# Vocational Rehabilitation Services Manual Section A-300

Table of Contents

[Vocational Rehabilitation Services Manual Section A-300 1](#_Toc131063179)

[Notes on the Manual 2](#_Toc131063180)

[Manual Overview 3](#_Toc131063181)

[Vocational Rehabilitation Services Manual A-300: Specific Customer Populations 4](#_Toc131063182)

[A-300: Specific Customer Populations 4](#_Toc131063183)

[A-301: Visual Impairments 5](#_Toc131063184)

[A-301-1: Visual Impairment Terminology 5](#_Toc131063185)

[A-301-2: Specialty Caseloads 5](#_Toc131063186)

[A-302: Neurodevelopmental Disorders 5](#_Toc131063187)

[A-303: Psychological Disorders 6](#_Toc131063188)

[A-304: Veterans with Disabilities 6](#_Toc131063189)

[A-304-1: Legal Authorization 6](#_Toc131063190)

[A-304-2: Key Terms Related to Veterans 7](#_Toc131063191)

[A 304-3: Procedures 8](#_Toc131063192)

[A-305: Students and Youth with Disabilities 8](#_Toc131063193)

[A-306: Social Security Recipients and Beneficiaries 9](#_Toc131063194)

[A-306-1: Legal Authorization 9](#_Toc131063195)

[A-306-2: Presumptive Eligibility 11](#_Toc131063196)

[A-306-3: Verification of Social Security Benefits 12](#_Toc131063197)

[A-306-4: Participation in the Cost of Services Based on Financial Need 13](#_Toc131063198)

[A-306-5: Releasing Records to DDS and Obtaining Records from the SSA 13](#_Toc131063199)

[A-306-6: Obtaining Records from the Social Security Administration (SSA) 14](#_Toc131063200)

[A-306-7: SSA Benefits and Work Incentives Supports and Services Planning Process 14](#_Toc131063201)

[A-306-8: How to Purchase Benefits Planning Services 16](#_Toc131063202)

[A-306-9: Social Security Administration Vocational Rehabilitation Cost Reimbursement 17](#_Toc131063203)

[A-307: Ticket to Work Program 18](#_Toc131063204)

[A-307-1: Legal Authorization 18](#_Toc131063205)

[A-307-2: Policy 18](#_Toc131063206)

[A-307-3: Procedures 19](#_Toc131063207)

[A-307-4: SSAVR Ticket to Work Partnership Plus Program 20](#_Toc131063208)

[A-307-5: Employment Network Employment Advancement Payment: One 21](#_Toc131063209)

[A-307-6: Employment Network Employment Advancement Payment: Two 23](#_Toc131063210)

[A-307-7: Social Security Medical Continuing Disability Review 25](#_Toc131063211)

[A-307-8: Section 301 Continuation of Payments and Health Care 26](#_Toc131063212)

[A-308: Minority Backgrounds 26](#_Toc131063213)

[A-309: Subminimum Wage Recipients 28](#_Toc131063214)

[A-309-1: Subminimum Wage Recipient Terminology 28](#_Toc131063215)

[A-309-2: Individuals Earning Subminimum Wage 29](#_Toc131063216)

[A-309-3: Process for Complying with Section 511 34](#_Toc131063217)

[A-309-4: Refusal to Participate 37](#_Toc131063218)

[A-309-5: Additional Guidance Requests for Information about WIOA 38](#_Toc131063219)

## Notes on the Manual

On October 1, 2017, Texas Workforce Commission’s Blind Services Division and Rehabilitation Services Division combined to create a single designated state unit (DSU) to administer the vocational rehabilitation program for Texans with disabilities.

The combined Vocational Rehabilitation Services Manual (VRSM) was initially published on October 1, 2017. The latest update to this manual is reflected in the chapters below.

Please note that VRSM includes links to information that is intended to provide additional decision-making supports to VR staff. Some of this information may not be available to individuals who are accessing the VRSM outside of TWC's firewall. Copies of materials that cannot be accessed directly through links can be made available upon request.

Substantive revisions to the content are noted in the VRSM List of Revisions. Any printed versions may not contain the latest policy changes.

If you have any questions about VRSM content, please contact the TWC Vocational Rehabilitation Division Policy Team at state office by sending an email message to [vrsm.support@twc.texas.gov](mailto:vrsm.support@twc.texas.gov).

## Manual Overview

The VR Services Manual:

* helps ensure VR customers receive quality services to assist them in achieving successful competitive integrated employment outcomes as a result of their participation in vocational rehabilitation services.;
* helps to ensure taxpayer funds are spent wisely and each purchase paid for with public funds represents full value to the taxpayer; and
* provides published policies and procedures for maintaining compliance with federal and state laws, statutes, and rules or regulations.

The latest update to this manual is reflected in the chapters below. Any printed versions may not contain the latest policy changes.

# Vocational Rehabilitation Services Manual A-300: Specific Customer Populations

## A-300: Specific Customer Populations

In addition to providing services to qualified individuals with disabilities, Vocational Rehabilitation (VR) provides services and support to individuals with specific disabilities who will benefit from working with VR counselors and program staff with specialized knowledge, skills, and abilities. Staff specialization improves successful competitive integrated employment outcomes for these VR customers.

The VR state plan, submitted to and approved by the federal government and effective in all political subdivisions of the state, identifies goals to improve services to the following populations:

* individuals who are blind or significantly visually impaired;
* individuals with neurodevelopmental disorders, including:
  + autism;
  + attention deficit /hyperactivity disorder;
  + intellectual developmental disabilities; and
  + specific learning disabilities;
* individuals with mental health disorders;
* individuals from minority backgrounds; and
* veterans with disabilities.

Additional populations identified in the plan include:

* Social Security recipients and beneficiaries; and
* subminimum wage recipients.

While specialized caseloads are not available in every field office, specialized supports are available statewide. The information in this chapter provides a brief overview of each of these specific customer populations.

Note: All policies and procedures throughout this manual are applied uniformly to all customers, regardless of whether they are also identified as part of a "specialized population."

## A-301: Visual Impairments

### A-301-1: Visual Impairment Terminology

The following terminology is used throughout this manual when referring to individuals who may be eligible for VR services due to a visual impairment.

This is a global term "visual Impairment" includes the following:

* Blindness – Visual acuity with best correction of 20/200 or less in the better eye, a visual field of 20 degrees or less, or a combination of both.
* Low vision – Visual acuity with best correction of 20/70 or less in the better eye, a visual field of 30 degrees or less in the better eye, or a combination of both.
* Significant visual impairment – A disease or condition of the eye that does not meet the definitions of blind or low vision but does create a significant impediment to employment and cannot be corrected with glasses or contact lenses.

