

Comment to be submitted to the Workforce Training and Education Coordination Board by the  
Michigan Rehabilitation Association

June 8, 2015

Re: Docket ID ED-2015-OSERS-0001

Title IV of WIOA proposes changes to State Vocational Rehabilitation Services section 361.18 that are viewed as detrimental to the professional level of practice required to work with and provide counseling for individual with severe disability with respect to a return to work.

The previous regulation 361.18 detailed that the designated state unit was required to establish a comprehensive system of personal development (CSPD) that was based on either a National or State licensing or certification standard. This rightfully put the responsibility of the DSU to employ individuals who were fully trained to perform the duties as assigned. Specific to this understanding, a Rehabilitation Counselor is a professionally trained counselor who possesses the knowledge and legal basis to counsel individuals with disabilities.

The proposed regulation changes to 361.18 detail that VR personnel have a *21<sup>st</sup> century understanding of the labor force and needs of individuals with disabilities*. This statement holds very little meaning as there is no means by which to measure an individual's possession or ability to provide services to a '21<sup>st</sup> century understanding'. While there are examples to provide context of what a '21<sup>st</sup> century understanding' means, it is certain that the standards of measure for denoting if a person is appropriately knowledgeable to perform the job of a VR counselor, will be highly susceptible to gross interpretation likely leading to further degradation of the level of expertise and professionalism our clients and community partners have come to expect.

Within the proposed regulations to 361.18 it is stated in (c) **Personnel standards**. *“(1) The vocational rehabilitation services portion of the Unified or Combined State Plan must include the State agency’s policies and describe— (i) Standards that are consistent with any national or State-approved or recognized certification, licensing, or registration requirements, or, in the absence of these requirements, other comparable requirements (including State personnel requirements) that apply to the profession or discipline in which that category of personnel is providing vocational rehabilitation services;”*. While the intent of this language may be positive, it will potentially serve to weaken the skill level of practitioners utilized to provide core counseling responsibilities. As a potential example, Section (i) establishes the notion that the DSU might alter the job title or *category of personnel*, thus allowing for reduced qualifications of practitioners. In place of the Masters level counselor or job title of Rehabilitation Counselor, there may evolve the job title of Case Manager or certified case managers, thus eliminating the specific training necessary to effectively work with individuals with disabilities at

an individual counseling level. The sanctity of the professional relationship between counselor and customer must be preserved and engaged in by professionals who are credentialed to do so. Any action that weakens this inherent value will be detrimental to the service provision of individuals with disabilities.

Yet further erosion of the professional status of the practitioner responsible for determination, evaluation and accommodations necessary for return to work, who also coordinates all of the services for an customer with a disability, yet also serves as counselor and retains the expertise necessary to effectively work with individuals with disabilities, is evident in the proposed regulations that serve to reduce overall credentialing. The proposed regulations as outlined in **361.18 (ii)(A)(I)** indicate the following:

*“(1) Attainment of a baccalaureate degree in a field of study reasonably related to vocational rehabilitation, to indicate a level of competency and skill demonstrating basic preparation in a field of study such as vocational rehabilitation counseling, social work, psychology, disability studies, business administration, human resources, special education, supported employment, customized employment, economics, or another field that reasonably prepares individuals to work with consumers and employers; and*

*(2) Demonstrated paid or unpaid experience, for not less than one year, consisting of—*

*(i) Direct work with individuals with disabilities in a setting such as an independent living center;*

*(ii) Direct service or advocacy activities that provide such individual with experience and skills in working with individuals with disabilities; or*

*(iii) Direct experience in competitive integrated employment environments as an employer, as a small business owner or operator, or in self-employment, or other experience in human resources or recruitment, or experience in supervising employees, training, or other activities; or*

*(B) Attainment of a master’s or doctoral degree in a field of study such as vocational rehabilitation counseling, law, social work, psychology, disability studies, business administration, human resources, special education, management, public administration, or another field that reasonably provides competence in the employment sector, in a disability field, or in both business related and rehabilitation-related fields;”*

The above language again serves as a guideline to promote the de-professionalization of the expertise level associated with Rehabilitation Counseling and the professional provision of qualified services for individuals with disabilities. An individual with a bachelor degree, some related work experience or volunteer work is by no means a comparison to a Masters level graduate who is a qualified counselor licensed to practice counseling. Allowing for all of the progress made in assuring professional services for individuals with disabilities to effectively be reduced in such a manner should be viewed as irresponsible. The potential for DSU’s to alter job descriptions and reduce the utilization of qualified personnel is appalling and needs to be revisited.