



Title:	<b>VR Case Handling Regarding Nepotism, Employee Anonymity, and Personal Relationships</b>
Policy #:	<b>80-VR-03</b>
Legal Reference:	ORC §3304.15
Date:	May 6, 2019
Approved:	Kevin L. Miller, Executive Director 
Origin:	Bureau of Vocational Rehabilitation and Bureau of Services for the Visually Impaired
Supersedes:	VRP-0305 (09/14/07)
History:	N/A
Review/Implementation	Begin Review – 11/02/20 Implement Revisions By – 05/03/21

**I. AUTHORITY**

This policy, and if necessary subsequent procedures, are issued in compliance with Ohio Revised Code (ORC) §3304.15 which establishes the power and authority of the Opportunities for Ohioans with Disabilities (OOD) and its Executive Director to develop all necessary rules, policy and procedure in furtherance of its statutory duties.

**II. PURPOSE**

The purpose of this policy is to provide guidelines for impartial, fair and equitable handling of cases when the individual applying or receiving services is a VR Staff or VR Contractor or a relative, significant other or close acquaintance of a VR Staff or VR Contractor in accordance with appropriate federal (e.g. Code of Federal Regulations [CFR]) and state law (i.e. Ohio Revised Code [ORC], Ohio Administrative Code [OAC]), Governor directives and executive orders, other governing agency (e.g. DAS, OBM) policy or guidance, and/or Executive Director expectations.

**III. APPLICABILITY**

This policy applies to VR Staff and VR Contractors.

**IV. DEFINITIONS**

Refer to “Vocational Rehabilitation Definitions” (80-VR-99.A).

Acquaintance – a person whom an employee knows and for which the relationship could lead to the appearance of impropriety if the employee took action on his/her case (extended family members, friends).

Relative - an employee’s spouse, parents, children, step-children, siblings, grandparents, grandchildren, in-laws (including mother, father, sister, and brother of spouse), aunts, uncles, cousins, nieces, nephews, or a legal guardian.

Significant Other – a person with whom an employee has a personal relationship and with whom, if discovered, the employee could be perceived to have a self-interest thereby creating the potential for the appearance of impropriety (e.g. life partner, boyfriend, girlfriend).

## V. POLICY

### A. General

1. OOD shall provide information to individuals and if applicable, their parent or legal guardian, throughout the Vocational Rehabilitation (VR) process as required by law (e.g. rights and duties). This information shall be provided, in writing, and when appropriate, in the individual's native language or through an appropriate mode of communication.
2. AWARE shall be updated with pertinent conversations, recommendations, justifications, approvals and/or other actions taken in relation to this policy.
  - a. If supervisory or management approval is required during the VR process, VR Staff or VR Contractor shall, via a "Custom Activity Due" in AWARE, request approval which shall include a written justification.
  - b. The supervisor or manager shall consider the VR Staff or VR Contractors' justification and document his/her approval or denial within the "Activity Due" as detailed below.
    - i. If approval is based on the written justification, the supervisor/manager shall enter "Approved" in the "Comments" and change the activity status to "Completed."
    - ii. If approval is based on the written justification but additional conditions/requirements need to be addressed before VR Staff or VR Contractor can take action on the approval; the supervisor or manager shall enter "Approved with Conditions" and document the conditions/requirements in the "Comments" and change the activity status to "Completed."
    - iii. If denied, the supervisor or manager does not agree with the justification, he/she shall enter the words "Request Denied," and document the reason(s) for denial in the "Comments" and change the activity status to "Completed."
3. If any VR Staff or VR Contractors are a Certified Rehabilitation Counselor (CRC-certified) and will be directly involved with an individual's case, he/she shall complete the "Professional Disclosure Statement" (80-VR-01.E).
  - a. VR Staff or VR Contractors who are not a Certified Rehabilitation Counselor (CRC) are exempt from this requirement.
  - b. Once completed, the "Professional Disclosure Statement" shall be reviewed and signed by the individual and, if applicable, his/her parent or legal guardian, and the CRC-certified VR Staff or VR Contractor.
    - i. Once signed, the statement shall be scanned into the AWARE Participant Module, as a Case Note, with the category "Professional Disclosure Statement" and summary title "Signed."