Note: The visual acuity to be used is the best corrected distance acuity. Best correction is the best visual acuity obtained with a simple refraction (glasses or contact lenses), not with a low vision aid, such as a telescopic aid. An ophthalmologist or optometrist must

* measure the visual acuity using the distance Snellen chart, or
* measure and then convert the measurement to the distance Snellen equivalent in writing.

### A-301-2: Specialty Caseloads

Individuals who are eligible for VR services and have a visual impairment as their primary disability are seen by a VR counselor who specializes in working with individuals with visual impairments.

## A-302: Neurodevelopmental Disorders

A neurodevelopmental disorder is defined as autism, attention deficit/hyperactivity disorder, intellectual disabilities, or specific learning disabilities. Improvement is achieved using services specific to these disabilities, such as Employment Specialists with the Autism Endorsement, Autism Spectrum Disorder Support, and the Environmental Work Assessment. Additionally, statewide training on neurodevelopmental disorders is available for all staff from the State Office Program Specialist for Autism and Intellectual and Developmental Disabilities.

For more information, see VRSM C-800: Neurodevelopmental and Psychological Services.

## A-303: Psychological Disorders

The comprehensive statewide needs assessment (CSNA) identified other underserved populations such as youth transitioning from high school and individuals with mental illness. These results are consistent with the priority areas identified in early 2014 during the legacy Texas Department of Assistive and Rehabilitative Services' (DARS) strategic planning process for Fiscal Years 2015–2019 (FY'15–19).

For more information, see VRSM C-800: Neurodevelopmental and Psychological Services.

## A-304: Veterans with Disabilities

### A-304-1: Legal Authorization

Regardless of their eligibility for services from the US Department of Veterans Affairs (VA), veteran customers with disabilities may benefit from VR services. The type of discharge from military, naval, or air service does not affect eligibility for VR services. Providing services to veterans with disabilities is a priority for VR. More veterans can benefit from VR services if they are aware of the services and how to access them.

If a veteran receives services from the VA's Vocational Rehabilitation and Employment (VR&E), the VR counselor refers to the memorandum of agreement (MOA) between VR and the VA (or reviews the accessible version of the MOA). The MOA provides guidance about referral and service delivery processes between the VA and VR.

For questions about the MOA or assistance in developing a relationship with the VA, contact the Texas Workforce Commission's VR State Office Program Specialist for Veterans and Behavioral Health.

### A-304-2: Key Terms Related to Veterans

When communicating with veterans, it is important to know key terms used by the VA. For a former service member to receive certain benefits from the VA, the individual must be a veteran as defined in this section.

#### DD Form 214, Certificate of Release or Discharge from Active Duty

Generally referred to as a "DD 214," this certificate is a US Department of Defense document, issued upon a military service member's retirement, separation, or discharge from active duty. A veteran may get a replacement DD Form 214 through:

* the Texas Veterans Commission at 512-463-5538;
* his or her online account with the VA; or
* the National Archives, National Personnel Records Center, by submitting a Standard Form 180, Request Pertaining to Military Records, by fax or mail to:

Fax number: 314-801-9195

Mailing address:  
National Personnel Records Center  
Military Personnel Records  
1 Archives Drive  
St. Louis, Missouri 63138

#### Service-Connected Disability

A disability incurred or aggravated in the line of duty in active military, naval, or air service.

#### Service-Disabled Veteran

A veteran with a disability that is service-connected.

#### Veteran

An individual who served in the active military, naval, or air service and was discharged or released under conditions other than dishonorable. This includes a member of the National Guard or reserve components who is activated for federal military service and serves the full period of activation.

#### Vocational Rehabilitation and Employment

Sometimes referred to as the Chapter 31 program, VR&E is a program administered by the VA that provides services to eligible service members and veterans with service-connected disabilities to help them prepare for, secure, and maintain employment or achieve independence in daily living.

The basic period of eligibility in which VR&E benefits may be used is 12 years from the later of:

* a veteran's date of separation from active military service; or
* the date the VA first notified a veteran that he or she has a compensable service-connected disability.

### A 304-3: Procedures

Veterans have unique VR needs. Disabilities incurred or aggravated in the line of duty in active military, naval, or air service can hinder readjustment to civilian life. As the veteran population grows, the number of veterans who are blind, visually impaired, or hard of hearing is expected to increase.

Benefits through the VA are not universally available to veterans with disabilities due to geographic barriers or extensive waiting lists. Additionally, veterans with a non-service–connected disability might not be eligible for the VA's VR&E services.

It is the applicant's choice to disclose his or her veteran's status. It is recommended that staff members, when interviewing applicants, ask whether the applicant has ever served in the active military, naval, or air service and whether they were discharged or released under conditions other than dishonorable, because some applicants may not know that they are considered veterans.

Depending on the length of program needed, veterans may be provided up to 48 months of full-time services or the part-time equivalent. Rehabilitation plans that provide services to improve independence in daily living only are limited to 30 months. These limitations may be extended in certain circumstances.

## A-305: Students and Youth with Disabilities

Under final §361.28(a)(2), which remains unchanged from previous regulations, VR services provided under a third-party cooperative arrangement are only available to applicants for, or recipients of, services from the VR program. Given amendments made by the Workforce Innovation and Opportunity Act (WIOA), particularly new provisions in §103(b)(7), regarding transition services to groups of students and youth with disabilities, and §113, regarding the provision of pre-employment transition services (Pre-ETS) to students with disabilities, it is possible that some of these services will be provided to youth or students with disabilities who have not yet applied or been determined eligible for VR services. This means that these students and youth with disabilities would be considered "recipients" of VR services for purposes of final §361.28. As such, designated state units can enter third-party cooperative arrangements for the provision of these group transition services or Pre-ETS as long as all requirements of final §361.28 are satisfied.

Under WIOA, TWC is charged with expanding and improving VR services, including Pre-ETS, for students with disabilities who are transitioning from high school to postsecondary education and/or employment, and improve coordination with state and local secondary and postsecondary educational entities.

WIOA also charges TWC with providing supported employment services to youth and other individuals with the most significant disabilities who require extended support to achieve and maintain an employment outcome.

Additionally, the Memorandum of Agreement (MOA) with the Texas Education Agency enables data sharing to more accurately assess the number of students with disabilities who may be eligible or potentially eligible to receive Pre-ETS. VR continues to conduct active outreach and recruitment to ensure that Supported Employment Assessment personnel, local education agencies, community partners, and students are aware of the availability of Pre-ETS and the ways in which VR can partner with schools to provide Pre-ETS services that complement services available under the Individuals with Disabilities Education Act.

For more information, see VRSM C-1300: Transition Services for Students and Youth with Disabilities.

## A-306: Social Security Recipients and Beneficiaries

### A-306-1: Legal Authorization

A customer receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) or another Title II disability benefit based on disability must be given unique considerations during the VR process as stated in 34 CFR §361.42.

