



COLORADO
Department of
Labor and Employment
Division of Vocational Rehabilitation

Empowering Employment and Independence
DVR.COLORADO.GOV

DVR SERVICES Handbook

Welcome to the Division of Vocational Rehabilitation (DVR)

As Colorado's leading placement organization for people with disabilities, we work with people with disabilities, employers, vendors and community partners across the state to connect job seekers with meaningful employment. By building strong relationships with individuals with disabilities, employers, and vendors we can strengthen local economies and communities and ensure everyone can reach their employment potential.

You have been provided this handbook because you have expressed an interest in applying for services. This handbook contains important information to help you get started with DVR. Please retain this handbook throughout your work with DVR, so that you can reference it throughout the vocational rehabilitation process.



About DVR

We help individuals with disabilities prepare for, secure, retain, advance in or regain employment by providing a range of services based on their individual employment needs and goals. Rehabilitation Counselors work closely with eligible individuals to determine a specific and individualized plan for employment that allows the people we serve to work in engaging and inclusive working environments. DVR is a trusted partner in helping our job seekers find meaningful employment that empowers individuals with disabilities to live purposeful, independent lives.



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DVR Contact Information

You will be assigned a rehabilitation counselor to work with. If your counselor is not available for a long period of time or changes jobs, you will be given information about another DVR counselor who will work with you so that your program with DVR may continue. The supervisor below can help assign your case to someone else when appropriate, in addition to helping guide you during an appeal (see Appeal Rights).

Counselor's Name: _____

Counselor's Phone Number: _____

Office Address: _____

Degrees/Certifications: _____

Years of Experience: _____

Supervisor's Name: _____

Supervisor's Phone Number: _____

DVR is interested in receiving feedback about your experiences with our agency. At any time during the process, please feel free to give us your input by contacting your local office or visiting this address:

surveymonkey.com/r/5779VYB

DETERMINING Eligibility

You Must Meet These Criteria

If you are interested in receiving assistance from DVR, you must both apply for and be determined eligible for the program. To be eligible for services, you must meet these criteria:



You must have a documentable disability – such as a physical, mental, or learning disability



Your disability must create problems with you getting, doing, keeping, or advancing in a job



You must need our services in order to work successfully

If you are eligible for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI), you are presumed to be eligible for DVR services, if you plan to go to work. If your DVR Counselor questions whether or not your disability may make it difficult to benefit from employment services, trial work experiences will be arranged with you. This will help your DVR counselor determine whether you are eligible.



AVAILABILITY of Services

Order of Selection

At times, the people DVR serves may be placed on a waiting list because of a lack of available resources to serve all eligible individuals. If you are determined eligible, you will be placed into an “order of selection” priority category.

Your priority category and DVR's resources will determine how long you will wait if there is a waiting list. People who have the most significant disabilities will be served before people with significant disabilities, and all other people with disabilities will be served after the first two groups.

People in each of these categories who applied earliest will be served before others in the same category. Your counselor determines your priority category by looking at the severity of your physical or mental impairment, the number and type of VR services you may need, and how long it will take to provide these services. If you are placed on a waiting list, your DVR counselor will help you to find and contact other community programs that may meet your employment needs sooner than DVR.



Ticket to Work

Ticket to Work is a Social Security Administration (SSA) program for those who qualify for Social Security Benefits (SSI/SSDI). If you are a Ticket holder under the Ticket to Work and Work Incentives Improvement Act (TWWIIA) and you choose to receive services from DVR under an Individualized Plan for Employment, your ticket will be considered “in use” by DVR and will not be available for assignment to another employment network until your case is closed.

If you have questions or would like more information, contact the Beneficiary Call Center at 1-866-968-7842 (If you use a TTY/TDD, please call 1-866-833-2967) or visit the website at: www.chooseworkttw.net

VOCATIONAL REHABILITATION PROCESS



Application

You will complete an application form that states you are applying for DVR services and that you intend to go to work. You will meet with a DVR staff member to discuss your medical, educational, vocational and financial experiences. We will also review your skills, abilities and rehabilitation needs. Depending on your situation, many DVR services may be provided remotely, so we will discuss your access to technology and any support you may need to engage in the vocational rehabilitation process.



Eligibility

You will sign a Release of Information form(s) so that we may obtain your existing records to document your disability (ies). If needed, additional assessments or evaluations will be scheduled at no cost to you.

