# Vocational Rehabilitation Services Manual Section C-100

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## Notes on the Manual

On October 1, 2017, Texas Workforce Commission’s Blind Services Division and Rehabilitation Services Division combined to create a single designated state unit (DSU) to administer the vocational rehabilitation program for Texans with disabilities.

The combined Vocational Rehabilitation Services Manual (VRSM) was initially published on October 1, 2017. The latest update to this manual is reflected in the chapters below.

Please note that VRSM includes links to information that is intended to provide additional decision-making supports to VR staff. Some of this information may not be available to individuals who are accessing the VRSM outside of TWC's firewall. Copies of materials that cannot be accessed directly through links can be made available upon request.

Substantive revisions to the content are noted in the VRSM List of Revisions. Any printed versions may not contain the latest policy changes.

If you have any questions about VRSM content, please contact the TWC Vocational Rehabilitation Division Policy Team at state office by sending an email message to vrsm.support@twc.texas.gov.

## Manual Overview

The VR Services Manual:

* helps ensure VR customers receive quality services to assist them in achieving successful competitive integrated employment outcomes as a result of their participation in vocational rehabilitation services.;
* helps to ensure taxpayer funds are spent wisely and each purchase paid for with public funds represents full value to the taxpayer; and
* provides published policies and procedures for maintaining compliance with federal and state laws, statutes, and rules or regulations.

The latest update to this manual is reflected in the chapters below. Any printed versions may not contain the latest policy changes.

# Vocational Rehabilitation Services Manual C-100: Counseling and Guidance

## Introduction

Within vocational rehabilitation (VR), Counseling and Guidance (C&G) is a substantial service provided to all individuals who have applied for or been determined eligible by Texas Workforce Commission–Vocational Rehabilitation (TWC-VR).

For more information about the definition of "substantial service," see VRSM B-601: Closing a VR Case.

C&G is short-term, problem-centered counseling provided by a VR counselor that focuses on helping the customer achieve competitive integrated employment, which includes information and support services to help the customer make informed choices.

C&G is provided throughout the life of the case for all customers as a part of both Pre-Employment Transition Services (Pre-ETS) and traditional VR.

For more information about Pre-ETS, see VRSM C-1300: Transition Services for Students and Youth with Disabilities.

## C-101: Legal Authorization

C&G is recognized in federal law as an integral component to the delivery of VR services. Federal law requires that, as appropriate to the VR needs of each individual, and consistent with the customer's individualized plan for employment (IPE), TWC-VR must ensure that certain VR services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in, or regaining an employment outcome that must be consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. C&G is one of these required VR services. (34 CFR §361.48(b)(3))

Federal regulations also establish a number of points during the life of a VR case at which C&G must be provided. For example, §§361.48(a)(2)(i) and 361.48(a)(2)(iii) of Title 34 of the Code of Federal Regulations (CFR) designate job exploration counseling and counseling on transition or postsecondary educational programs as required activities that must be provided as part of Pre-ETS:

"Scope of vocational rehabilitation services for individuals with disabilities.

(a) Pre-employment transition services. Each State must ensure that the designated State unit, in collaboration with the local educational agencies involved, provide, or arrange for the provision of, pre-employment transition services for all students with disabilities, as defined in §361.5(c)(51), in need of such services, without regard to the type of disability, from Federal funds reserved in accordance with §361.65, and any funds made available from State, local, or private funding sources. Funds reserved and made available may be used for the required, authorized, and pre-employment transition coordination activities under paragraphs (2), (3) and (4) of this section.

…

(2) Required activities. The designated State unit must provide the following pre-employment transition services:

(i) Job exploration counseling;

…

(iii) Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education"

As a specifically required service that must be made available to VR customers, 34 CFR §361.53(b)(2) makes C&G exempt from a determination of the availability of comparable services and benefits applicable to other types of VR services:

"(ii) The following vocational rehabilitation services described in CFR §361.48(b) are exempt from a determination of the availability of comparable services and benefits under paragraph (a) of this section:

…

(2) Counseling and guidance, including information and support services to assist an individual in exercising informed choice."

TWC-VR's C&G is provided only by a VR counselor who is an employee of TWC-VR. C&G is recognized under federal law as a staff skill directly relevant to the VR counselor's obligation to "ensure that personnel have a 21st-century understanding of the evolving labor force and the needs of individuals with disabilities." Specifically, 34 CFR §361.18(c)(2)(ii) explains:

"Ensuring that personnel have a 21st-century understanding of the evolving labor force and the needs of individuals with disabilities means that personnel have specialized training and experience that enables them to work effectively with individuals with disabilities to assist them to achieve competitive integrated employment and with employers who hire such individuals. Relevant personnel skills include, but are not limited to—

…

(C) Counseling and guidance skills, including individual and group counseling and career guidance; §361.18."