#### 34 CFR §361.42(3)(A)(B)(ii) and 34 CFR §361.42(4)

"(3) Presumption of eligibility for Social Security recipients and beneficiaries. (i) Any applicant who has been determined eligible for Social Security benefits under title II or title XVI of the Social Security Act is—

(A) Presumed eligible for vocational rehabilitation services under paragraphs (a)(1) and (2) of this section; and

(B) Considered an individual with a significant disability as defined in §361.5(c)(29).

(ii) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under title II or title XVI of the Social Security Act (and, therefore, is presumed eligible for vocational rehabilitation services under paragraph (a)(3)(i)(A) of this section), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, the State unit must verify the applicant's eligibility under title II or title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the State unit to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services in accordance with §361.41(b)(2).

(4) Achievement of an employment outcome. Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits under title II or title XVI of the Social Security Act, must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice."

#### 34 CFR §361.42(5)(b), (2)(i)(ii)(iii), and (3)

"(b) Interim determination of eligibility. (1) The designated State unit may initiate the provision of vocational rehabilitation services for an applicant on the basis of an interim determination of eligibility prior to the 60-day period described in §361.41(b)(2).

(2) If a State chooses to make interim determinations of eligibility, the designated State unit must—

(i) Establish criteria and conditions for making those determinations;

(ii) Develop and implement procedures for making the determinations; and

(iii) Determine the scope of services that may be provided pending the final determination of eligibility.

(3) If a State elects to use an interim eligibility determination, the designated State unit must make a final determination of eligibility within 60 days of the individual submitting an application for services in accordance with §361.41(b)(2)."

#### 34 CFR §361.42(B)(ii) and (4)

"(B) Considered an individual with a significant disability as defined in §361.5(c)(29).

(ii) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under title II or title XVI of the Social Security Act (and, therefore, is presumed eligible for vocational rehabilitation services under paragraph (a)(3)(i)(A) of this section), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, the State unit must verify the applicant's eligibility under title II or title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the State unit to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services in accordance with §361.41(b)(2).

(4) Achievement of an employment outcome. Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits under title II or title XVI of the Social Security Act, must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice."

#### 34 CFR §361.45(3)

"(3) Individuals entitled to benefits under title II or XVI of the Social Security Act. For individuals entitled to benefits under title II or XVI of the Social Security Act on the basis of a disability or blindness, the State unit must provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning."

### A-306-2: Presumptive Eligibility

If there is a need to further evaluate a customer's ability to achieve an employment outcome due to the severity of his or her disability, a Pre-eligibility Trial Work Plan must be completed on the day that benefits are verified. If benefits are verified and the customer is not present to complete the Pre-eligibility Trial Work Plan, the VR counselor contacts the customer and schedule to complete this as soon as possible.

For more information, see VRSM B-310: Trial Work Services.

### A-306-3: Verification of Social Security Benefits

When a customer asserts eligibility for SSDI, SSI, or another Title II disability benefit based on disability, but cannot provide evidence, such as an award letter, verification must be obtained.

To verify eligibility for SSDI, SSI, or another Title II disability benefit based on disability, customers may do one of the following:

* Go to the [Social Security Administration (SSA) website](https://www.ssa.gov/myaccount/), create an account (only the customer can create an account), and print out a benefits verification letter. The following are necessary to create an account:
  + Email address
  + Current phone number
  + Current mailing address
* Call SSA by phone at 1-800-772-1213 and request a mailed copy of the award letter.
* Go to a local SSA field office and request a "Completed SSA Form 2459," also known as a Benefits Planning Query (BPQY), which verifies eligibility and provides other information about SSA cash benefits, health insurance, and past earnings.

If the customer is unable to obtain verification through the options above, the counselor may contact Social Security Administration Vocational Rehabilitation (SSAVR) for verification. However, information obtained through SSAVR may not provide enough evidence for presumptive eligibility because the information provided might not specify if disability is the basis for SSI eligibility.

SSAVR verifies benefits as a courtesy to VR counselors when there is no other way to verify that an applicant is eligible for SSDI, SSI, or another Title II disability benefit based on disability.

* To request SSDI, SSI, or another Title II disability benefit eligibility verification by SSAVR, VR counselors must [email SSAVR](mailto:ssavr@twc.texas.gov) an encrypted request for verification of benefits and must include the following customer information in the body of the email request:
  + Social Security number (SSN)
  + First and last name
  + Date of birth
* SSAVR will make every effort to respond within three working days with the following information:
  + Verification of benefit
  + Type of benefits being received
  + Amount of benefit being received
  + Customer's current address, if requested

For assistance with this process, contact a benefits subject matter resource staff member. You can find the list on the SSA/SSI/SDDI intranet site.

### A-306-4: Participation in the Cost of Services Based on Financial Need

Customers eligible for SSDI or SSI based on disability cannot be required to participate in the cost of VR services based on liquid income or resources exceeding the basic living requirements in VRSM D-203-4: Customer Contribution to the Cost of Services; this is the case regardless of the customer's financial situation.

However, the best value purchasing approach in VRSM D-203-2: Best Value Purchasing and the comparable benefits analysis under VRSM D-203-3: Use of Comparable Benefits do apply to customers eligible for SSDI, SSI, or another Title II disability benefit based on disability.

Based on 34 CFR Section §361.54(b)(3)(ii)

### A-306-5: Releasing Records to DDS and Obtaining Records from the SSA

With appropriate consent forms, state VR agencies and the SSA or Disability Determination Services (DDS) may exchange records about specific individuals.

DDS may request records for certain customers as part of the disability determination process. The customer's records can be released to DDS only after VR receives:

* a signed [SSA-827, Authorization to Disclose Information to SSA](https://www.ssa.gov/forms/ssa-827.pdf); or
* another valid release as described in VRSM A-209: Valid Release Authorized by the Customer or a Representative.

For additional information on releasing customer records and information, see VRSM A-207: Confidentiality and Use of Customer Records and Information.

### A-306-6: Obtaining Records from the Social Security Administration (SSA)

To obtain records from the SSA office or from DDS, follow the procedure in A-306-5: Releasing Records to DDS and Obtaining Records from the SSA.

SSA should not charge for these records, as stated in the [SSA Program Operations Manual Section DI 13510.030](https://secure.ssa.gov/poms.nsf/lnx/0413510030), Instructions for Providing Medical Information to State Vocational Rehabilitation (VR) Agencies for VR Cost Reimbursement or Ticket to Work (TTW) Program.

For medical records from DDS, VR staff completes [SSA Form 3288, Social Security Administration Consent for Release of Information](https://www.ssa.gov/forms/ssa-3288.pdf).

For records from an SSA local field office, VR staff completes VR3310, DDS Request for Records and, for questions, review the SSA's description of records available to request.

