

Government of the District of Columbia
Department on Disability Services



STANDARD OPERATING PROTOCOL	
Subject: Trial Work Plan	SOP Number: 2015-RSA-TW-SOP-001
Responsible Program or Office: Rehabilitation Services Administration – Client Services Division	Effective Date: June 1, 2015
	Number of Pages: 6
Cross References, Related Policies and Procedures, and Related Documents: Trial Work Policies RSA Technical Assistance Circular (RSA-TAC-02-01) – Assessments of Individuals with Significant Disabilities under the State Vocational Rehabilitation Services Program, 2002	

A. Purpose:

1. The purpose of the trial work experience is to enable the VR specialist to make a decision when there is a question whether the applicant can or cannot benefit from VR services in terms of an employment outcome ***due to the severity of the disability***. Trial work experience/s shall be provided to identify services and supports necessary to achieve an employment outcome.
2. Trial work shall be used prior to a determination that the person cannot benefit from services and cannot achieve an employment outcome.

B. Applicability: The person must be identified as experiencing a significant disability and it is the VR specialist's qualified opinion that the severity of the disability may preclude the person from benefitting from vocational services, in terms of an employment outcome.

C. Requirements:

1. Required Documentation
 - a. Signed application for VR services;
 - b. Completed Intake Form;
 - c. Information about the work limitations, capabilities and career aspirations of the person;
 - d. Eligibility Determination Worksheet supporting the severity of the person's disability and need for trial work ***except*** for the certification part where the person has been determined to be eligible or ineligible for services.
2. Trial Work Experiences -
 - a. Shall be provided to the person with the opportunity to try different employment experiences, including supported employment, on-the-job training and other experiences using realistic integrated work settings and the opportunity to become employed in a competitive integrated employment;

- b. Shall be provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the person;
 - c. Must be of sufficient variety and over a sufficient period of time to reach a determination that there is sufficient evidence to conclude that the person cannot benefit from the provision of vocational rehabilitation services in terms of a competitive integrated employment outcome.
3. Trial Work for SSI/ SSDI recipients
- a. Presumptive eligibility for SSI/ SSDI recipients only covers the eligibility criteria for having a physical or mental disability and the disability resulting to a substantial impairment to employment.
 - b. Trial Work shall be utilized if there is a doubt whether they can benefit from VR services due to severity of the disability.
 - c. Services and supports shall be identified and incorporated in developing the Trial Work Plan.
 - d. A determination that an SSI/ SSDI recipient applying for services is incapable of benefitting from VR services cannot be made unless it is demonstrated based on ***clear and convincing evidence***, that the applicant is incapable of benefitting in terms of an employment outcome from VR services due to the severity of the applicant's disability. Clear and convincing evidence might include description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the person's needs due to the severity of the person's disability. The use of an intelligence test result alone would not constitute clear and convincing evidence.

D. Scope of Services:

The VR Specialist may provide only those services that are necessary to determine eligibility and to determine the nature and scope of services required to achieve an employment outcome. These services are not be subject to financial participation since it is mainly assessment or diagnostic in nature.

- 1. Trial work experiences may include but not limited to –
 - a. Supported employment
 - b. On-the-job training or
 - c. Other experiences using realistic work settings
- 2. Support services to accommodate rehabilitation needs of the person may include but not limited to-
 - a. Assistive technology assessment, devices and services
 - b. Personal Assistance services
 - c. Transportation
 - d. Dependent or child care
 - e. Maintenance

- f. Interpreter services for the deaf, note taking services, native language interpreters, and other reasonable communication accommodations needed to participate in diagnostic and evaluation services.