For more information about the required qualifications of VR counselors who work for TWC-VR and about the Comprehensive System of Personnel Development (CSPD), see TWC rules at 40 Texas Administrative Code Chapter 850, Subchapter A, §850.11, Qualified Vocational Rehabilitation Counselor.

As described in the Commission on Rehabilitation Counselor Certification (CRCC) [Code of Professional Ethics for Rehabilitation Counselors](https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf), VR counselors "practice only within the boundaries of their competence, based on their education, training, supervised experience, professional credentials, and appropriate professional experience." C&G within TWC-VR is not viewed as psychological therapy or treatment; customers who need more intensive therapy or treatment must be referred to an appropriate resource, such as the local mental health authority.

## C-102: Individualized Plan for Employment Requirement

C&G is a core VR service and must be included in the customer's IPE as a specific service that is provided by TWS-VR. Only VR counselors or VR staff who are serving as a VR counselor (such as VR Supervisors, VR Managers, or program specialists) can provide C&G. At the time of IPE development, Counseling and Guidance is provided and must be documented in a C&G case note within 7 calendar days of completing the IPE.

### C-102-1: Frequency of Counseling and Guidance

In addition to including counseling and guidance (C&G) as a specific service on the IPE, the frequency of C&G is captured on the IPE and individualized to meet the customer’s needs. C&G frequency may change as needed throughout the life of the case. If C&G frequency changes from a lower number of days to a higher (less frequent) number of days, an IPE amendment is required. If C&G frequency changes from a higher number of days to a lower (more frequent) number of days, an IPE amendment is not required.

For example, if the frequency of C&G on the IPE is identified as 60 days, but the customer needs weekly C&G for a period of time, then C&G may be provided weekly and the IPE does not need to be changed, because this is within the minimum threshold of the timeframe indicated on the IPE.

The minimum frequency of C&G with the customer must be clearly explained in the comprehensive assessment, included on the customer's IPE, and individualized to meet the customer’s needs, and it must not exceed 180 days. C&G must be provided, at a minimum, at the frequency agreed to by the VR counselor and customer as indicated on the customer’s IPE. Although a case note may be entered that C&G was attempted, using the ReHabWorks drop-down Attempt to Complete C&G selection, C&G must still be completed at the frequency indicated on the IPE in order for the case to be compliant. However, VR counselors should indicate when they have attempted to provide C&G but were unable to do so.

For more information on documenting C&G or Attempt to Complete C&G, refer to VRSM E-300: Case Note Requirements.

### C-102-2: Non-Counseling and Guidance Contacts

Substantive customer contacts that are not C&G may be made by any TWC VR staff member. These contacts are made as often as necessary to advance the customer's program of services. The contacts are documented in RHW with the appropriate case note topic heading. These non-C&G contacts meet the requirement for maintaining the frequency of contact that is identified on the IPE, but they do not meet the 180-day requirement for C&G. For frequency of contact, refer to VRSM B-504-9: Frequency of Contact.

## C-103: Communication Strategies

C&G may be provided in person, by phone, and/or through secure electronic communications.

The VR counselor is expected to communicate in ways that are developmentally, cognitively, functionally, and culturally appropriate for the customer. This can include the use of translators, interpreters, and other forms of communication assistance. Refer to VRSM C-300: Communication Services for more information.

The VR counselor must ensure that all communication with the customer remains confidential and is conducted within the requirements outlined in VRSM A-200: Customer Rights and Legal Issues.

## C-104: Documentation Requirement

C&G services must be documented in a case note or series of case notes with the topic heading "Counseling and Guidance" in RHW. The documentation must be done in a timely manner to ensure that an accurate and complete record of services is maintained. The number and frequency of C&G sessions are tracked as a federal reporting requirement.

These case notes must include:

* topics related to the impediments to employment, IPE, and/or participation in VR services;
* strategies for resolution of the issues to include description of decision-making processes involved;
* the customer's participation in the resolution;
* the customer's reaction; and
* actions required of the customer or VR counselor.

### C-104-1: Counseling and Guidance as a Substantial Service

C&G is considered a substantial service when the VR counselor addresses one or more of the following topics and there is documented evidence that the topic had a substantial impact on the outcome of the case.