4. If, at any time during the VR process, an individual, or if applicable, his/her parent or legal guardian, wishes for someone other than his/her parent or legal guardian to take part in any step of the process or if additional records and/or assessments are needed (e.g. medical records), a "Consent and Release of Information" form (80-VR-01.G) must be completed and signed for each person/entity and submitted to OOD.
  - a. If, at any time during the VR process, an individual, or if applicable, his/her parent or legal guardian, wishes to withdrawal consent from any person or entity listed on his/her application or a completed consent, a "Withdrawal of Consent" form (80-VR-01.H) must be completed, signed and submitted to OOD.

#### B. Standards and Requirements

1. An individual shall receive fair, impartial, and equitable service in the handling of his/her case.
2. In order to negate the impropriety or the appearance of impropriety, VR Staff and VR Contractors shall handle all VR cases adhering to the strictest and highest ethical standards which comply with the Ohio Ethics Commission, the Code of Professional Ethics for Rehabilitation Counselors and Professional Counselors, and any and all applicable laws, policies and guidelines.
3. A VR Staff and VR Contractor shall notify, immediately, his/her supervisor, in writing, of any known individual, including him/herself, who is applying for or receiving VR services that may be an acquaintance, relative, or significant other.
  - a. The supervisor shall immediately restrict access to the individual's case record to ensure the OOD Staff or VR Contractor does not access to view the case in AWARE.
4. The supervisor shall consult with the area manager to determine if additional restrictions shall be placed on who shall have access to the individual's case in AWARE. Anytime an OOD Staff member or VR Contractor is referred for VR services, the OOD Regional Manager responsible for that region of the state shall be notified immediately to determine the case handling necessary to protect the anonymity of that individual.
5. VR Staff and VR Contractors shall not handle, or have access to, a case, which pertains to him/herself, the case of an acquaintance, relative, or significant other.
6. No case personally involving the application and/or receipt of services by a VR Staff or VR Contractor or a relative, significant other or acquaintance of a VR Staff or VR Contractor shall receive preferential or special treatment.

#### C. Violation

An employee who violates this policy may be subject to discipline up to and including removal.

### FORMS AND ATTACHMENTS

- N/A

## **RESOURCES**

- Professional Disclosure Statement (80-VR-01.E)
- Consent to Obtain and Release Information (80-VR-01.G)

## **FUNDING**

Programs provided by the Opportunities for Ohioans with Disabilities are funded, in whole or in part, with federal grants awarded by the U.S. Department of Education (DOE) or the U.S. Department of Health and Human Services (HHS).

For purposes of the Vocational Rehabilitation (VR) Program, including Pre-Employment Transition Services (Pre-ETS), OOD received 78.7% of its funding through the DOE VR grant. In Federal fiscal year (FFY) 2018, OOD received \$100,336,097 in federal funds. Funds appropriated by the State covered 21.3 % of the total costs, or \$27,155,767. Of these federal funds, \$15,050,415 is set aside for Pre-ETS.

For purposes of the Supported Employment Program, the DOE VR grant funded 100% of the costs for the Supported Employment for Youth with a Disability Program. In FFY 2018, OOD received \$303,725. The grant also funded 95% of the Supported Employment Program (non-Youth). In FFY 2018, OOD received \$303,725 and the State appropriated funds paid the remaining 5% or \$33,747 of the total costs.

## **REVIEW**

It is the responsibility of the Deputy Director, or designee, to review this policy, on or before, the date listed in the header and if applicable, make any necessary revisions. The Deputy Director, or designee, shall document the review as required in "Policy and Procedure Development, Review, Dissemination and Acknowledgement" (10-ADM-01).