Your counselor will make every effort to determine your eligibility within 60 days from the date that you apply, unless there are circumstances unique to your situation which cause a delay. During this time, a DVR staff member may provide tools and resources to help you prepare for a job and learn about career pathways.



IPE Development

Once you have been determined eligible, you and your DVR counselor will work together to identify an appropriate vocational goal and develop your Individualized Plan for Employment (IPE). The IPE will be developed within 90 days, unless more time is needed and agreed upon by you and your counselor. This plan will be individually tailored so that the services necessary to reach your goal are identified.



Service Provision

We will provide services that are necessary, appropriate and of least possible cost as mutually agreed upon in your IPE.

These services may include vocational guidance and counseling, physical and mental restoration services, job related services, specialized services for individuals who are blind, deaf and deaf-blind, rehabilitation technology, training services and supportive services.

*If you are age 15-21 and attending school, you may qualify to receive assistance with work awareness, work exploration and work preparation activities through DVR. These services will assist you to be better prepared to enter the adult world of employment as you leave school.



Employment

Obtaining suitable employment is the goal that you and your counselor will be working towards. We are successful only when you are successfully employed in competitive integrated employment. Services are provided by DVR to ensure that your employment situation is stable and likely to continue. It is very important that you stay in contact with DVR staff during this time.



Success!

Your case will remain open for at least 90 days while you are employed in a suitable job. Once you and your counselor agree that your job is stable and you are performing well, your case will be successfully closed.

INFORMED

Choice

Informed Choice

Informed choice, or making a choice with all relevant, accurate information available to you, is central to the vocational rehabilitation process. This involves making choices about your job goal, services needed to reach your goals, and who will provide these services. You share this responsibility with your counselor by identifying options and exploring the advantages and disadvantages of each option.

Your employment goal is a personal decision and it must align with your strengths, resources, priorities, concerns, abilities, capabilities, and interests. You can decide who will help you prepare your Individualized Plan for Employment (IPE).

You have the right to review your IPE at any time and to ask for changes to your planned employment goal, services, providers, and how your vocational rehabilitation services are provided.





Confidentiality

Confidentiality

Your DVR counselor needs medical and other personal information to determine if you are eligible for services. DVR is permitted to ask for this information under the Rehabilitation Act of 1973. Without this information, your DVR counselor may not be able to determine if you are eligible, and your service record may be closed. All of this information will be kept private and will be used only to support your rehabilitation program by DVR staff and other service providers directly involved in your program.

DVR will only share your information when we're legally required to do so, such as Federal reporting, if a court orders us to release it, if there is a law enforcement investigation, or if it is requested by the Social Security Administration. Information may also be shared to protect you or other people if it is determined that you pose a threat to your own safety or the safety of others. Outside of these circumstances DVR will never share information that identifies you with any other person or organization without your written permission.

DVR will keep your records and information for five years after your service record is closed and then destroy them.



A woman with a prosthetic leg is walking down a modern office hallway. She is wearing a white button-down shirt and a dark skirt. She is holding a folder or tablet under her left arm. The hallway has glass-walled offices on the left and a polished floor. The lighting is warm and comes from recessed ceiling lights. The woman is smiling and looking towards the camera.

RIGHTS &

Responsibilities

Your Rights

Throughout your program with DVR, you have certain rights:

- ✓ You have the right to be treated by DVR staff and other persons involved in your program with respect and courtesy, free of violent behavior, threats of violent behavior, or other forms of harassment.
- ✓ DVR can not discriminate against you because of your race, ethnicity, national origin, religion, type of disability, sex (including gender identity, sexual orientation and pregnancy), age, or the length of time you have lived in Colorado.
- ✓ You have the right to receive effective communication from DVR about your case, including timely and appropriate auxiliary aids and services. If you believe DVR has not provided effective communication, you may file a complaint as outlined in the appeal rights section.
- ✓ You have the right to ask for information, including copies of your individual plans and other DVR forms, in a format that you can easily use including alternate formats.
- ✓ You have the right to look at most of the information in your case record when you ask for it in writing.
- ✓ You have the right to understand how employment may result in a reduction or loss of benefits you receive, including Social Security benefits.
- ✓ If you are not satisfied with any decisions made by DVR, you have the right to appeal as described in the appeal rights section.
- ✓ At any time during your program, you may ask other people to advocate for you and to help you in discussions or appeals with your DVR counselor.



