry (02/16)**

The DOR staff, acting in their official capacity, shall not access the Megan's Law Registry, or use any information disclosed therein, for any purpose relating to employment, including the provision of vocational rehabilitation services. Should DOR staff, acting in their official capacity, believe information from the Megan's Law Registry is needed to protect a person at risk, they must first consult with their supervisor and the DOR Legal Affairs Office. Misuse of information disclosed in the Megan's Law Registry may make the user liable for money damages or an injunction against the misuse.

**3452.6 Restricting Identification Cards in the Record of Services (02/16)**

CCR 7140(a)(1) provides for the protection of the right to privacy of each individual who is or has been an applicant or consumer of the DOR. In addition, the Information Practices Act of 1977 (California Civil Code Section 1798 et seq.) sets out the basic requirements for all state departments, employees, and contractors on handling and protecting personal information.

Although there is no requirement in federal or state regulations to see or make a copy of an applicant or consumer identification card(s), staff must ensure a high degree of protection of consumers' confidential personal information in a manner consistent with regulations, CCR 7140(a)(1) and the comprehensive privacy law for state government (Civil Code Section 1798 et seq.). Examples of identification cards include a Social Security card, a driver's license, a California identification card, and an Alien Registration.

To implement regulations and legislation affecting the way the DOR uses confidential information, and to ensure an even higher degree of protection for DOR consumers' information, the following security procedures must be followed when handling DOR applicants and consumers' identification cards:

- If you have reviewed an applicant or consumer's identification card(s), you may document in the record of services that you have seen this information. Reviewing a photo identification card (e.g., driver's license) is an excellent method to verify an individual's identity.
- Do not make copies of DOR applicants' or consumers' identification cards. Existing copies of DOR applicants' or consumers' identification cards in the record of services hardcopy file should be shredded immediately.

If the DOR is collecting any information from identification cards for input into the record of services, the laws and regulations regarding collection of information must be followed, including providing the required privacy statements.

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### OTHER CONSUMER-RELATED TOPICS Disclosure of Confidential Information

Refer to the following for related information on restricting the use of confidential personal information:

- [CCR](#), title 9, section 7140(a)(1).
- Civil Code section 7198 et seq.
- [RAM Chapter 25](#) Information Security Policy.
- [RAM Chapter 29](#) Individual Service Providers.

[Go to CCR.](#)

## CHAPTER 34

### OTHER CONSUMER-RELATED TOPICS Providing VR Services to DOR Employees, Relatives, and Friends

#### **3453 PROVIDING VR SERVICES TO DOR EMPLOYEES, RELATIVES, AND FRIENDS (02/16)**

This section provides guidance regarding the provision of services to DOR employees, relatives, and friends. For purposes of this section, the following definitions apply:

1. Friend – an individual with whom the employee has a personal, intimate or cohabitation relationship.
2. Relative – an individual who is associated with the employee by blood, adoption, foster arrangement, current or previous marriage (including in-laws and step-relatives).

The DOR shall protect the right to privacy of employees, friends, or relatives of DOR employees, as well as ensure that state resources and a person's official status as a DOR employee are used appropriately.

Specifically, CCR 7140(a) provides protections to the right of privacy of each individual who is or has been an applicant or consumer of the DOR.

In addition, CCR 7412(a) states, in part: "No employee of the Department shall:

1. Conduct private business on state time, or by utilizing state facilities, resources, materials, equipment or supplies...
2. Use the prestige or influence of the employee's position for the employee's private gain or advantage or the private gain or advantage of another."

In order to assure the service record confidentiality of DOR employees, their relatives, and friends, and to avoid incompatible activities or biased decision-making, the DOR has established the following policies and procedures:

1. No DOR employee shall have decision-making responsibility for any applicant or consumer who is a friend or relative.

Decision-making responsibility includes, but is not limited to, the following:

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- The provision of counseling, guidance, and all other VR services.
  - The provision of clerical support of any kind.
  - The primary—or secondary—level supervisor of the DOR employee providing services to a relative or friend.
2. To avoid incompatible activities, the Team Manager, District Administrator or Vocational Rehabilitation Employment Division (VRED) Regional Manager, and the Blind Field Services (BFS) District Administrator or Specialized Services Division (SSD) Assistant Deputy Director, as appropriate based on the particular circumstance, shall determine and provide the options where the employee, or employee's friend or relative, will be served based on the following:
- a. When practical and consistent with the principles of consumer choice, the DOR employee, or the friend or relative of such employee, shall receive services from a district adjacent to the district in which the employee works. Given that BFS is a statewide district, a BFS employee, or the friend or relative of such employee, shall receive services from a DOR office in a VRED district adjacent to the VRED district where the BFS employee physically works or is assigned.
  - b. If (a) above is determined not to be practical for the consumer, the DOR employee, or the friend or relative of such employee, shall be served within the district and be assigned to a branch office where the employee does not work. In this circumstance, the record of services is to be marked "sensitive" and access limited only to staff who are responsible for the record of services. The District Administrator must approve the eligibility determination, priority category determination, IPE, authorization of all services, and record of services closure.
  - c. In either case, the Rehabilitation Counselor serving the DOR employee, or the friend or relative of such employee, shall provide services within the district/branch

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### OTHER CONSUMER-RELATED TOPICS Providing VR Services to DOR Employees, Relatives, and Friends

of the applicant or consumer's residence and shall not require the applicant or consumer to travel unnecessarily due to this policy.