### A-306-7: SSA Benefits and Work Incentives Supports and Services Planning Process

Customers can use federal work incentive programs to reach employment goals, earn a living wage, and achieve self-sufficiency. However, customers need accurate information about how their earnings will impact cash and health care benefits.

VR staff provides customers with accurate information about SSDI, SSI, or other Title II disability benefits and work incentives at the start of and throughout the VR process. Providing customers with accurate information about SSI, SSDI, or other Title II disability benefits aids in coordinating and providing services as outlined in the customer's IPE.

VR staff completes the steps below to incorporate benefits, work incentives, and planned support and services into the VR process:

1. Verify receipt of benefits.
2. Place verification of benefits in a paper case file and make a case note in ReHabWorks (RHW) referencing what kind of verification was obtained. If the BPQY was obtained to verify benefits, skip to Step 5.
3. Get a copy of the customer's BPQY, SSA Form 2459, at no charge from SSA (see [SSA Program Operations Manual System (POMS) GN 03311.005 Privacy Act and FOIA fees: B(3)(c)](https://secure.ssa.gov/apps10/poms.nsf/lnx/0203301005)):
   * The customer can obtain the BPQY by requesting a Completed SSA Form 2459 from the local SSA field office either in person or over the phone.
   * The VR counselor may also request a BPQY at no charge from SSA. Refer to the SSA/SSI/SSDI intranet site for more information on requesting the BPQY.
4. Place the BPQY in the paper case file and make a case note in RHW referencing the BPQY.
5. Provide general information to the customer about how working affects benefits; this can be done by the VR counselor or a:
   * VR subject matter expert (SME) benefits subject matter resource staff member;
   * Disability Rights Texas Protection and Advocacy for Beneficiaries of Social Security (PABSS) staff member; and/or
   * community work incentive coordinator (CWIC) at a work incentives planning and assistance program (WIPA).
6. If the customer receives general information in writing, place a copy in the paper file and make a case note in RHW indicating that the customer has received general benefits information and list any benefits issues that the customer will need more information about once employment is obtained.
7. After the IPE is signed, determine whether the customer needs in-depth benefits planning services, also known as a benefits summary and analysis/work incentive plan (BSA/WIP), through a CWIC at a WIPA program:
   * If the customer's goal is to be self-employed, determine whether a BSA/WIP is needed in accordance with VRSM C-1102-3: Suitability Considerations; the BSA/WIP must be completed before an IPE or formal business plan are developed.
   * For assistance determining whether a BSA/WIP is needed, have a benefits subject matter resource staff member help determine whether the customer needs a BSA/WIP and/or at what point a referral for a BSA/WIP is most appropriate.
   * If a BSA/WIP is needed, provide a proposed job type, estimated rate of pay, and estimated number of hours of work each week to the CWIC for the completion of the BSA/WIP.
   * If the BSA/WIP is purchased for the customer, place a copy in the paper file and make a case note in RHW. Be sure the BSA/WIP is still accurate when the customer receives a job offer with specific pay rate and hours.
8. Before case closure, review the information in the BSA/WIP with the customer, paying particular attention to income reporting requirements; for assistance providing this information to a customer, consult a benefits subject matter resource staff member.

### A-306-8: How to Purchase Benefits Planning Services

WIPA programs, which are funded through SSA grant, employ individuals who are certified by SSA to provide customers with accurate and thorough benefits and work incentives information.

Certain WIPA programs accept a fee for service from VR. WIPA programs accepting fees for service can serve customers statewide, have short wait times, and all documents are shared with the referring VR counselor.

Benefits planning services can be purchased only from the following SSA grant-funded WIPA programs:

* A Resource Center for Independent Living
* Easter Seals of North Texas
* Imagine Enterprises
* San Antonio Independent Living Services

Refer to the SSA/SSI/SSDI intranet site for the list of all WIPA programs.

To purchase WIPA benefits planning services, you must first determine if the customer is eligible for SSI, SSDI, or another Title II benefit based on disability. If the customer has not been determined eligible for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) based on disability. If the customer is not eligible for SSDI or another Title II disability benefit or SSI based on disability, you may purchase assistance with applying for Medicaid Buy-In (MBI). This is the only service you may purchase under benefits planning for a customer not receiving SSI and/or SSDI or another Title II disability benefit.

Once eligibility is established, VR purchases WIPA benefits services using the following process:

1. Refer the customer eligible for SSI, SSDI, or another Title II benefit based on disability to a benefits subject matter resource staff member or a Disability Rights Texas' Protection and Advocacy for Beneficiaries of Social Security (PABSS) staff member, who may be able to provide benefits information at no cost.
2. Refer the customer to CWIC personnel for information and referral only when you cannot access a benefits subject matter resource staff or Disability Rights Texas.
3. When the IPE is completed, determine whether the customer needs to be referred to a CWIC for a Benefits Summary and Analysis (BSA/WIP); (if the customer's goal it is to be self-employed, BSA/WIP is required).
4. After completion of BSA/WIP, refer customers, as necessary, to a CWIC for assistance with establishing eligibility for one or more work incentives, such as an Impairment Related Work Expense.

Use the MAPS code "WIPA" in RHW when issuing a service authorization for any of these services.

### A-306-9: Social Security Administration Vocational Rehabilitation Cost Reimbursement

If certain conditions are met, VR receives cost reimbursement from SSA. When SSA provides VR with reimbursement, it is paying for the cost of the services provided to customers who are recipients of SSI, SSDI, or another Title II disability benefit.

Cost reimbursement from SSA requires the customer to meet the following criteria:

* Received SSI or SSDI benefits (or both), or another Title II disability benefit, at the same time as he or she received VR services; and
* Worked:
  + a continuous nine months out of a 12-month period;
  + at or above the substantial gainful activity ([SGA](https://www.ssa.gov/OACT/COLA/sga.html)) guidelines; and
  + during or after receiving VR services.

For a complete explanation of SSA VR cost reimbursement, see the SSA VR Reimbursement Program webpage under the SSA/SSI/SSDI intranet page.

## A-307: Ticket to Work Program

### A-307-1: Legal Authorization

#### 34 CFR §361.24(h)(i)

"(i) Coordination with ticket to work and self-sufficiency program. The vocational rehabilitation services portion of the Unified or Combined State Plan must include an assurance that the designated State unit will coordinate activities with any other State agency that is functioning as an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 USC 1320b-19)."

### A-307-2: Policy

The Ticket to Work Program (TTW) is a voluntary program developed and administered by SSA for customers ages 18 to 64 who receive SSA disability benefits.

The program offers expanded options for:

* access to employment services;
* VR services; and
* other support services.

TTW services are provided by employment networks (ENs) as defined by SSA. All state VR agencies have the option of providing VR services under the traditional SSA/VR cost reimbursement program or as an EN through TTW. VR provides services to TTW customers under the traditional SSA/VR cost reimbursement program.