E. Plan Justification, Development and Authorization:

- 1. The trial work (TW) justification shall be activated in the Eligibility Determination Worksheet (EDW) in System 7 by indicating the date of the justification in the allotted field:

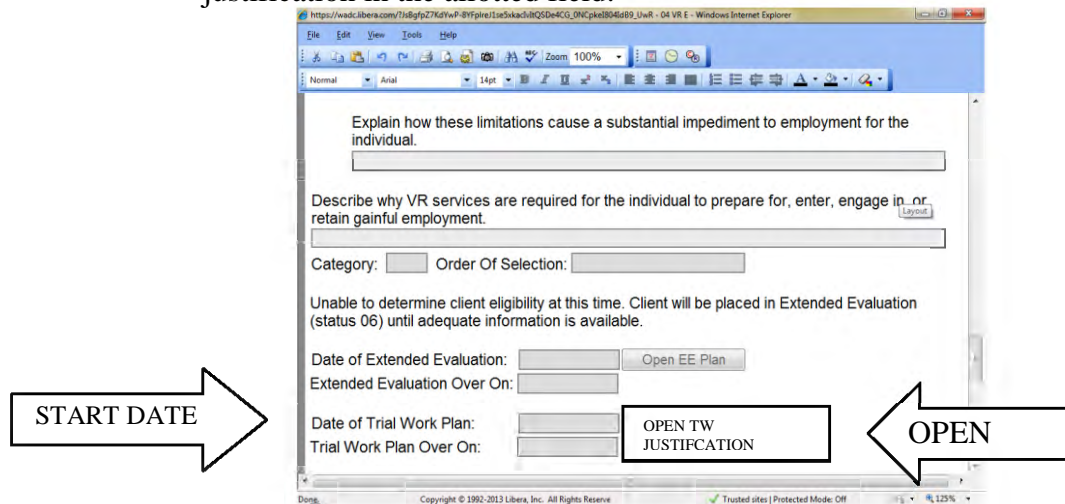


Figure 1: Date field for TW on System 7 EDW screenshot

- 2. Once activated, the justification for trial work must be documented in the case record. The VR specialist shall document:
 - a. Issues – why is trial work experience needed to reach a decision on eligibility?
 - b. Types of trial work experiences that are to be tried;
 - c. The site/s or the provider where the trial work experience will occur;
 - d. Rationale – how the trial work will contribute to addressing the issues and allow a decision on eligibility to be reached
- 3. Supervisory Approval for trial work:
 - a. The VR specialist must obtain prior approval from the supervisor;
 - b. Develop the plan for no longer than six (6) months, unless approved by the supervisor.
 - c. Persons may be maintained in trial work status for a period of time not to exceed 18 months.
 - d. The Supervisor shall review the justification for trial work and approve or disapprove accordingly.
 - e. Both the Status 06 Justification Form and Trial Work Plan require supervisor approval.

4. The trial work notification letter shall be activated once the trial work justification is approved by the supervisor. This shall be mailed or provided to the person and an appointment for trial work plan development and discussion must be set.
5. The time-limited written Trial Work Plan shall then be activated once the trial work notification is dated. The Trial Work Plan must be jointly developed with the informed consent of the person and/or their representative and must be signed by the VR specialist, the person and/or their representative and the supervisor.
6. The time-limited written trial work plan must identify the specific types of work and the duration of work activities.
7. Diagnostic Authorization/s shall be processed and referral/s forwarded to the identified service provider for the trial work.
8. Referral/ Diagnostic Authorization for trial work shall not exceed 40 hours for each issuance. It may be re-issued in increments of 20 hours depending on the need for more information based on the VR specialist's professional judgment.

F. Progress Documentation

There must be periodic assessment of the person's potential to benefit from vocational rehabilitation services during the period of trial work experience.

1. The VR Specialist shall review the Trial Work Evaluation Report/s submitted by the provider for every 20 hours of assessment or monthly, and provide intervention when necessary (e.g. no show or poor attendance, tardiness).
2. The VR Specialist shall summarize the progress of the trial worker based from the provider reports at least once every 90 days in the case record.

G. Determinations

Termination of trial work experience service must occur at any point if a determination is made that:

1. Sufficient evidence concludes the person can benefit from VR services in terms of an employment outcome; or
2. Clear and convincing evidence concludes the person is incapable of benefitting from VR services in terms of an employment outcome due to the severity of disability.