Your Responsibilities

Throughout your program with DVR, you have certain responsibilities:

- ✓ You are expected to treat DVR staff and other people involved in your program with respect and courtesy, free of violent behavior, threats of violent behavior, or other forms of harassment.
- ✓ It is your responsibility to help DVR get medical and other information necessary to determine eligibility and to decide what vocational rehabilitation services you will need.
- ✓ It is your responsibility to be on time and follow through with all appointments. When this is not possible, notify your counselor's office as soon as possible so that your appointment can be rescheduled.
- ✓ It is your responsibility to maintain contact with your DVR counselor during the rehabilitation process. If you move or change your phone number or email address, notify your DVR counselor immediately so that they can send information to the correct address or can call you if needed. Failure to maintain contact with DVR may result in case closure.
- ✓ You will be expected to follow all of the responsibilities described in any plans you develop with DVR.
- ✓ You must actively look for and accept a suitable and satisfactory job as identified on your Individualized Plan for Employment. You must also notify your DVR counselor as soon as you obtain employment.
- ✓ You agree to allow DVR to contact your employer to support and verify employment as appropriate to your situation.
- ✓ You authorize use of email and/or other electronic devices by DVR to coordinate your vocational rehabilitation services. While DVR makes every effort to protect consumer confidentiality, there are potential risks associated with electronic communications.
- ✓ DVR may need to follow-up with you for up to two years after your case is closed to gather information about any further education, credential attainment, and employment information, including earnings. You agree to provide accurate information when requested.

Your Financial Responsibilities

DVR uses public funds to provide services, so it is important that this money be used responsibly and according to DVR policy and rules. DVR uses the Financial Needs Analysis (FNA) form to identify the amount, if any, that must be contributed by you towards the cost of your vocational rehabilitation services and goods.

Some individuals and services may be exempt from financial participation. For example, a person who receives SSDI or SSI is exempt.

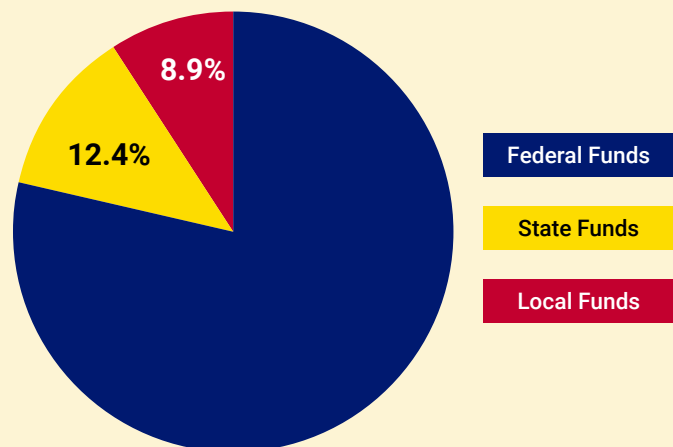
You and your DVR counselor will work together by researching options, applying for additional funding that may be available to pay for services and goods (grants, community resources, etc.), and locating vendors and prices for items and services. DVR must buy services and goods at the lowest possible cost to meet your needs and follow the DVR Policy and Fee Schedule. If you select an item or service that costs more than what DVR can pay, you will be responsible for the extra cost.

When DVR purchases goods or services for you, the following **MUST** apply:

- ✓ They must be necessary, appropriate and least possible cost, which will allow you to fully participate in your rehabilitation program so you reach your employment goal.
- ✓ They must be agreed to by you and your counselor before the service is set up or a good is paid for.
- ✓ They must be on your IPE.
- ✓ They must be authorized in ADVANCE. If you choose to start a service or buy a good prior to authorization, you will be responsible for payment.

- ✓ After any good is purchased, you must return the receipt within 3 business days of purchase by scan, fax, hand delivery or U.S. mail-postmarked within 3 business days.
- ✓ If you do not use DVR goods or services for their intended purpose, you may be committing fraud. If fraud is verified, then your case may be closed, you may have to pay back the money, and could be reported to the District Attorney's office for prosecution.
- ✓ Returning, exchanging or selling items for personal gain is not allowed. When it is necessary to return or exchange a good, contact the DVR counselor first.
- ✓ Goods valued at \$5000 or more remain the property of DVR until your case is closed successfully. If your case is closed and you have not achieved your employment goal, these goods must be returned to DVR.
- ✓ Any unused goods must be returned to DVR.
- ✓ Authorizations provided to you are for a one time use only and must be given to the vendor at the time of purchase. Making copies is strictly prohibited.

