



Trial Work Experience

Summer 2017

Introduction



Each individual who applies for Vocational Rehabilitation (VR) Services goes through a process to determine whether or not they are eligible for VR. In the process of determining eligibility, the Vocational Rehabilitation Counselor (VRC) must look at the criteria set forth in 34 CFR 361.42.

Eligibility Criteria



1. The individual has a physical or mental impairment;
2. The physical or mental impairment constitutes or results for the individual in a substantial impediment to employment; and
3. The individual requires vocational rehabilitation services to obtain, maintain, advance in or regain employment.
4. It is presumed that the individual can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

34 CFR 361.42(a); 460 IAC 14-7



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Presumption of Eligibility



Any applicant who has been determined eligible for Social Security benefits under title II or title XVI of the Social Security Act is—

- Presumed eligible for vocational rehabilitation services and
- Considered an individual with a significant disability as defined in 34 CFR 361.5(c)(29).
 - Additional exploration of severity level could result in determination that the individual has a most significant disability (MSD)

34 CFR 361.42(a)(3)(B)(ii)



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Trial Work Experience (TWE) Purpose



Prior to determining that an individual with a disability is ineligible due to the inability to benefit from vocational rehabilitation services in terms of an employment outcome due to the severity of that individual's disability, VR must conduct Trial Work Experience(s) to explore the individual's abilities, capabilities, and capacity to perform in realistic work situations.

34 CFR 361.42(e); 460 IAC 4-13-1(77); 460 IAC 14-7-5



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When Must a VRC Utilize a TWE?



The VRC must ask him or her self the following questions:

- Is the severity of the disability the reason for the uncertainty about the individual's ability to benefit in terms of an employment outcome?

If the answer is yes, then ask the following:

- With appropriate supports, can this individual benefit from services in terms of a competitive, integrated employment outcome?

If the VRC believes the answer to this question might be no, or is uncertain, then we develop a Trial Work Plan (TWP) featuring a TWE.



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TWE Plan



VR must develop a written plan to assess the individual's abilities, capabilities, and capacity to perform in competitive integrated work situations through the use of trial work experience(s), which must be provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the individual.

34 CFR 361.42(e)(2)(i);



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What is a Trial Work Plan (TWP)?



A Trial Work Plan is a written plan between VR and the applicant (and his or her legal guardian, if applicable) that establishes:

- the goal of the TWE,
- the services to be provided,
- the rights of the individual,
- and the responsibilities of each party.

This plan may include any service necessary to establish whether the applicant is able to benefit from services.



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Examples of a plan - Outline



The following **outlines** the 1 Trial Work Experiences that will be provided under this plan, with an expected end date of 7/6/2017.

Type of Trial Work Experience	Description	Start Date	End Date
Temporary placement in community based competitive employment	Consumer will select a Placement Provider and participate in one (or more as determined by counselor) temporary work experiences. He will work a minimum of 3 days for at least three hours each day. At the completion of this first TWE, it will be determined if another is indicated.	2/6/2017	7/6/2017



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Example of plan - Services



Under the terms of this Plan, the State of Indiana Vocational Rehabilitation Services will obtain the following **services** for me:

Service	Description	Start Date	End Date
53-03 TRIAL WORK EXPERIENCE	I will select a Placement Provider and participate in one (or more as determined by counselor) temporary work experiences. I will work a minimum of 3 days, at least three hour shifts each day. This to be repeated if determined that additional TWE hours are indicated in order to determine eligibility.	2/6/2017	7/6/2017
85-02 BUS PASSES	Bus tokens to be used for TWE activities only.	2/6/2017	7/6/2017



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I must meet the following specific criteria to be determined to be able to benefit from appropriate VR services:

Criteria for Successful Completion	Description
Meets attendance expectations	I will attend all scheduled work shifts and meetings, arriving on time and leaving as scheduled, unless with prior approval from my Placement Provider or Vocational Rehabilitation Counselor. I will also follow appropriate break schedules.
Meets productivity expectations	I will meet the production levels, expected of new employees, for the job trials that are scheduled for me.
Meets behavioral expectations	I will have no incidents of behavior that would be considered unacceptable by a community employer, as monitored by chosen Placement Provider (including but not limited to: verbal or physical aggression, defiance, inappropriate interactions with co-workers, etc). I will keep my Vocational Rehabilitation Counselor informed of any change in my health, household, or legal status that might impact my Vocational Rehabilitation services.
Meets work performance expectations	My performance on the job trials will be acceptable to the employer and I will demonstrate good work behavior by following directions, accepting constructive criticism, asking questions when necessary, and trying my best on all jobs tasks assigned to me.

