

Section 3 - Comparable Services and Benefits

Guidance

In order to maximize the use of BRS services available to consumers, resources other than BRS funds must be used to the greatest extent possible. Staff are therefore responsible for knowing of available alternative resources and collaborating with other agencies and organizations. Consumers are responsible for applying for or otherwise accessing known resources.

Legal Requirements

A. Definition –

Comparable benefits are defined as services and benefits that are:

1. provided or paid for, in whole or in part, by other federal, state or local public agencies, by health insurance, or by employee benefits;
2. available to the individual at the time needed to achieve the *employment outcome** in the Employment Plan; and
3. *commensurate** to the services that the individual would otherwise receive from BRS.

The Bureau interprets “employee benefits” to include all benefits available to the consumer through the employer, including but not limited to, accommodations available through the employer under the ADA.

B. Covered Services

All vocational rehabilitation services, except as described in section C (below), are subject to consideration of *comparable services and benefits**.

C. Exemptions/Qualifications

1. The following services are exempt from consideration of *comparable services and benefits**:
 - a. Assessment for determining eligibility and vocational rehabilitation needs.
 - b. Counseling and guidance including information and support services to assist an individual in exercising informed choice.

- c. Referral and other services to secure needed services from other agencies, including other components of the statewide workforce investment system, if those services are not available under this part.
 - d. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
 - e. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.
 - f. Post-employment services consisting of the services a – e listed under this section.
2. BRS may elect to use *comparable services and benefits** for the following services, if BRS determines that these resources are readily available at the time the service is needed to accomplish the *employment outcome**:
- a. job placement;
 - b. *rehabilitation technology** services
3. BRS must determine whether *comparable services and benefits** are available under any other program, unless making this determination would:
- a. interrupt or delay the progress of the individual toward achieving the *employment outcome** in the Employment Plan;
 - b. interrupt an immediate job placement; or
 - c. put the consumer at *extreme medical risk**.

D. Use of Comparable Services and Benefits

If *comparable services or benefits** are available to the consumer at the time needed to ensure the progress of the individual toward achieving the *employment outcome**, BRS must use these services/benefits to meet, in whole or part, the cost of *vocational rehabilitation services**.

E. Interim Use of BRS Funds Pending Availability of Comparable Benefits and Services

If *comparable services or benefits** exist under any other program, but are not available to the consumer at the time needed to ensure the progress of the consumer toward achieving the *employment outcome** in the Employment Plan, BRS must provide the services until those *comparable services** become available.

The fact that a *comparable benefit or service** is not immediately available does not circumvent the need for the consumer to apply for or the Bureau to utilize these other resources. Both the consumer and Bureau have the obligation to pursue and utilize *comparable services and benefits** as soon as they become available.

F. Consumer Responsibility

The consumer has the obligation to cooperate in applying for or otherwise securing *comparable benefits and services**, benefits available as a legal right under state or federal law or other resources that may be necessary in order to achieve the *employment outcome**. BRS may deny approval of an Employment Plan when a consumer fails to cooperate with securing these benefits that are expected to be available for services within the Plan.

For further information about *comparable services and benefits**, see also:
Section 4(a) (Training Services)
Section 4(b) (Physical and Mental Restoration Services)