H. Required Action after determination:

1. The field ***Trial Work Plan Over On*** must be dated to complete the determination and to activate the eligible/ ineligible dropdown list.
2. Determination of Eligibility

- a. If the determination of eligibility is made, the VR specialist shall complete the Eligibility Determination Worksheet in System 7 by choosing the eligible tab in the dropdown/ pick list.
- b. The above action will prompt opening of two letters – the Certificate of Eligibility and Order of Selection Letter.
- c. The VR specialist shall mark the appropriate priority level in the Order of Selection letter and print two copies.
- d. The VR Specialist shall sign the letters and mail a copy to the person determined eligible while maintaining a signed copy of the letters in the case record.

3. Determination of Ineligibility

- a. If the determination reached is ineligibility due to severity of disability, The VR Specialist shall first mail the person a Notice of Proposed Case Closure due to Ineligibility per 29 DCMR §117.3(a).
- b. After 10 days of mailing the Notice of Proposed Case Closure due to Ineligibility with appeal rights, the ineligible tab will be chosen from the drop-down list of the certification field of the Eligibility Determination Worksheet.
- c. The Reason for closure shall be indicated as:

Disability too significant to benefit from VR services

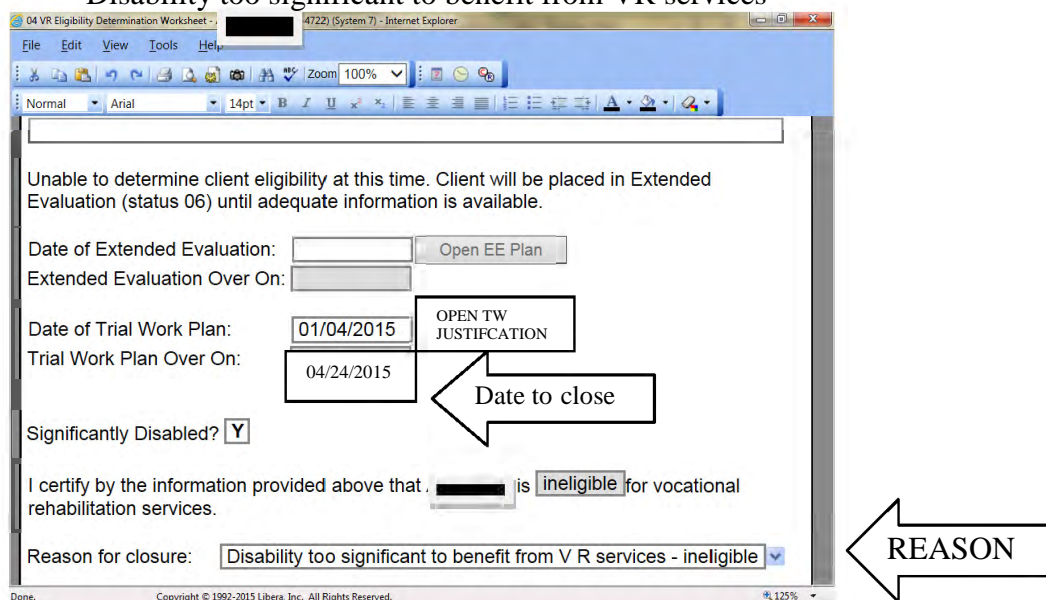


Figure 2: Determination of Ineligibility Reason for Closure screenshot

- d. Determination of ineligibility is subject to supervisor review and approval.
- e. Once the supervisor approves ineligibility determination, the VR Specialist shall then mail a Notice of Case Closure due to Ineligibility to the person with a right to appeal after 10 days of sending the Notice of Proposed Case Closure which shall include a referral to other agencies and programs, including when appropriate, the independent living services

program pursuant to 29 DCMR §104. The case is then closed and moved to Status 08.

- f. Requirement for annual review: Any determination of ineligibility that is based on a finding that a person is incapable of achieving an employment outcome shall be reviewed within twelve (12) months and annually thereafter upon the person's request or the person's representative in accordance with 29 DCMR §104.1(e).
- g. Exceptions to annual review: The review need not be conducted in the following situations which should be documented accordingly in the case record:
 - i. The person has refused it; or
 - ii. The person is no longer present in the District of Columbia; or
 - iii. The person's whereabouts are unknown; or
 - iv. The person's medical condition is rapidly progressive or terminal.