Rights and Remedies



Examples of a plan - Criteria



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What Does a TWE Look Like?



- Trial work experiences may include evaluation and provision of supports to the individual in realistic integrated work settings.
- VR must provide appropriate supports, including, but not limited to, **assistive technology devices, transportation services, and personal assistance services**, to accommodate the rehabilitation needs of the individual during the TWE.

34 CFR 361.42(e)(2)(ii)



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TWP Referral



- When referring an individual to a CRP for a TWE, the VRC must communicate the specific reason the ability to benefit is in question, and set clear and specific expectations regarding what the CRP is being asked to evaluate.

VOCATIONAL REHABILITATION SERVICES
Trial Work Experience (TWE) Referral form

This diagnostic referral is being made to determine if the consumer can achieve and maintain gainful employment. Trial Work Experiences are placements within a real work setting allowing for exploration and assessment of the consumer's ability to perform in work situations.

Referral Date:	2/6/17
TWE Provider Name:	ACE Employment Services
VR Counselor Name:	Indiana Smith
Consumer Name:	Johnny Doe
Consumer VR ID:	12345
Consumer Address:	Homeless but receives mail at Friend's home: c/o A. Goodfriend 125 Main St., Anytown, IN 47111
Consumer Cell Phone:	None
Consumer Home Phone:	Friend's phone for messages: (123) 456-7890
Consumer Email Address:	JohnnyDoe@emailprovider.com
Consumer Diagnosis:	Per Midtown Health Services records 4/12/16: TBI, Depression, Chronic Back Pain, and Knee Pain due to Orthopedic Injury as a result of MVA in 2011

Example of a Referral

Parameters of Trial Work Experience Service

Issues/Concerns that VR Counselor has identified that call into question the consumer's ability to achieve an employment outcome: Johnny has significant cognitive and physical limitations and is unsure if he is able to work but would like to try. He reports difficulty with memory (trouble remembering things to do and arriving to appointments on time) as well as trouble maintaining focus to complete tasks. He has difficulty standing and walking for prolonged periods but may be able to tolerate shorter shifts with breaks to sit. He reports greater tolerance if he is able to work at his own pace. He has very limited work history. He is homeless and is currently staying at Sunrise Shelter for Men. Consumer needs assistance with transportation and VR will provide bus tokens for TWE related activities.

Question(s) that need to be addressed/answered as a result of the TWE service: Please address consumer's ability to maintain focus and complete assigned tasks. How does he respond to instructions? Is he able to remember work assignments and complete them? Does he interact appropriately with others in the work setting? Is he able to arrive on time and complete a work shift? Can he tolerate minimally physical work with short breaks to allow him to sit/rest? What supports might help him to be successful in employment? Please address cleanliness and hygiene concerns.

Optimal environment in which the TWE should take place: Consumer is interested in light janitorial/cleaning work that is not too fast-paced. Please schedule for at least 3 days of work for short shifts of approximately 3 to 4 hours.

Provider will report results of the Trial Work Experience using a provider generated report that clearly and thoroughly addresses all questions and concerns as outlined above by the VR Counselor, including recommendation of consumer's readiness for integrated competitive community employment. /



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TWE Expectations of Service



TWE(s) must be of sufficient variety and over a sufficient period of time for VR to determine that:

- There is sufficient evidence to conclude that the individual can benefit from the provision of VR services in terms of an employment outcome; or
- There is *clear and convincing evidence that due to the severity of the individual's disability, the individual is found ineligible of benefitting from the provision of VR services at this time in terms of an employment outcome



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Expectations of CRP



- Individualized
- Answer the questions posed from the VRC
- EC can communicate needs through evidence based assessments
- Work as a team (VRC, Job Seeker, EC) as a best practice

Eligibility Determination



**Clear and convincing evidence* means that VR has a high degree of certainty to conclude that an individual is incapable of benefiting from services in terms of an employment outcome. The clear and convincing standard constitutes the highest standard used in our civil system of law and is to be individually applied on a case-by-case basis. The term *clear* means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence.