3. No DOR employee shall access the file of another employee, or employee's friend or relative, without a work-related need to do so. Such records of services shall be coded "sensitive" and access shall be limited only to staff who are responsible for the record of services.
4. At the time of application, the Rehabilitation Counselor or designated district staff will inquire whether the applicant is a DOR employee, or a friend or relative of a DOR employee, to ensure that services are provided in a manner consistent with this policy.
5. The DOR employee shall notify his or her manager and the District Administrator immediately upon applying for services or learning that a friend or relative of the DOR employee is an applicant or consumer.
6. Any employee who knows of or suspects that another DOR employee has decision-making responsibility for any applicant or consumer who is a friend or relative shall report the situation to his or her immediate supervisor. The immediate supervisor must investigate the situation and take appropriate action. Appropriate action may include reassignment of the record of services and discipline of the employee(s) violating the DOR policy regarding services to relatives and friends.
7. A DOR employee's activities as an applicant for or recipient of services are private activities and shall not be conducted on state time or by using state facilities or resources. Employees will not use the prestige or influence of their position as an employee for private gain or advantage as an applicant or consumer.
8. A DOR employee's activities in his or her personal capacity as friend or relative of an applicant or consumer (such as acting as the applicant or consumer's representative, if requested to do so) are considered personal and not state business, and will not

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### OTHER CONSUMER-RELATED TOPICS Providing VR Services to DOR Employees, Relatives, and Friends

be conducted on state time or by using state facilities or resources. Employees will not use the prestige or influence of their position as an employee for the private gain or advantage of a friend or relative who is an applicant or consumer. Employees will not use state time to advocate on behalf of an applicant or consumer who is a family member or friend.

Authority: CCR, title 9, sections 7140(a), 7412(a)(1), and 7412(a)(7).

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### **3460 VOTER REGISTRATION ASSISTANCE (03/20)**

The abbreviations used in this section include the following:

- DOR Department of Rehabilitation
- NVRA National Voter Registration Act
- SOS Secretary of State
- VPF Voter Preference Form
- VRC Voter Registration Card

It is important that individuals with disabilities are afforded an equal opportunity to vote. As required by the National Voter Registration Act (NVRA) and state law<sup>1</sup>, the Department of Rehabilitation (DOR) as a designated voter registration agency shall offer voter registration assistance to individuals receiving and participating in DOR program services (referred to as “individuals” in Section 3460 through Section 3468).

The DOR shall use the Voter Preference Form (VPF) and the Voter Registration Card (VRC) to meet requirements of the NVRA.

Authority: Title 42, USC, section 1973 gg et seq.; Title 42, USC, section 1973 gg-5(a)(4); Title 42, USC, section 1973 aa-1a or section 4(f)(4); Title 42, USC, section 1973b (f)(4); Elections Code, sections 2101, 2158(a), 2403(a)(b)(c) , 2405(3), 2406(a)-(5), 2408(a), 2408(a) - (2), 3500, and 3501.

### **3461 Voter Registration Eligibility Criteria (03/20)**

California law provides standardized voter registration eligibility criteria. An individual may register to vote if that individual is:

- A citizen of the United States.
- A California resident (there is no waiting period for residency).
- 18 years of age on or before the next election.

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<sup>1</sup> California Elections Code 2406

If an individual does not have a valid California Identification Card or a Social Security Number, but is otherwise eligible to vote, they may complete the remainder of the VRC (see [Section 3462](#)).

If an individual becomes a U.S. citizen after the voter registration deadline has occurred, they may register at the local county elections office on or before Election Day.

The individual must not have been declared mentally incompetent by a court of law or must not be currently serving a prison sentence for a specific selection of felony convictions.

### **3462      Voter Registration Forms (03/20)**

The Rehabilitation Counselor or designated district staff will provide individuals receiving and participating in DOR services with the following two voter registration forms whenever the individual applies or reapplies for program services or notifies the DOR of a change of name or address:

1. A VPF, which is an official document created by the Secretary of State (SOS), declares an individual's decision to register to vote. The VPF asks whether an individual would like to register to vote. Designated district staff in each office will obtain the VPF from the SOS website at <https://www.sos.ca.gov/elections/voting-resources/county-elections-offices/>.
2. A VRC, which is an official document created by the SOS, registers an individual with the local county elections office to participate in local, state, and national elections. Designated district staff will obtain VRCs from their local county elections office (see [Section 3464](#)).

If the individual checks the box on the VPF indicating that they would like to register to vote, they should also complete the VRC and provide both forms to DOR as soon as possible. An individual who fails to complete a VPF may still register to vote by completing a VRC.

Each office within a DOR district will typically maintain a three-month supply of VPFs and VRCs in English at all times.

