# PART C, CHAPTER 12.1.d: VOCATIONAL EVALUATION: SITUATIONAL ASSESSMENT AND WORK SAMPLE SERVICES

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 12.1.d | 34 CFR [§361.48(b)(12)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(12)), and TWC Rule [§856.49](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=49) | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Vocational Evaluation Situational Assessment and Work Sample services.

## DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing employment assessments and the providers of those services.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

## POLICY

### General Overview

The Vocational Evaluation (VE) Situational Assessment and Work Samples are tools to help the customer and VR Counselor determine long-term goals related to finding competitive integrated employment (CIE).

### VE Parameters

VE Situational Assessments and Work Samples must consist of the three situational assessments and at least four work samples.

VE Situational Assessments and Work Samples Services—

* Are purchased through a bilateral contract;
* Cannot be purchased unless the Vocational Evaluation has been completed;
* Must be conducted by a Vocational Evaluator;
* Cannot be conducted remotely;
* Can only be purchased one time per customer;
* Have no premiums available to be purchased with the service;
* Require—
  + Situational assessments that are conducted at three or more competitive integrated work sites within a business or industry setting in the community with the Vocational Evaluator observing the customer for a minimum of two hours at each work site; and
  + A minimum of four work samples that were not completed in the Vocational Evaluation with the vocational evaluator providing a close simulation of an actual industrial task, business operation, or component of an occupational area.

### Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the Chapter 4: Employment Assessments.

### Additional Policy Considerations

* Comparable Services and Benefits: VE Situational Assessments and Work Samples services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
* Customer Participation in the Cost of Services: VE Situational Assessments and Work Samples services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### Determining the Need for VE Situational Assessments and Work Samples Services

The VR Counselor and the customer may determine that VE Situational Assessments and Work Sample services are necessary when an evaluator's observations are necessary to assist the customer and the VR Counselor in determining the customer's long-term goals related to finding competitive integrated employment (CIE).

### VE Referral and Service Provision

When the VR Counselor and customer agree to the receipt of VE Situational Assessment and Work Sample services, it must be included in the Individualized Plan for Employment (IPE), TWE plan, IPE amendment, or a Service Justification if prior to IPE development.

The VR Counselor must—

* Complete the *Referral for Provider Services (VR5000)*, including any documentation the reasons for the referral and any specific questions to be addressed during the assessment;
* Provide documentation, when relevant, such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
* Ensure TWC-VR staff sends the service authorization (SA) and *VR5000*;
* Monitor the customer's progress;
* Provide any needed instruction or intervention necessary to foster the customer's success;
* Review and approve *Situational Assessment and Work Sample Report (VR1838)*; and
* Ensure that the invoice is paid.

The contractor, no later than 10 days of the completion of the VE Situational Assessment and Work Sample services, must—

* Submit the completed *VR1838* that describes the customer’s behavior and must stress the vocational implications of the following:
  + The reasons for the referral and addresses the specific questions to be included in the *VR5000* any special instructions on the referral or the SA;
  + The results of the Evaluator's findings and observations that will assist the VR Counselor and customer establishing long-term goals related to finding and maintaining CIE.
  + The potential for CIE or the reasons that CIE is not appropriate, when applicable;
  + The job recommendations related to the current job market using the SOC codes for the customer's geographic area;
  + The specific training options that match the customer's capabilities; and
  + Any specific job modifications and/or accommodations necessary; and
* When requested on the *VR5000*, or on the SA, the Vocational Evaluator must complete a feedback session with the customer, the customer's representative, if any, and the VR Counselor, to review the evaluator's recommendations and the customer's vocational interests, strengths, and challenges.

The *VR1838* or electronic report must be signed by the evaluator who conducted the evaluation.

### Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the VR Counselor or by TWC-VR staff member’s contact with the customer, documented in a case note.

### VE Payment

Payment for VE Assessments and Work Samples services is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated—

* *VR1838*; and
* The invoice.

TWC-VR will not pay any fees related to excused or unexcused absences or holidays.

## APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

* *VR Director approval is required to request partial payment for work that has not been completed in its entirety, through a Contracted Service Modification Request (VR3472). Justification for why the vocational evaluation cannot be completed in its entirety must be included on the VR3472.*
* *VR Director approval is required for any request to change requirements for VE -Situational Assessment and Work Samples using the Contracted Service Modification Request (VR3472) prior to changes being implemented.*

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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