

Vocational Rehabilitation Information

The primary objective of vocational rehabilitation is the restoration of the injured worker to suitable work.

Vermont Statute 21 VSA §641 requires employers to provide vocational rehabilitation services to any injured worker when, they are unable to return to suitable employment because of their work injury.

It is the responsibility of each employer or adjuster to initiate the vocational rehabilitation process.

Vocational Rehabilitation (VR) refers to the services and benefits that can assist an injured worker in returning to suitable work. This overview is intended to explain **when** an injured worker is entitled, **what** kinds of services are provided and explain **how** the vocational rehabilitation process works.

When An Injured Worker is entitled to VR

VR benefits are not provided to all injured workers.

An injured worker may be identified and referred for VR one of two ways:

1. The work injury has disabled them from work for 90 days; *or*
2. They are otherwise identified as being unable to return to suitable employment.

If either of these developments has occurred and the insurance adjuster has not referred the injured worker for a vocational rehabilitation screening, then the injured worker may contact the adjuster or the department to request a screening.

Screening

Once a referral for screening has been made the insurance adjuster will forward the injured worker's complete medical record to the Division of Vocational Rehabilitation, so the screening can be completed.

An independent vocational rehabilitation screener will contact the injured employee and the injured employee's employer, and then they'll review the medical records. The screener will then decide if a full entitlement assessment should be done, or if the injured employee is able to return to the type of employment that matches their training and experience.

Entitlement Assessment

The first step in the VR process is the Entitlement Assessment. A VR Counselor reviews the worker's vocational profile (i.e. work history and experience) and medical status and interviews the injured worker, then issues a written report containing their assessment.

If the worker is unable to return to suitable work they have previous training or experience in, then they are found "Entitled" and the Counselor proceeds to work with the injured worker to develop a return to work (vocational) plan.

Suitable Work

Several VR determinations focus upon “suitable work.”

This refers to work which the individual has the **necessary physical capacities, knowledge, skills and abilities to perform.**

The work should also be located where the worker customarily worked, or within a reasonable commute.

The pay goal is as close to the injured worker’s pre-injury average weekly wage as is reasonable.

The Vocational Return to Work Plan

Once Entitlement is established, the counselor works collaboratively with the injured worker and the insurance adjuster to develop a vocational plan, (also known as Return to Work Plan).

Vermont requires adherence to the following hierarchy, in descending order of preference, in developing a Return to Work plan:

1. Return to the same employer in a modified/different job requiring VR services
2. Return to a different employer in a modified/different job requiring VR services
3. On-the-job training
4. New skill training or retraining
5. Educational or academic program
6. Self-employment

The Return to Work plan is individually tailored to assist the injured worker in returning to suitable employment. The plan must identify a job goal, milestones to complete the goal, costs, duration and party responsibilities.

The counselor must indicate the reasons why the plan is developed, and all plans require signed party agreement and department approval.

VR Choice

The employer (or insurance carrier) may select the initial VR counselor. The injured worker has a right to change counselors if they are not satisfied with the one selected for them. The worker must file a Form VR 8 ([Change of Counselor Form \[PDF\]](#)) requesting a change in counselors. The injured worker can only change counselors once during the vocational rehabilitation process.

The list of Vermont Certified Vocational Rehabilitation Counselors is available in Adobe format by clicking here: [List of Certified Counselors \[PDF\]](#). If the employer (or insurance carrier) does not provide the injured worker with a screening after request or identification then the injured worker can choose their own counselor to provide the entitlement assessment.

Withdrawal or Termination

An injured worker may voluntarily withdraw from the VR process. They should indicate their desire to withdraw in writing. VR services may also be suspended or terminated if an injured worker does not cooperate or fulfill their obligations in the VR process. Such action requires documentation from the VR counselor.

Disputed Issues

If either the injured worker or the insurance carrier disagrees over a VR matter, such as a screening result, an entitlement decision, formulation of the VR Plan, or termination of VR, they should first contact the opposing party and attempt resolution. The parties may resolve the matter between themselves.

If a disputed matter is not resolved, either party may write to the Department and request a conference for discussion, mediation and hopeful resolution. As with all workers' compensation matters, any party may request that the disputed issue be addressed at a Formal Hearing.

VR Counselors

All VR Counselors must be certified by the department. Certification requires a Master's degree in Counseling or Rehabilitation Counseling and work experience in the Vermont workers' compensation system. VR Counselors are professionals in their field and their work and opinions may be relied upon by the Department in vocational rehabilitation matters.