There are many private providers and organizations that are ENs. See a complete [list of ENs](https://choosework.ssa.gov/findhelp/) in the United States.

The VR counselor informs each customer receiving SSA disability benefits that developing an IPE with VR initiates ticket assignment under TTW, and that the customer's ticket:

* assignment may protect him or her from SSA medical continuing disability reviews (MCDRs);
* is not assignable to an EN while his or her VR case is open;
* can be assigned to an EN within 90 days of VR case closure for long-term support services, job retention services, or other types of support services that help the customer maintain long-term employment; and
* may be assigned to an EN within 90 days of VR case closure to ensure that the customer has continued protection from SSA MCDRs.

If certain conditions are met, VR receives cost reimbursement from SSA. When SSA provides VR with reimbursement, it is paying for the cost of the services provided to customers who receive SSDI or SSI benefits based on disability.

Cost reimbursement from SSA requires the customer to meet the following criteria:

* Received SSI or SSDI benefits (or both) at the same time as he or she received TWC-VR services; and
* Worked:
  + a continuous nine months out of a 12-month period;
  + at or above the substantial gainful activity (SGA) guidelines; and
  + during or after receiving TWC-VR services.

For a complete explanation of SSA VR cost reimbursement, see the SSA VR Ticket to Work webpage on the SSA/SSI/SSDI intranet page.

### A-307-3: Procedures

It is extremely important to check a customer's ticket status at application. Use the following process to check customer ticket status:

1. At the time of the customer's application, determine whether the customer has assigned his or her ticket to an EN by asking the following:
   * Have you talked with a provider, center for independent living, or EN about your TTW?
   * If you have, do you know if you assigned your ticket?
2. If there is no indication from the customer that the ticket has been assigned, discontinue this process.
3. If the customer says that he or she is not sure if the ticket is assigned and indicates that it might be assigned, you will need to contact the State Office Program Specialist for Federal Planning, SSA, and Ticket to Work for verification.
4. If the customer has assigned his or her ticket to an EN and is determined eligible for VR services, request that he or she submit the [Ticket Unassignment Form](https://choosework.ssa.gov/library/ticket-un-assignment-form) to the TTW program manager to request that the ticket be unassigned.
5. If a customer chooses not to unassign the ticket from an EN:
   * request a copy of the individual work plan (IWP) entered by the customer and the EN;
   * consider any services listed on the IWP as comparable benefits; and
   * advise the customer that TWC-VR will not provide any of the services listed on the IWP if the ticket is still assigned to the other EN.

In some situations, the State Office Program Specialist for Federal Planning, SSA, and Ticket to Work may identify customers with tickets assigned to ENs. The VR counselors assigned to those customers' cases will be notified by email that the customers' tickets are already assigned to an EN. When VR staff receives this email, notify the customer that the ticket is assigned and follow the procedures previously outlined.

### A-307-4: SSAVR Ticket to Work Partnership Plus Program

SSA's [Ticket to Work Partnership Plus Program](https://yourtickettowork.ssa.gov/program-operations/partnership-plus.html) allows TWC-VR and ENs to partner to provide long-term job support services to ticket customers after VR case closure. The VR/EN partnership also gives ticket customers an opportunity to receive continued exemption from SSA's medical continuing disability reviews (MCDRs). The TTW Partnership Plus Program should be considered at case closure when a customer is:

* employed below substantial gainful activity ([SGA](https://www.ssa.gov/OACT/COLA/sga.html)) guidelines but has the potential and willingness to earn above [SGA](https://www.ssa.gov/OACT/COLA/sga.html) with EN support or services; or
* employed at or above SGA, and EN supports and services would assist in maintaining employment.

To activate the TTW Partnership Plus Program, the customer assigns his or her ticket to the new EN after VR case closure.

Employment advancement payments for Community Rehabilitation Programs (CRPs) that are also ENs and partner with VR under the Ticket to Work Partnership Plus program are eligible for two EN employment advancement payments from VR in addition to ticket payments the EN receives from SSA under the TTW program.

The payments are only made after a customer's VR case is closed and assigned to the CRP-EN that provided CRP services to the customer during the provision of VR services. To issue a service authorization for these services, the VR case must be in post-employment status.

### A-307-5: Employment Network Employment Advancement Payment: One

The CRP-EN provides services necessary for the customer to retain and advance in employment to the point that the customer achieves one month of gross monthly pay that meets or exceeds substantial gainful activity (SGA) guidelines for the year in which the income was earned.

This payment is available only during the first 12 months after VR case closure. For Supported Employment (SE) only, the CRP must be identified as a primary provider on VR1616B, Supported Employment Service Closure Summary, and the necessary long-term support to be provided by the CRP must be outlined on the form.

The CRP-EN must notify the VR counselor in writing at least 30 days before the CRP-EN anticipates that the customer will achieve the required income level so that appropriate service authorizations may be issued.

#### Required Documentation

The following documents are required as proof that the customer's ticket is currently assigned to the CRP-EN for which a service authorization is to be issued:

* VR1050, Ticket to Work Partnership Plus, Employment Advancement Payment, must be completed and:
  + signed by the job placement or supported employment provider; and
  + attached with one of the following documents to provide evidence of customer gross earnings:
    - Copy of the customer's pay stub
    - Earnings statement prepared and signed by the customer's employer
    - Records from a third-party source that present earnings by month
* Written documentation that the ticket has been assigned to the CRP-EN, such as:
  + a ticket assignment confirmation letter from SSA; or
  + SSA Form 1370 or Employment Network Ticket Assignment Request Form, which must be completed and signed by the customer and CRP-EN within 30 days of the invoice date.

#### Outcome

The first EN advancement outcome is achieved when:

* the customer's VR case has been closed successfully following the provision of either job placement services or supported employment services from the CRP-EN;
* the customer has assigned the ticket to the CRP-EN; and
* the customer has earned one month of gross monthly pay that meets or exceeds [SGA](https://www.ssa.gov/OACT/COLA/sga.html) for the year in which the income was earned.

#### Payment

The first EN employment advancement payment must be made within 12 months after VR case closure.

Payment (see the VR Standards for Providers Chapter 13: Work Readiness Services, 13.18 Work Readiness Services Fee Schedule) is made when the VR counselor receives and approves:

* the VR1050, Ticket to Work Partnership Plus, Employment Advancement Payment;
* evidence of customer earnings;
* documentation that the customer's ticket is currently assigned to the CRP-EN; and
* an invoice.

### A-307-6: Employment Network Employment Advancement Payment: Two

#### Service Description

The CRP-EN provides services necessary for the customer to retain and advance in employment to the point that the customer achieves eight of 12 consecutive months of gross monthly pay that meets or exceeds 105 percent of [SGA](https://www.ssa.gov/OACT/COLA/sga.html) for the year in which the income was earned. This payment is available only during the first 18 months after the first EN employment advancement payment.

