



*Oklahoma Attorney General Scott Pruitt's
Office of Civil Rights Enforcement Presents*

DISABILITY EMPLOYMENT LAW CONFERENCE

25TH Anniversary of the Americans with Disabilities Act

10.20.2015

A charitable event benefiting Oklahomans with disabilities and Oklahoma employers by offering practical strategies for successfully employing people with disabilities in compliance with disability employment laws.

[How the Oklahoma Dep't of Rehabilitation Services Can Help Applicants, Employees and Employers]

Rick Olderbak/Assistant Attorney General, Dep't of Rehabilitation Services

Rick Olderbak

Rick Olderbak is an Assistant Attorney General with the Oklahoma Attorney General's Office. Mr. Olderbak has been with the Attorney General's Office since June 2000, serving as a contract attorney in the General Counsel Services Division. Mr. Olderbak has been under contract providing general counsel services with the Oklahoma Department of Rehabilitation Services since July 1, 2007. As general counsel, Mr. Olderbak advises ODRS on matters ranging from public sector employment law, government contract law, government purchasing and procurement law, the federal Rehabilitation Act, the Randolph Sheppard Act and other matters of state and federal law. Before serving at ODRS, he served in the same capacity for the Oklahoma Office of Juvenile Affairs. Prior to working for the Oklahoma Office of Attorney General, he worked in private practice for three years in Oklahoma City working mostly in commercial litigation. Mr. Olderbak received his Juris Doctor degree in 1997 from the Oklahoma City University School of Law. Mr. Olderbak completed his undergraduate work at the University of Nebraska where he obtained a Bachelor of Science Degree in Journalism.

Special thanks to our co-sponsors!



Oklahoma Department of Rehabilitation Services



Purpose

- Opening Doors to Independence and High Quality Livable Wage Jobs
- Created as an independent state agency in 1993 (74 O.S. § 166.1)
- Governed by a three person commission appointed by the Governor, House Speaker and Senate President Pro-tem. (74 O.S. § 166.2)

Services to the Public

- Vocational Rehabilitation Division
- Visual Services Division
- SSDI Disability Determination Division
- Oklahoma Library for the Blind and Physically Handicapped
- Oklahoma School for the Blind
- Oklahoma School for the Deaf

Vocational Rehabilitation

- Rehabilitation Act of 1973, as Amended
 - Title I: Vocational Rehabilitation Services
 - Title II: Research and Training
 - Title III: Special Federal Responsibilities
 - Title IV: Administrative and Program and Project Evaluation
 - Title V: Miscellaneous
 - Title VI: Supported Employment
 - Title VII: Independent Living Services

Purpose

- Disability is a natural part of the human experience and does not diminish the right of an individual to live independently, make choices, contribute to society, and enjoy full inclusion in the economic, political, social, cultural and educational mainstream of American society. 29 U.S.C. § 701(a).

Amendments

- The Workforce Investment Act and Rehabilitation Act Amendments of 1998 combined vocational rehabilitation with other federally supported job training programs to provide a "one-stop delivery system" for individuals needing help in securing employment and to also facilitate the sharing of employment resources.
- The Workforce Innovation and Opportunity Act and Rehabilitation Act Amendments of 2014 is designed to further streamline and improve the coordination of employment and training services across federal agencies and strengthen collaboration with state and local partners.

DRS Programs

- Title I: Vocational Rehabilitation Services
- Title VI: Supported Employment Services
- Title VII: Independent Living Services

Title I: VR Services, Purpose

- Assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for and engage in gainful employment. 29 U.S.C. § 720(a)(2)(B).

Eligibility

- Physical or mental impairment which is a
- Substantial impediment to employment that
- Require vocational rehabilitation services and
- The applicant can benefit from the services in terms of an employment outcome (presumed). 34 C.F.R. § 361.42(a).

Individual Client Services

- . . . any services described in an individualized plan for employment necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual. 29 U.S.C. § 723(a).

Individual Client Services

- assessment for determining eligibility and vocational rehabilitation needs
- counseling and guidance, including information and support services to assist an individual in exercising informed choice
- referral and other services to secure needed services from other agencies through agreements

Individual Client Services

- job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services
- vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials

Individual Client Services

- diagnosis and treatment of physical and mental impairments if funds are not available from any individual's insurance or comparable benefits from other sources.
- maintenance for additional costs for vocational rehabilitation needs or while receiving services under an individualized plan for employment

Individual Client Services

- on-the-job or other related personal assistance services
- interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind

Individual Client Services

- rehabilitation teaching services, and orientation and mobility services, for individuals who are blind
- occupational licenses, tools, equipment, and initial stocks and supplies
- technical assistance and other consultation services to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome

Individual Client Services

- rehabilitation technology, including telecommunications, sensory, and other technological aids and devices
- transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment
- supported employment services

Individual client services

- customized employment;
- encouraging qualified individuals who are eligible to receive services to pursue advanced training in a science, technology, engineering, or mathematics (including computer science) field, medicine, law, or business;

Individual Client Services

- services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome
- specific post-employment services necessary to assist an individual with a disability to, retain, regain, or advance in employment
- 29 U.S.C § 723(a)(1-20); 34 C.F.R. § 361.48

Post-Employment Services

- one or more of the identified services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. 34 C.F.R. § 361.5(b)(42). [USDE NPRM to be renumbered as 361.5(c)(41).]

Post-Employment Services

- Any vocational rehabilitation service or combination of services necessary to assist the individual retain, regain, or advance in employment may be provided if the service(s) does not involve a complex or comprehensive effort. If comprehensive services are indicated, a new application is taken. Federal regulations forbid the setting of arbitrary time limits on the provision of post-employment services. If the client has been employed for a long period of time, the counselor must carefully review the client's situation before making the decision to provide post-employment services as opposed to opening a new case. O.A.C. 612:10-7-62(a).

Ask the Program Experts

- Doug Boone, Division Administrator, Division of Visual Services.
- Mark Kinnison, Division Administrator, Division of Vocational Rehabilitation.