DVR Sources of Funding



APPEAL Rights

Appeal Rights

You may appeal any decision concerning the provision or denial of vocational rehabilitation services made by DVR. There are two types of processes that you can use for an appeal, and you can use them both at the same time. Choosing to use the informal review process will not deny or delay your right to use the formal appeal process.



The diagram features two large circles at the top: a yellow one on the left labeled 'Informal Review' and a dark blue one on the right labeled 'Formal Appeal'. Below these, a network of smaller, colorful geometric shapes (squares, octagons, circles, triangles) connected by yellow lines forms a complex web. A hand on the left is shown placing a small pink square into the network, and a hand on the right is shown near a small pink triangle. The background is white with a faint, larger-scale geometric pattern.

Informal Review

Formal Appeal



Appeal Rights

✓ Informal Review

The purpose of this review is to resolve your concerns informally through discussion with DVR staff. If you and your counselor cannot resolve your concerns and you would like an informal review, you should contact your counselor's supervisor as soon as possible. You should identify your concerns and request a meeting, and this can be done either verbally or in writing. Upon conclusion of this meeting, you and the supervisor will come to a mutual agreement as to the time frame for the supervisor to provide a written decision to you concerning the issue. Contact information for your counselor and his or her supervisor is found at the beginning of this handbook. If you are dissatisfied with the decision made by the supervisor, you may submit a written request for additional informal review to:

**Deputy for Field Services or Designee
Division of Vocational Rehabilitation
633 17th Street, Suite 1501
Denver, CO 80202**

During this meeting, you will have the opportunity to provide facts relevant to the decision in dispute. Upon conclusion of this meeting, you and the Deputy for Field Services or designee will come to a mutual agreement regarding the time frame to provide a written decision to you concerning the issue. The informal review will be conducted within 30 days of your initial request unless both you and DVR staff agree that additional time is necessary. If you and DVR are not able to resolve the issue(s) under dispute through the informal review process and you have requested a formal hearing, the formal hearing will take place within 60 calendar days of your initial formal review request unless you, DVR, and the administrative law judge agree additional time is necessary. If you have not requested a formal review, you may do so at any time.

✓ Formal Appeal Procedures

Formal Hearing

If you are dissatisfied with any decision or action made by your counselor or another DVR representative or if you wish to challenge a decision made during an informal review, you may request a formal hearing before an administrative law judge. This request must identify the decision or action you are disputing, why you are disputing it and what solution you would like to occur, in writing, within 90 days of the decision or action being disputed. It must be sent to:

**Colorado Department of Personnel
and Administration
Office of Administrative Courts
1525 Sherman Street, 4th Floor
Denver, CO 80203**

DVR and the Office of Administrative Courts (OAC) will set an informal pre-hearing conference within 10 days of DVR's receipt of the formal appeal request from the OAC. The purpose of the pre-hearing conference is to:

- ✓ Identify the issues for appeal;
- ✓ Set a date for DVR to provide a written statement summarizing the background and history of services for the appeal;
- ✓ Set a date for your response to the summary and identify specific issues and remedies being sought;
- ✓ Set a date for the formal hearing within 60 days of OAC's receipt of your request for formal hearing, unless both parties agree more time is necessary;
- ✓ Set dates for an exchange of witness and exhibit list as well as exchanging exhibits and other evidence.

The formal hearing with an administrative law judge will occur in a neutral, accessible location. During the formal hearing, you or your authorized representative will be able to present

additional evidence, information and witnesses to support your position. You will need to share all information with the administrative law judge and DVR at least 10 days prior to the hearing. The administrative law judge has 30 days from the completion of the formal hearing to provide an initial decision. The administrative law judge will provide this decision to you and the Director of DVR, in writing. If you disagree with the initial decision, you may file an exception with the Colorado Department of Labor and Employment (CDLE) within 30 days by submitting a written request to:

Executive Director or Designee
633 17th Street
Denver, CO 80202

CDLE will then render a final agency decision.