Attachments:

1. Process map – Trial Work Experience
2. Status 06 Justification
3. Trial Work Notification Letter
4. Trial Work Evaluation Report Template for Provider
5. Notice of Proposed Case Closure due to Ineligibility
6. Notice of Case Closure due to Ineligibility

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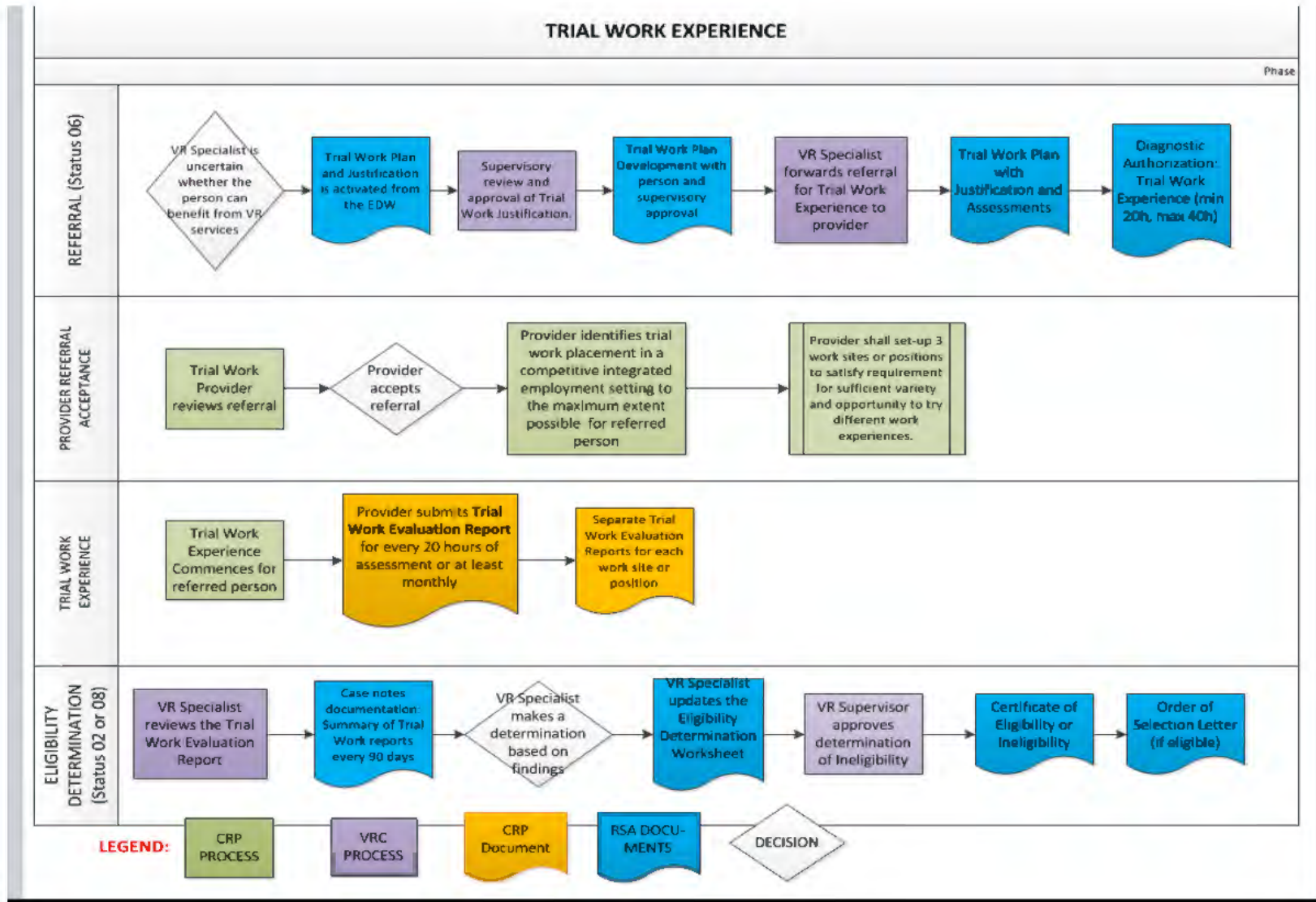


Figure 3: Trial Work Process Map