The VR counselor:

* helps the customer understand his or her strengths and limitations in relation to his or her disability and impediments to employment;
* explores with the customer transferable skills and how they might be applied to overcome impediments to employment;
* helps the customer select and/or maintain a competitive integrated employment goal by providing information that allows the customer to make appropriate informed choices;
* maximizes the customer's self-awareness regarding barriers to productivity and possible reasonable accommodations at the customer's place of employment;
* helps the customer develop the self-advocacy skills needed for taking responsibility for continued career success; and
* provides the customer with information about relevant support services and facilitates access to those services for continued success in employment.

For more information about the definition of "substantial service," see VRSM B-601: Closing a VR Case.

### C-104-2: Closing a Counseling and Guidance-Only Case

C&G must be provided and documented as a service in all VR cases, along with all other substantial services that influenced the outcome of the case. In some cases, C&G might be the only substantial service that the customer needs to achieve a competitive integrated employment outcome.

If C&G is the only substantial VR service provided to the customer and the case meets the other criteria for a successful closure, the case can be closed successfully.

For more information about successful closure requirements, see VRSM B-600: Closure.

## C-105: Essential Aspects of Counseling and Guidance

The essential aspects of C&G include, but are not limited to:

* developing rapport with the customer;
* keeping the customer engaged in the VR process;
* continually assessing the customer's progress throughout the VR process;
* identifying the rehabilitation needs and providing information to meet those needs;
* helping the customer develop compensatory strategies to reach a successful outcome;
* addressing issues as they arise;
* helping the customer learn about the options and resources available for achieving success; and
* helping the customer develop an IPE.

### C-105-1: Counseling and Guidance Techniques and Modalities

The [Code of Professional Ethics for Rehabilitation Counselors](https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf) offers the following information about C&G techniques and modalities.

The specific techniques and modalities utilized within the rehabilitation counseling process may include, but are not limited to:

* assessment and appraisal;
* diagnosis and treatment planning;
* career (vocational) counseling;
* individual and group counseling treatment interventions focused on facilitating adjustments to the medical and psychosocial impact of disability;
* case management, referral, and service coordination;
* program evaluation and research;
* interventions to remove environmental, employment, and attitudinal barriers;
* consultation services among multiple parties and regulatory systems;
* job analysis, job development, and placement services, including assistance with employment and job accommodations; and
* provision of consultation about and access to rehabilitation technology.

### C-105-2: Counseling and Guidance Topics

C&G includes helping the customer to:

* understand his or her disability and related impediments to employment;
* understand physical and mental restoration procedures;
* get accurate information to make an informed choice;
* make informed choices from among alternative employment goals, objectives, services, and service providers;
* identify strengths on which to capitalize to achieve the vocational goal;
* identify and use transferable skills;
* acquire new skills;
* develop a realistic action plan to address a problem;
* use rehabilitation technology;
* develop residual capabilities;
* understand work requirements, the work environment, and/or work culture;
* identify and use community resources and relevant support services;
* resolve barriers affecting the employment outcome, such as transportation issues, child care issues, or family issues;
* modify his or her attitudes and behaviors;
* develop self-advocacy skills;
* cope successfully with on-the-job stressors;
* explore occupational and labor market information;
* disclose his or her disability;
* stay employed; and/or
* make progress toward the employment goal.

### C-105-3: Counseling and Guidance Ethics

For more information about C&G ethics and the role of the VR counselor, refer to the [Code of Professional Ethics for Rehabilitation Counselors](https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf).

### C-105-4: Counseling and Guidance Based on Gender Expression and Identity

Requirements related to the prohibitions on discrimination in the workforce development system are described in [U.S. Department of Labor Employment and Training Administration](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7158), [Training and Employment Guidance Letter No. 27-14](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7158), issued April 15, 2015.

The VR counselor must not counsel or encourage a customer to change his or her gender presentation in order to find work. The VR counselor must acknowledge the gender identity and work toward removing any barriers that may have a negative impact on employment opportunities.

#### Names and Pronouns

VR staff must always refer to each customer by the name and the gender-specific pronoun the individual prefers (for example, he, his, him, she, hers, her, they, them, theirs). If staff members do not know an individual's pronoun preference, they may ask tactfully and respectfully. Continued intentional misuse of a customer's name and pronouns may breach the individual's privacy, put the individual at risk of harm and, in some circumstances, constitute harassment.