Civil Action

If you wish to challenge the final agency decision, you may initiate a civil action. The civil action may be brought in any state court or in a district court of the United States, regardless of the controversy. All records relating to the formal hearing must be provided to the court. Additional evidence may also be provided to the court if you or the Director of DVR requests it. Until the court has made its decision, the final decision of the agency shall be implemented. However, once a decision is made by the court, this decision is binding and final.

Mediation

In both formal and informal reviews, you may also request mediation by a neutral third party, called an impartial mediator, in an attempt to resolve the issue being appealed prior to the conduct of the formal hearing. Participation in mediation is voluntary on the part of both you and DVR. A request for mediation must be submitted in writing to the office of the Deputy Director for Field Services for DVR. It can be submitted at the same time as your informal review and/or formal hearing request or after that, but no later than

the 60th day from the date the formal hearing is requested.

You will be sent written notification of the name of a mediator, selected at random, and information concerning his or her qualifications within 10 working days of receipt of your request. Participation in mediation will not delay your formal hearing unless you, DVR and your mediator agree additional time is necessary for good cause.

Mediation will begin within 21 days of your request for mediation and will not delay the conduct of a formal appeal unless both you and DVR agree additional time is necessary. Mediation will be limited to 6 hours of mediation sessions unless you, DVR, and the mediator agree additional hours may result in resolution. Mediation will be completed within 1 calendar month of the initial request unless you, DVR and the mediator agree additional time is necessary. During mediation, either party may bring a representative to assist in the process. If you and DVR come to a mutually agreeable solution to your dispute, this agreement will be put in writing by the mediator within 7 calendar days of the final mediation session. Both you and DVR will be required to sign the agreement and, once this happens, your informal and/or formal review will be withdrawn.

When the mediation agreement is signed, this means that you and DVR agree to fulfill your commitments under its terms. If you believe that DVR is not following the terms of the agreement, you should request an informal review or a formal hearing. If you do not fulfill your responsibilities in accordance with the terms of the agreement, the mediation agreement will be voided and DVR may implement its original position concerning the dispute. If this happens, you may request another formal hearing of the original dispute, but DVR will not participate in mediation on the same dispute for a second time. During mediation, DVR will not agree to any provision which it believes is contrary to State and Federal law, rules, policy or the approved State plan for the Vocational Rehabilitation Services Program.



Appeal Rights

Client Assistance Program (CAP)

It is the intention of DVR to provide you with adequate evaluations for determining your eligibility and with those services which you need to attain your chosen employment outcome. However, there may be occasions when you do not understand the progress of your program or you wish for the assistance of a third party, knowledgeable in vocational rehabilitation. To seek clarification, you are encouraged to contact the Client Assistance Program (CAP). CAP is a resource to help you and DVR staff resolve problems or questions you may have with DVR or other agencies involved in your vocational rehabilitation program. CAP may also assist you with an informal review and/or a formal appeal. Contact CAP at:

Disability Law Colorado
455 Sherman Street, Suite 130
Denver, CO 80203
Denver Telephone: 303-722-0300
Denver Toll Free Telephone:
1-800-288-1376
(All lines Voice/TTY)

Disability Discrimination Grievance Procedure

DVR does not discriminate against any qualified individual on the basis of disability. An internal grievance procedure has been adopted providing for the prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act, Section 188 of the Workforce Innovation and Opportunity Act, or the Colorado Anti-Discrimination Act (CADA).

Any potential applicant, applicant, current or former individual we serve, or member of the public who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under this procedure. DVR shall maintain strict confidentiality of all information

to the extent permitted by law. Further, DVR shall not retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Informal Resolution

If you believe you have been discriminated against on the basis of your disability and would like an informal resolution, you may contact the Deputy for Field Services or designee, or the ADA and Section 504 Coordinator of the Department, in writing as soon as possible to explain the perceived problem and propose a solution. The Deputy for Field Services or designee, or the ADA and Section 504 Coordinator of the Department shall make every effort to assist you and ensure equitable access to the program.