The CRP-EN must notify the VR counselor in writing at least 30 days before the CRP-EN anticipates that the customer will achieve the required income level for appropriate service authorizations to be issued.

#### Required Documentation

The following documents are required as proof that the customer's ticket is currently assigned to the CRP-EN for which a service authorization is to be issued:

* VR1050, Ticket to Work Partnership Plus, Employment Advancement Payment, must be completed and:
  + signed by the job placement or supported employment provider; and
  + attached with one of the following documents to provide evidence of customer gross earnings for 8 of 12 consecutive months:
    - Copy of the customer's pay stubs;
    - Earning statement prepared and signed by the customer's employer; and
    - Records from a third-party source that present earnings by month.
* Written documentation that the ticket has been assigned to the CRP-EN, such as:
  + a ticket assignment confirmation letter from SSA/MAXIMUS; or
  + SSA Form 1370 or Employment Network Ticket Assignment Request Form, which must be completed and signed by the customer and CRP-EN within 30 days of the invoice date.

#### Outcome

The second EN employment advancement outcome is achieved when:

* all criteria for the first EN employment advancement payment are met; and
* the customer has achieved eight of 12 consecutive months of gross monthly pay that meets or exceeds 105 percent of SGA for the year in which the income was earned.

#### Payment

The second EN employment advancement payment must be made within 18 months after the first payment.

Payment for the second EN employment advancement (see the VR Standards for Providers Chapter 13: Work Readiness Services, 13.18 Work Readiness Services Fee Schedule) is made when the VR counselor receives and approves:

* the VR1050, Ticket to Work Partnership Plus, Employment Advancement Payment;
* evidence of customer earnings;
* documentation that the customer's ticket is currently assigned to the CRP-EN; and
* an invoice.

For assistance with this process, contact the State Office Program Specialist for Federal Planning, SSA, and Ticket to Work.

### A-307-7: Social Security Medical Continuing Disability Review

SSA conducts MCDRs to determine whether SSI and SSDI recipients' disabilities continue. MCDRs are usually conducted based on an established diary date set by SSA. The BPQY lists the next diary date set by SSA.

If an unfavorable decision is issued by SSA because of an MCDR, the individual is terminated from SSA benefits. SSA exempts certain individuals from MCDRs if they are participating in TTW or VR services.

Once an IPE is signed, TWC-VR operations staff from the central office notifies SSA that the customer has an open case with TWC-VR; SSA then sends a letter to the customer to verify that he or she is receiving services from TWC-VR. While a customer has an open case with TWC-VR, SSA assigns one of two ticket statuses: "In Use SVR" or "Not in Use SVR-FTPR."

Customers with status "In Use SVR":

* are provided protection against MCDR;
* have an open VR case; and
* are meeting SSA's [timely progress benchmarks](https://secure.ssa.gov/apps10/poms.nsf/lnx/0455025025).
* Customers with status "Not in Use SVR-FTPR":
* are not provided protection against MCDR;
* have an open VR case; and
* are not meeting SSA's [timely progress benchmarks](https://secure.ssa.gov/apps10/poms.nsf/lnx/0455025025).

SSA sends a letter to the customer if MCDR is going to be initiated. If a customer with an open VR case receives this notification, the VR counselor contacts the VR benefits subject matter resource staff member. The benefits subject matter resource staff member works with the State Office Program Specialist for Benefits and Liaison to Long-Term Support Services (LTSS) and/or State Office Program Specialist for Benefits and Work Incentives to determine if the initiation of MCDR was appropriate. If it was not, these state office VR program specialists assist in requesting that SSA stop the MCDR.

### A-307-8: Section 301 Continuation of Payments and Health Care

Section 301 payments are the continuation of SSI/SSDI benefit payments and Medicaid/Medicare after MCDR is conducted and an unfavorable decision has been issued. SSA has processes in place to identify potential Section 301 cases and to make Section 301 determinations on those cases.

Section 301 payments are authorized when a customer:

* participates in VR services;
* began participating in the program before the month his or her disability ceased;
* continues participating in the program through the two-month grace period after cessation; and
* is determined by SSA to have an increased likelihood of no longer requiring disability benefits if he or she completes or continues the program for a specified period.

Section 301 payments continue until one of the following occurs:

* VR services are completed
* Customer stops participating in VR services
* SSA determines that continued participation in VR services will no longer increase the likelihood that the customer will be able to discontinue SSI/SSDI disability benefits

If a customer has received an unfavorable decision as the result of MCDR, the customer might be eligible for continued cash payments and health care under Section 301. Advise the customer to contact SSA to verify participation in VR services and request a determination of eligibility for continuation of benefits under Section 301.

## A-308: Minority Backgrounds

VR counselors are expected to participate in opportunities to educate the community at large, and help to create and sustain local partnerships to provide employment services and supports for individuals with disabilities of all minority backgrounds.

TWC-VR engages in numerous programs and activities designed to inform and make available VR and supported employment services to individuals with minority backgrounds and individuals who have the most significant disabilities.

Examples of these activities include:

* required training in language services for individuals with limited English proficiency (LEP) for all VR staff (this training provides guidance on best practices and specific resources for effectively communicating with VR's unique population of LEP customers; it also includes web-based instruction and desk references for quick access to information);
* ongoing outreach initiatives with colleges and universities that have historically served African American student collaboration with the Alabama-Coushatta Tribe of East Texas to make services available to Native Americans with disabilities;
* customer access to the Language Line as a resource for those who are not fluent in English, also referred to as limited English proficiency (LEP)individuals;
* VR staff attendance at community job fairs held for the Hispanic population and meeting with groups, such as the Hispanic Chamber of Commerce, Casa de Amigos, the League of United Latin American Citizens, and Catholic Charities (for example, VR has targeted outreach activities with Catholic Charities of Lubbock and the Guadalupe–Parkway Neighborhood Centers);
* outreach activities with African American groups such as the local Sickle Cell Anemia Association, Minority Business Alliance, African American Family Conference, and NAACP (for example, the Abilene office has an ongoing relationship with the International Rescue Committee, which works with a high percentage of African refugees);
* collaboration with the American G.I. Forum that targets the needs of Hispanic veterans and has assigned bilingual counselors who have completed the Social Security work incentive training to work with veterans with significant disabilities receiving SSDI benefits and wanting to work;
* VR counselor participation in training to learn to speak other languages and to learn sign language;
* specialized caseloads for certain disabilities to help develop the expertise needed to most benefit the customers served;
* active recruitment of Spanish-speaking VR counselors;
* development of relationships with local referral sources that serve individuals who are minorities with the most significant disabilities;
* knowledge of issues impacting minorities is encouraged, including trainings and health summits conducted by the Center for the Elimination of Disproportionality and Disparities, which many staff members have attended; and
* engagement with the faith-based community to educate and inform minority and other allied congregations about VR services (for example, VR staff participates in the Texas Annual Conference of the United Methodist Church).