Each office will also typically maintain a three-month supply of VPFs and VRCs in minority languages, as specified by the local county elections office. In accordance with [Section 203 of the NVRA](#), each office within a DOR district must offer the VPF and VRC in the specified minority languages as determined by the local county elections office.

Designated district support staff will perform the following actions:

- File and store completed VPFs in the DOR office for two years from the date of completion, after which they may be discarded.
- Mail completed VRCs to the local county elections office within 10 days of receipt and five days of an election.
- Give the individual the bottom detachable portion of the completed VRC, commonly referred to as the "voter's receipt."
- Contact the local county elections office to determine in which minority languages the VPF and VRC must be provided for DOR offices in their county.

### **3463 National Voter Registration Act District Coordinators (03/20)**

The District Administrator in each district will assign one staff person to be the NVRA District Coordinator in charge of NVRA compliance. The NVRA District Coordinator will ensure the NVRA process is implemented effectively in their district.

The NVRA District Coordinator will perform the following actions:

- Coordinate the DOR annual mandatory training on NVRA compliance for all DOR staff that are responsible for voter registration assistance in their district.
- Ensure each office within the district has a three-month supply of VPFs and VRCs in English and the appropriate minority languages in accordance with [Section 3462](#).

- Identify, as appropriate, and collaborate with a single point of contact to facilitate voter registration assistance within each DOR office or branch to assume the responsibility and full compliance of Section 3463 through Section 3468.

The NVRA District Coordinator or the designated single point of contact in each DOR office or branch will appear in person to request large quantities of VRCs for each office within their county in the event the local county elections office will not mail large quantities of the VRC to a DOR office.

#### **3464 County Elections Office Locations and Required Notifications (03/20)**

Designated district staff will use the SOS website to identify their local county elections office. County elections office contact and location information can be found in the SOS website located at <https://www.sos.ca.gov/elections/voting-resources/county-elections-offices/>.

The NVRA District Coordinator will notify all local county elections offices within their district of the location of each DOR office or site within each county. The NVRA District Coordinator will immediately report any change in a DOR office location or contact information in that county to the local county elections office.

#### **3465 Providing Voter Registration Assistance (03/20)**

Designated district staff will offer to assist individuals receiving and participating in DOR services in completing the VPF and the VRC. Department staff must provide the same level of assistance that is generally given when completing department forms, unless the individual refuses such assistance.

Designated district staff will perform the following actions:

- Include a VPF and VRC in the standard DOR application package for all individuals.

- Ask each individual between the ages of 16 and 18 if they want to pre-register to vote (see [Section 3468](#)).
- Provide a VPF and VRC to any individual who notifies DOR of a change in name or address and inquire whether they are registered to vote at the new address.
- Maintain confidentiality of all information supplied on voter registration forms.

Designated district staff must not:

- Lead the individual to believe that a decision to register or not to register has any bearing on the availability of vocational rehabilitation services.
- Display political preference or party registration.
- Seek to influence an individual's political party preference or party registration.
- Discourage any individual from registering to vote.

### **3466 Submission Methods and Deadlines (03/20)**

Designated district support staff will mail, or otherwise deliver, the completed VRCs to the local county elections office within 10 days of receipt or five days prior to an election.

### **3467 Voter Registration Online Services (03/20)**

Designated district staff will assist individuals with registering to vote online through the DOR website upon request.

The DOR website located at [www.dor.ca.gov](http://www.dor.ca.gov) will include a hyperlink to the [SOS California Online Voter Registration website](#) to allow an individual receiving or participating in DOR services to register to vote online. The hyperlink is displayed as a "**Register to Vote**" button at the bottom of the DOR website home page.

**3468 Pre-Registration for Youth under the Age of 18 (03/20)**

Youth with disabilities can pre-register to vote in California when they are at least 16 years of age and meet the voter registration requirements (see [Section 3461](#)).

Designated district staff will ensure that voter pre-registration assistance is offered when an individual is at least 16 years of age.

California youth who pre-register to vote will have their registration become active once they turn 18 years old. Pre-registration does not change the voting age, which is 18. Instead, it allows eligible Californians ages 16 or 17 to pre-register, providing sufficient time and opportunity to get ready to vote.

The pre-registration website is located at <https://www.sos.ca.gov/elections/pre-register-16-vote-18/>.

A youth may also pick up a pre-registration application at their county elections office, any DMV office, and many post offices, public libraries, and government offices. High schools are also provided with applications that are available to students. To have a paper application mailed, call the county elections office or the SOS's toll-free voter hotline at **(800) 345-VOTE (8683)**.

**3469 Voter Registration Assistance Training (03/20)**

Consistent with the California Elections Code, the DOR shall ensure that each employee who may provide voter registration assistance completes the annual department training on the NVRA and voter registration assistance.

**EXHIBITS**

[Exhibit A](#) Mediation Request Procedures (02/16)

[Exhibit B](#) Suspected Elder or Dependent Adult Abuse (02/16)

[Exhibit C](#) Suspected Child Abuse or Neglect (02/16)