

Trial Work Experience and Extended Evaluation Guidelines ND Division of Vocational Rehabilitation

Trial Work Experience (TWE) explores the individual's abilities, capabilities, and capacity to perform in work situations, consistent with their informed choice and includes experiences where appropriate supports and training are provided. When considering the eligibility of an applicant, counselors presume that VR services will benefit an applicant with employment. The presumption that the individual can benefit from VR services in terms of employment is not suspended during Trial Work Experience (TWE) or Extended Evaluation (EE), it remains the focus. However, there are occasions when the counselor may question if the individual's disability is too significant for them to benefit. This is when trial work experiences or extended evaluation are considered. TWE and EE are provided to insure that individuals are afforded a fair and equitable determination of eligibility and for participation in VR services. Counselors must have clear and convincing evidence that the individual cannot benefit due to the severity of the disability in order to determine if someone is too severe for services.

- ***Clear and convincing evidence*** means that VR shall have a high degree of certainty before it can 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. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of "clear and convincing evidence" must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings.

Typically, trial work experiences will be done before determining eligibility, and in those cases require a written trial work plan. However, it may be appropriate to use trial work after eligibility at times. If using trial work after eligibility determination, counselors will not be able to write a trial work plan in AWARE ND, and therefore must clearly document all trial work activity in the case notes.

Trial work must:

- Be sufficiently varied and over a sufficient period of time (up to 6 months) to determine eligibility or ineligibility (see Referral and Payment section).
- Show by clear and convincing evidence that the individual cannot benefit due to the severity of the disability.

- Include support services such as assistive technology, personal assistance, etc. which must be funded by vocational rehabilitation at no cost to the client. Maintenance (transportation, clothing, etc.) may be provided as needed.
- Be approved by the regional administrator (document in case notes).
- Be in a minimum of 3 different types of community work experience assessments, each no less than 3 weeks, 4 hours per shift with a 20 hour per week minimum, and at least one week in between assessments.
- At a minimum, be reviewed with the client after completion of each work plan (more often if appropriate) to evaluate the client's capacity to perform the work.

Under limited circumstances, if an individual cannot take advantage of TWE or if options for TWE have been exhausted and an eligibility determination cannot be made, vocational rehabilitation will provide extended evaluation services.

Extended evaluation services must:

- Be identified in a written extended evaluation plan;
- Be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual;
- Provide only those services that are necessary to determine if there is sufficient evidence to conclude the individual can benefit from vocational rehabilitation services in terms of an employment outcome, or there is clear and convincing evidence the individual is incapable of benefiting from vocational rehabilitation services due to the severity of the disability;
- Not last longer than 18 months; and
- Be approved by the regional administrator (document in case notes).

AWARE ND

For applicants receiving SSI/SSDI benefits, a TWE or EE must be entered into AWARE before completing presumptive eligibility of an applicant (i.e. no later than 59 days from application).

If an applicant is not receiving SSA benefits, a TWE/EE plan must be completed before the 60-day eligibility deadline is reached (i.e. no later than 59 days from application). If the client is in an eligibility determination extension status, the TWE or EE must also be in place before the eligibility determination extension due date. TWE or EE are not appropriate as a method to gain additional time in the process of eligibility determination, nor is it appropriate when you are not certain of the next steps.

A disability priority must be entered on the Disability Priority Page in order to complete the TWE/EE plan. This will likely be a most significant disability (MSD).

Complete the following information for the TWE or EE plan:

- Rationale of plan
- Description of plan services and their necessity
- Service providers

- Cost of services
- Comparable benefits
- Applicant responsibilities
- Timeframes and criteria to measure outcomes

Referral and Payment

The following format will be depicted in the TWE and EE AWARE ND letter. Counselors will designate to the provider the number of trial work assessments. Payment will be made at an hourly rate per ND DVR Payment Rates.

Establish 3 Trial Work Sites	2 hrs./site
Time with Client @ Trial Work Site 1	5 days/wk. for 4 hrs./day for 3 weeks
Time with Client @ Trial Work Site 2	5 days/wk. for 4 hrs./day for 3 weeks
Time with Client @ Trial Work Site 3	5 days/wk. for 4 hrs./day for 3 weeks
Write Progress Reports	2 hrs./site
Attend appointments with Counselor, Provider, and Client	1 hr./site

The rate of pay is not negotiable. The provider is expected to be with the individual at all times. If the provider needs more hours to complete the TWE, the VR counselor must pre-approve that time. If the client fails to cooperate with the TWE process, DVR will only pay the provider for the actual time spent in each category.

Workers' Compensation

When making the referral the counselor will:

- Designate on the referral form (SFN 1094) what entity will be responsible for workers' compensation.
 - If VR provides workers' compensation coverage, counselor will submit a workers' compensation letter to the state office before trial work begins (see example letter on the P drive).
 - If the provider chooses to be responsible for workers' compensation coverage, the counselor does not need to submit the workers' compensation letter to the state office.