As local opportunities to reach out to minority groups arise, or there are questions about outreach methods and best practices, VR counselors are encouraged to communicate about these opportunities with and seek guidance from their VR Supervisor, VR Manager, and regional or state office subject matter experts as needed.

## A-309: Subminimum Wage Recipients

Section 511 of the Rehabilitation Act of the Workforce Innovation and Opportunity Act (WIOA), requires that employers holding special wage certificates under the Fair Labor Standards Act (FLSA) comply with certain requirements before hiring individuals at subminimum wage (SMW), or to continue paying SMW to participants. Regardless of age, individuals with disabilities referred to VR who are, or are expected to be, employed at SMW must receive career counseling and information and referral services designed to promote opportunities for competitive integrated employment.

### A-309-1: Subminimum Wage Recipient Terminology

The following terminology is specific to the policies and procedures throughout A-309: Subminimum Wage Recipients:

**Career counseling**

A discrete set of activities, different from counseling and guidance, that are mandated by Workforce Innovation and Opportunity Act (WIOA) that must be completed by VR staff for all individuals earning SMW in Texas, regardless of their state of residence or severity of disability.

**14c Certificate holder**

A 14c certificate holder (14c) is any employer that receives a certificate from DOL Employment Standards Administration's Wage and Hour Division to pay workers with disabilities SMW (wages less than the federal minimum wage).

**Piece rate**

Piece rate is a type of Sub minimum wage.

**Point of contact**

VR staff assigned to provide career counseling sessions to individuals who are working for SMW for a 14c.

**Subminimum wage**

SMW is always less than the minimum wage established by Fair Labor Standards Act (FLSA) or, where applicable, less than the prevailing wage required by a McNamara-O'Hara Service Contract Act wage determination. SMW must be a commensurate wage, based on the productivity of the worker with a disability (no matter how limited), in proportion to the productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same work in the same vicinity.

**Twenty-one years of age**

An individual who has not yet reached their 22nd birthday.

**Twenty-four years of age**

An individual who has not yet reached their 25th birthday.

### A-309-2: Individuals Earning Subminimum Wage

There are three groups of individuals who earn subminimum wage that require career counseling and information and referral services. The specific requirements apply to each of the following groups:

#### Group One

All individuals earning SMW or piece rate hired by a 14c before July 22, 2016, regardless of age, must have received, no later than July 22, 2017, and annually thereafter, career counseling services, which include information on and referral to other employment assistance available in the individual's community.

#### Group Two

Any individual older than 24 who is hired by a 14c after July 22, 2016, and who earns SMW or piece rate must receive career counseling and information and referral services once within the first six months of employment, once within the second six months of employment, and annually thereafter if he or she continues to earn SMW.

#### Group Three

Group Three is made up of two subgroups—individuals not older than 24 and individuals not older than 21.

The following requirements apply to all individuals in Group Three who want to work at SMW or piece rate, and these individuals cannot earn SMW or piece rate until all requirements are satisfied:

1. All individuals in Group Three must apply for VR services.
2. If the individual or legal guardian states no interest in competitive integrated employment or VR services after application is completed, VR staff must do the following:
   1. Close the case in ReHabWorks (RHW).
   2. Use RHW to auto-generate a letter to the individual saying the case was closed due to no interest in services.
   3. Provide the first session of career counseling.
   4. Open a new case and complete the initial contact and 14c page in RHW, leaving the case open without assignment.
   5. Provide the individual with the closure letter, completed VR5113, Career Counseling and Information and Referral sheet, and completed VR5118, Section 511 Cover Sheet for Group Three.
   6. If the individual is under 21 years of age, in addition to A–D above:
      * Contact the high school that the individual attends or attended and request written proof of transition services; or
      * If no transition services were provided, issue written proof of Texas Workforce Commission (TWC) VR pre-employment transition services (Pre-ETS); or
      * If neither transition services through school or Pre-ETS through TWC VR were provided, mark the applicable box on the VR5118, Section 511 cover sheet for Group Three, and provide the individual with the closure letter, completed VR5113 and VR5118, and proof of transition services or Pre-ETS, if applicable.

This individual can now be paid SMW. The individual must provide all required documents to the 14c. Per WIOA, the only individual authorized to receive completed Section 511 documents is this individual.

1. If a Group Three individual is interested in competitive integrated employment, but the VR counselor is uncertain whether the individual will be able to benefit from VR services, in terms of an employment outcome, because of the severity of that individual's disability or if the individual is ineligible for VR services, VR staff must refer to VRSM B-300: Determining Eligibility, and B-310: Trial Work Services.

If the individual is found ineligible for VR services, VR staff must do the following:

* 1. Close the case in RHW.
  2. Use RHW to auto-generate a letter to the individual saying the case was closed as ineligible due to severity of disability.
  3. Provide the first session of career counseling.
  4. Open a new case and complete the initial contact and 14c page, leaving the case open without assignment.
  5. Provide the individual with the closure letter, completed VR5113, Career Counseling and Information and Referral sheet, and completed VR5118, Section 511 Cover Sheet for Group Three.
  6. If the individual is under 21 years of age, in addition to A–D above:
     + contact the high school that the individual attends or attended and request written proof of transition services; or
     + if no transition services were provided, issue written proof of TWC-VR Pre-ETS; or
     + if neither transition services through school or Pre-ETS through TWC-VR were provided, mark the applicable box on the VR5118, Section 511 cover sheet for Group Three; and
     + provide the individual with the closure letter, completed VR5113 and VR5118, and proof of transition services or Pre-ETS, if applicable.

This individual can now be paid SMW. The individual must provide all required documents to the 14c. Per WIOA, the only individual authorized to receive completed Section 511 documents is this individual.

1. If a Group Three individual is interested in competitive integrated employment and is eligible for services, VR staff must do the following:
   1. Follow all regular procedures for development of the Individualized Plan for Employment (IPE) and provision of active services.
   2. If, at any time during the VR process, the individual decides he or she is no longer interested in competitive integrated employment, close the case and follow the procedures in 2.
   3. The only variation from a regular VR case for Group Three is that to close a case unsuccessfully, individuals in Group Three must have been working toward the IPE employment outcome for a reasonable period (up to 24 months), with appropriate supports, without success.
   4. Group Three individuals who obtain competitive integrated employment may still want to earn SMW in addition to competitive employment. For these individuals, VR staff must do the following:
      * Close the case in RHW.
      * Generate closure letter.
      * Provide the first session of career counseling.
      * Open a new case and complete the initial contact and 14c page, leaving the case open without assignment.
      * Provide the individual with the closure letter, completed VR5113, Career Counseling and Information and Referral sheet, and completed VR5118, Section 511 Cover Sheet for Group Three.
      * If the individual is under 21 years of age, in addition to A–D:
        + contact the high school the individual attends or attended and request written proof of transition services; or
        + if no transition services were provided, issue written proof of TWC VR Pre-ETS; or
        + if neither transition services through school or Pre-ETS through TWC VR were provided, mark the applicable box on the VR5118, Section 511 cover sheet for Group Three, and provide the individual with the closure letter, completed VR5113 and VR5118, and the proof of transition services or Pre-ETS, if applicable.