Deputy for Field Services or Designee
Division of Vocational Rehabilitation
633 17th Street, Suite 1501
Denver, CO 80202

ADA & Section 504 Coordinator
Colorado Department of Labor
& Employment
633 17th Street, Suite 1200
Denver, CO 80202

Formal written complaint

If you do not wish to pursue an informal resolution or if the matter has not been resolved to your satisfaction, then you may submit a written complaint within 180 calendar days of the alleged incident to the Equal Opportunity Officer for the Department:

Equal Opportunity Officer
Colorado Department of Labor and
Employment
633 17th Street, Suite 1200
Denver CO 80202

The complaint must include:

- ✓ The name, address, and telephone number of the person filing the complaint;
- ✓ A description of the incident or alleged offense with as much information as possible, including the date and location of the incident or alleged offense; and
- ✓ A proposed agency response that would resolve the issue(s) to your satisfaction.

Within 30 calendar days of receipt of the complaint, the Equal Opportunity Officer will conduct an investigation of the circumstances involved, including obtaining any relevant documentation and contacting you to schedule an in-person or telephone interview to discuss the complaint and possible resolutions.

If unable to contact you by telephone, the Equal Opportunity Officer shall mail a letter to you requesting an in-person or telephone meeting. You may decline an interview. If an interview occurs, you shall have an opportunity to present a statement of the facts and evidence supporting the complaint. If you decline an interview, your written complaint shall constitute your statement of facts and evidence. The Equal Opportunity Officer may interview witnesses and/or staff named by you or other individuals involved in the alleged offense or incident.

At the conclusion of the investigation, and within 30 calendar days of the interview, or your refusal of an interview, the Equal Opportunity Officer will respond in writing or, as appropriate, in a format accessible to you. The response will explain the position of the Department, including any findings of fact, and conclusion regarding affirmation or denial of your allegations, and offer options for resolution of the complaint.

The response will also inform you of your options under State and Federal law.

Additional Action

If you believe you've been discriminated against, you may also file a discrimination complaint with the Colorado Civil Rights Division (CCRD) or the United States Department of Education's Office of Civil Rights (OCR). A complaint directly to the CCRD must be filed within 60 days of the alleged discrimination. Additional information and instructions are available at www.colorado.gov/pacific/dora/civil-rights. A complaint to OCR must be filed within 180 days of the date of the alleged discrimination or within 60 days after completing DVR's grievance process, when applicable. Additional information and instructions for filing a discrimination complaint are available at www.ed.gov/ocr.

You may also file a complaint with the U.S. Department of Labor's Civil Rights Center (CRC). If you file a complaint with the Equal Opportunity Officer, you must wait until he or she issues a written Notice of Final Action, or until 90 days have passed, whichever is sooner, before filing with the CRC. If the Equal Opportunity Officer does not provide you written Notice of Final Action within 90 days of the date your complaint was filed, you may file a complaint with the CRC before you receive that notice. A complaint filed directly to the CRC must be filed within 120 days of the day you filed a complaint with the Equal Opportunity Officer. If the Equal Opportunity Officer gives written Final Notice of Action, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. The complaint must be filed within 30 days of the date on which you received the Notice of Final Action.





Testimonials

Testimonials

I love my new job. I feel like my whole life has been geared for me to work at North Range. I didn't even think it was possible for me to work at a place like this, be able to get an opportunity to help people which is what I feel like my calling is in life... was a huge blessing for me so again DVR is a huge blessing for me.

DEANDRE JACKSON
DVR Client

We have a lot of great employees from Voc Rehab and I think of Kinganey Grant who is in our Centennial Store... a very positive influence in his store and in the company. He's done various functions from books to running products down the sales from greeting customers and just has a really pleasant... positive personality that you know, that just really inspires everybody... When morale is raised, productivity is raised, when productivity is raised then revenue is raised so it's really important for society to start to employ more and more people with disabilities.

LLOYD LEWIS
ARC Thrift Stores - Employer

In this case, Voc Rehab reached out. There was a young gentleman who had been on many, many interviews but had been unsuccessful at finding a position and Voc Rehab asked me and my team if we would interview him and then give feedback on how to help this candidate land a position. In this case, this person was a master's degree computer science graduate. So, we went ahead and did the interviewing and at the end of his interviewing process we just said, well forget that, we'll hire him. He's now here. He was the first candidate we brought in and has been a roaring success for us.

PHILL MCKINNEY
Cable Labs - Employer





People with disabilities are essential to a working economy that elevates all of Colorado.

DVR receives 78.7 percent of its funding through a grant from the U.S. Department of Education. For Federal fiscal year 2020, the total amount of grant funds awarded were \$47,794,163. The remaining 21.3 percent of the costs (\$12,195,176) were funded by State appropriations and re-appropriations.



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