Appendix A

Type of Service	Trial Work before Eligibility	Extended Evaluation	Trial Work after Eligibility	Situational Assessment (N/A for TWE and EE)
Why	Used to determine eligibility	Used to determine eligibility	Use to determine if they can or cannot benefit in terms of employment	Used to determine job goal or level of intervention needed
Time frame	Longer time frame for assessment (up to 6 months)	Longer time frame for assessment (up to 6 months)	Longer time frame for assessment (up to 6 months)	Short term on the job assessment (may be a few hours up to a few days)
Payment	Hourly billing	Hourly billing	Hourly billing	One payment per assessment
Plan	Requires TWE Plan	Requires extended evaluation plan	-Cannot be written plan in AWARE ND -Document in case notes	-May or may not be in an IPE -VR uses case notes and provider progress summaries for documentation
Where	- Conducted in the community -In real work settings with a variety of realistic, integrated employment settings	- May take place in a simulated work environment, an evaluation center and/or non-integrated setting	- Conducted in the community - In real work settings, including a variety of realistic, integrated employment settings	
When	-Has priority over EE (integration in the community is always the preference) -Over a sufficient period of time to assess the individual's performance	-Are done under limited circumstances, -are available as an alternative situation where TWEs are not an option, or -have been done and the results are inconclusive -May be used during medical restoration -May be used to determine maintenance of sobriety	-Over a sufficient period of time to assess the individual's performance	
Case closure	Required to close too severe , unless client chooses to "self-close"	Required to close too severe , unless client chooses to "self-close"	Cannot close too severe -Client may self- close -Can use category "other reason" for closure	Cannot be used to close too severe , but case can be closed for other reasons such as "self-closure"
Follow up	If closed with a reason code of "Too Severe, this requires two annual follow ups	If closed with a reason code of "Too Severe, this requires two annual follow ups		

**Sample
Trial Work Experience Plan**

**Participant
Caseload**

Participant ID

1. General Information

Disability Priority	Most Significantly Disabled
Start Date	05/16/2014
Primary Staff at Start	
Expected Trial Work End Date	12/31/2014

Describe the purpose and rationale of the Trial Work Experiences.

Ed is a 23 year old male who applied for VR services on 3/17/14. He is a former VR participant with case closed other in 2010. Ed reports the following disabilities: TBI (2008) and substance abuse history. Medical records received report the following diagnoses: TBI (2008); ADD; Cognitive Disorder NOS; Depression; previous physical injuries and history of Substance Abuse. He struggles with completing paperwork independently (including job applications). He experiences anxiety in new situations and around new people. He has difficulties with making independent decisions/judgments. He demonstrates irritability and frustration. Other related functional limitations include: difficulties with memory, organizational and planning ability, concrete thinking; difficulties with attention span/distractibility; and inflexibility. Ed's work history is sporadic (due to his age and result of functional limitations). He does not believe he is capable of maintaining full-time employment. Trial Work Experience strategy is being utilized to determine whether he has the ability to benefit from employment.

Provide a description of Trial Work Experiences and indicate how they are of sufficient variety and duration to determine individual's ability to benefit from services.

Interest testing will be completed by VR to assist him in identifying areas of employment interest.

He will participate in a minimum of 3 different types of community work experiences assessments, each no less than 3 weeks, 4 hours per shift with a 20 hour per week minimum, and at least one week in between assessments. Work experience sites will be in the most integrated setting to gather information about: interpersonal skills, work tolerance, work behaviors, acceptance of direction by supervisors/co-workers, attendance, ability to maintain focus and concentration on task and to identify supports he may need to maintain employment.

Necessary assistive technology will be provided as recommended/needed for Ed to participate in work evaluation.

2. Planned Services

Primary and Support Services

Assistive Technology
Counseling and Guidance
Diagnostics
Mental Health Treatment
Other
Soft Skills
Substance Abuse Treatment
Worksite Evaluations

NDVR will pay the provider using the following TWE guidelines per established hourly Payment Rates:

Establish 3 Trial Work Sites	2 hrs./site
Time with Client @ Trial Work Site 1	5 days/wk. for 4 hrs./day for 3 weeks
Time with Client @ Trial Work Site 2	5 days/wk. for 4 hrs./day for 3 weeks
Time with Client @ Trial Work Site 3	5 days/wk. for 4 hrs./day for 3 weeks
Write Progress Reports	2 hrs./site
Attend appointments with Counselor, Provider, and Client	1 hr./site

NDVR will provide Workers' Compensation coverage during period of work experiences.

NDVR will provide Ed with transportation (bus passes) and maintenance if needed during period of work experiences.

Ed will continue to participate in SCHSC After Care program as required.

My Chosen Provider(s) NDVR; SCHSC

3. Estimated Service Costs

Participant	\$0.00
Others/Comparable Benefit	\$1,000.00 (aftercare)
Agency	\$6,360.00
Source to be Determined	\$0.00
Total Plan	\$6,360.00

Source of Comparable Benefits

Insurance/Medicaid/Medicare/IHS
Other Sources

4. Documentation

Other Comments

Ed, VRC, and provider will work together to identify necessary supports/services required for Ed to participate and complete Trial Work Experience. Based on results of Trial Work Experiences, eligibility determination will be made. It is not anticipated that Trial Work Experience will exceed 6 months.

5. Terms and Conditions

My signature on this plan indicates my agreement to extend my eligibility determination for a period not to exceed the end date of this plan.

COUNSELOR'S SIGNATURE

DATE

CLIENT'S SIGNATURE

DATE

CLIENT'S REPRESENTATIVE