34 CFR 361.42(e)(2)(iii)(B)

What VR Provides



- VRC must be able to identify the specific reason(s) that the individual's ability to benefit, due to severity of the disability, is in question (e.g., individual displays frequent, highly aggressive behaviors when frustrated, or with any small disruption in routine).
- Are provided in an integrated setting and include known or likely to be needed supports to ensure a valid assessment of the individual.



The Purpose of a TWE is **NOT**...

- Determination of a vocational goal.
- A tool to discourage a person from services.
- Work Experiences used for Discovery.
- A guaranteed referral for future Employment Services.
- Employment, but evaluation.
- Proficiency Test; identifying supports
- Long lasting it should be completed in 30-60 days.



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Step 1 - TWE Referral

- VR
Completes
the TWE
Referral
form

VOCATIONAL REHABILITATION SERVICES Trial Work Experience (TWE) Referral form

This diagnostic referral is being made to determine if the consumer can achieve and maintain gainful employment. Trial Work Experiences are placements within a real work setting allowing for exploration and assessment of the consumer's ability to perform in work situations.

+	Referral Date:	
	TWE Provider Name:	
	VR Counselor Name:	
	Consumer Name:	
	Consumer VR ID:	
	Consumer Address:	
	Consumer Cell Phone:	
	Consumer Home Phone:	
	Consumer Email Address:	
	Consumer Diagnosis:	



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Step 2 - TWE Referral



- The bottom of the form includes space for the VRC to specify concerns and questions that need to be addressed, as well as the optimal environment in which the TWE should be conducted

Parameters of Trial Work Experience Service

Issues/Concerns that VR Counselor has identified that call into question the consumer's ability to achieve an employment outcome:

Question(s) that need to be addressed/answered as a result of the TWE service:

Optimal environment in which the TWE should take place:

Provider will report results of the Trial Work Experience using a provider generated report that clearly and thoroughly addresses all questions and concerns as outlined above by the VR Counselor; including recommendation of consumer's readiness for integrated competitive community employment.



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Step 2 - TWE Referral Packet



- TWE Referral
- Copy of signed TWP
- Relevant individual collateral (medical, psychological, educational, and work history records)
- Authorization



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Step 2 - TWE Authorization



- Authorization

- Authorize for one (1) TWE at a time should Include a specific number of hours for **site development, on-site observation, documentation time, etc..**

- *Note: There is not a specific limit on the number of hours authorized for documentation, site development, etc. Consider the specific needs of individual and TWE expectations to determine needed authorized hours.*

- Additional hours may be authorized, and time period may be extended based on the needs of each individual.



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Step 3 - CRP performs the TWE



- Make observations based on the questions posed by the VRC
- Be completed in an Integrated setting
- Within the amount of time given on the authorization
- Completed in a timely manner 30-60 days
- With the informed consent of the job seeker and input from the team



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Step 4 - CRP completes TWE report



- Clear, Concise, Concrete documentation
- Address information gathered to answer the questions posed by the VRC.
- Do not state your opinion on eligibility; only communicate facts about the assessment
- This documentation can be done in any format (there is no template)
- Address supports needed to be successful (the client did not have to be proficient on the job)
- Identify improvements made throughout the experience

Examples



- Scenario 1: Things went well with the TWE. Items were addressed; supports were identified and implemented; concerns were acknowledged.
- Scenario 2: The consumer showed some interpersonal/behavioral difficulties, the VRC would then need to think about the best way to move forward, considering possible additional TWE, additional support such as counseling, etc. The provider may receive additional authorization for another TWE.



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Step 5 - Review of TWE Results



- If there is NO clear and convincing evidence that the individual cannot benefit, and the VRC's concerns and questions were addressed, then VRC should proceed to eligibility.
- If the VRC still has concerns about the individual's ability to benefit and/or the TWE was inconclusive, an additional TWE should be authorized.
- If there IS clear and convincing evidence that individual cannot benefit, then VRC should proceed with ineligibility determination.



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Questions?



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