This individual can now be paid SMW. The individual must provide all required documents to the 14c. Per WIOA, the only individual authorized to receive the completed Section 511 documents is the individual.

1. If a Group Three individual obtains competitive integrated employment and does not wish to earn SMW in addition to competitive employment, follow normal procedures for case closure. No Section 511 activities (for example, career counseling) are required.

Note: During the time that a Group Three individual has an open case with VR, the individual cannot earn SMW.

(Authority: Sections 7(5), 7(39), 12(c), 102(a) and (b), 103(a), 113, and 511(a) and (d) of the Rehabilitation Act of 1973, as amended; 29 USC §§705(5), 705(39), 709(c), 722(a) and (b), 723(a), 733, and 794g(a) and (d); Workforce Innovation Technical Assistance Center)

### A-309-3: Process for Complying with Section 511

The point of contact (POC) must do the following:

* Schedule a premeeting at the 14c site with the SMW employer and review the process, VR responsibilities, and career counseling and guardian packets.
* When scheduling the premeeting with the 14c, record the answers to the following questions:
  + How many individuals earn SMW or piece rate?
  + How many have legal guardians? If the 14c is unsure, explain that the 14c will need to find this out and provide the number to the POC in advance of the premeeting.
  + How many individuals of any age were hired before July 22, 2016?
  + How many individuals not older than 24 were hired after July 22, 2016? Advise the 14c that this group must be immediately referred to VR services.

#### Preparation for a Premeeting

To prepare for a premeeting, VR staff must determine the approximate number of individuals earning SMW at the facility and do the following:

* Send the appropriate number of VR1517-2, Authorization for Release of Confidential Customer Records and Information (the approximate number of individuals earning SMW at the facility).
* Send the appropriate number of VR5060, Permission to Collect Information.
* Send the appropriate number of Career Counseling Data Sheets to be completed by the 14c before the premeeting for each individual earning SMW.
* Print the appropriate number of complete guardian packets to take to the premeeting for the 14c.
* Print the appropriate number of complete career counseling packets to take to the premeeting for the individuals who are their own guardians.
* Print one career counseling packet and one guardian packet for the 14c to review at the premeeting.

#### During the Premeeting

During the premeeting, VR staff must do the following:

* Review the three groups with the 14c, including the timelines for completion of VR activities, and review when individuals not older than 24 can start or continue to earn SMW.
* Review the career counseling process and each document with the 14c, emphasizing what happens if an individual or guardian signs VR5110, Refusal to Participate in TWS-VRS WIOA Section 511 Required Activities.
* Collect completed Career Counseling Data Sheets for each individual earning SMW.
* Provide the 14c with the appropriate number of the following documents:
  + Two copies (per individual) of the Subminimum Wage Career Counseling and Information and Referral sheet (formal documentation of career counseling and information and referral services, and documentation of whether the individual wants to work in the community);
  + Career Counseling workbook;
  + Refusal to Participate form;
  + Guardian cover letter;
  + Thank-you card;
  + Career Counseling Data Sheet that the 14c should have completed before the premeeting, or, if not, have copies available; and
  + Resource for Guardians document for individuals to give to their guardians.

Note: For additional guidance on documents to be sent to all parties involved, see the WIOA Section 511 Chart, Who Receives Documents and When. VR staff must do the following:

* Provide the 14c with enough packets for all individuals who have guardians.
* Request that the 14c send any documents requiring the guardian's signature to the guardian before the career counseling sessions.
* Inform the 14c that it is the 14c's responsibility to get guardian signatures and that VR cannot provide career counseling to individuals with guardians without signed documents.
* Request that the 14c staff invite guardians to the meeting.
* Inform 14c staff members that they must have ample personnel to assist VR staff.
* Schedule career counseling sessions.

#### Career Counseling Sessions

POC must do the following:

* Start with the Subminimum Wage Career Counseling and Information and Referral sheet and follow the general instructions. The Career Counseling workbook is used in conjunction with the form.
* Ensure that all forms are completed.
* Request that the 14c make a copy of all forms.
* Provide one copy to each individual.
* If an individual refuses to sign any form, including page seven of the workbook, then note the refusal on the form and sign the form.
* Provide individuals with the thank-you card.

If an individual is interested in applying for VR services, VR staff must do the following:

* Identify the assigned VR counselor in the unit where the individual will be served by contacting the unit manager.
  + Explain to the assigned VR counselor that if the individual is not older than 24, the VR counselor must take an application regardless of the severity of the disability, and determine eligibility for VR services, including purchasing a Career Planning Assessment and scheduling Trial Work Experience, if necessary.
  + If the individual's ability to complete multiple trial work experiences is in question, contact the Section 511 state office program specialists for instructions.
* Enter initial contact in RHW.
* Assign it to the appropriate caseload.
* Provide the assigned VR counselor a copy of the workbook.
* Scan and email the following forms to [vr.WIOASection511@twc.texas.gov](mailto:vr.WIOASection511@twc.texas.gov):
  + VR5113, Career Counseling and Information and Referral sheet
  + VR5118, Section 511 Cover Sheet for Group Three (if applicable)
  + VR1517-2, Authorization for Release of Confidential Consumer Records and Information
  + VR5060, Permission to Collect Information

State-level staff will hold all copies of completed career counseling documents. The VR counselor may destroy the hard copies of these forms after the scanned forms have been sent to state office.

### A-309-4: Refusal to Participate

If a participant or guardian refuses participation, VR staff must provide documentation to the individual within 10 calendar days of the refusal to participate. VR staff must use the VR5110, Refusal to Participate in TWS-VRS WIOA Section 511 Required Activities form.

Refusal to participate means that the individual cannot accept SMW. The individual can attend the workshop or go to the facility, but he or she cannot earn less than minimum wage.

### A-309-5: Additional Guidance Requests for Information about WIOA

If an individual or guardian wants clarification or more information about Section 511 requirements, he or she can contact [DOL's Wage and Hour Division](https://www.dol.gov/agencies/whd/special-employment) through the agency's website (<https://www.dol.gov/whd/specialemployment/>).

If a 14c wants more information on WIOA or needs clarification of responsibilities under the Act, the 14c can contact DOL's Wage and Hour Division Regional Office in Dallas:

Southwest Regional Office  
525 S. Griffin Street, Suite 800  
Dallas, Texas 75202

Phone: 972-850-2550