

PA Office of Vocational Rehabilitation (OVR) Order of Selection

Overview and Closure

To assist Pennsylvanians with **disabilities**
to secure and maintain
employment and independence.

Order of Selection Overview

Definitions and PA OVR Implementation

- If a vocational rehabilitation agency is unable to serve all eligible individuals, that state must put into place an Order of Selection.
- Essentially, an Order of Selection is meant to assess and triage an individual's needs and then prioritize services based upon their level of need.
- In an Order of Selection, individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services.

The **Vocational Rehabilitation** program is impacted by Order of Selection on a **STATEWIDE** level.

Services offered by the Bureau of Blindness and Visual Services (BBVS) under the Independent Living Older Blind (ILOB), Specialized Services-Child/Adult, or Business Enterprise Program (BEP) are not impacted by an Order of Selection.

Under Pennsylvania's Order of Selection, individuals with disabilities are placed into one of three priority categories.

1. Individual with the Most Significant Disability (**MSD**)
2. Individual with a Significant Disability (**SD**)
3. Individual with a Non Significant Disability (**NSD**)

Most Significant Disability (MSD)

The physical, mental, or sensory impairments must seriously limit **three (3) or more** of the individual's functional capacities, and

the individual must be expected to require multiple vocational rehabilitation services, defined as **two (2) or more services**,

that are expected to last **six (6) months** from the date of the IPE or be needed on an ongoing basis to reduce an impediment to employment.

Significant Disability (SD)

The physical, mental, or sensory impairments must seriously limit **one (1) or more** of the individual's functional capacities, and

the individual must be expected to require multiple vocational rehabilitation services, defined as **two (2) or more** services,

that are expected to last **six (6) months** from the date of the IPE or be needed on an ongoing basis to reduce an impediment to employment.

Not Significantly Disabled (NSD)

The individual has a physical, mental, or sensory impairment that does not meet either of the previous definitions for MSD or SD.

- **OVR has operated under an Order of Selection since March 1994.**
- The order of selection previously limited VR services to customers with a most significant disability (MSD).
- OVR has not been historically able to serve new customers in other priority categories, which are SD and NSD, due to fiscal constraints.
- For historical context, additional federal funding was provided by the American Recovery and Reinvestment Act (ARRA), which enabled OVR to expand the Order of Selection to include individuals in the SD category, from October 18, 2010, to April 23, 2012.
- **Outside of the brief ARRA period, the SD and NSD categories have been closed since March 1994 and will remain closed to new customers.**

- The Pennsylvania Bulletin issued on May 4, 2019, announced public comment on the proposed amendment to the VR Services Portion of the PA WIOA Combined State Plan.
- This amendment included a proposal to close the MSD category, in addition to the already closed SD and NSD categories, effectively creating a waiting list for OVR services.
- As required, public meetings were held statewide at OVR district offices on May 22, 2019. Additional public comments were accepted until 5:00 p.m. on June 4, 2019.

- OVR reviewed all comments and questions as received by the deadline.
- OVR submitted a state plan amendment or modification to provide all necessary descriptions and assurances to the U.S. Department of Education's Rehabilitation Services Administration (RSA).
- This amendment included a proposal to close the MSD category, in addition to the already closed SD and NSD categories, effectively creating a waiting list for OVR services.
- RSA reviewed and approved OVR's request to close the Order of Selection, effectively initiating a waiting list for OVR services.

Order of Selection Closure

PA OVR Process and Procedure

As of July 1, 2019, PA OVR is operating under a closed Order of Selection, meaning that all priority categories are now closed.

Question:

If OVR has operated under an Order of Selection since 1994, what is changing now?

Answer:

All categories, including the MSD category, were closed effective July 1, 2019.

Question:

If all categories under the Order of Selection are now closed, what does this mean in basic terms?

Answer:

Essentially, with all categories closed, OVR will be creating a **waiting list** for services offered under the statewide vocational rehabilitation program.

- The waiting list for services is effective as of July 1, 2019.
- Existing customers who have an IPE completed by June 30, 2019, will continue to receive services.
- OVR will continue to meet with new customers to complete an application, determine if they are eligible for OVR services, and assign them to a category on the Order of Selection.
- With all categories closed, all customers will be put on the wait list for vocational rehabilitation (VR) services following a determination of eligibility, but prior to developing their first IPE.

- **Reminder:** This change only pertains to the VR program within PA OVR. Specialized programs under BBVS are not impacted (ILOB, BEP, Specialized Services for Adults, and Specialized Services for Children).
- **A Note about PETS (Pre-Employment Transition Services):** PETS and the Order of Selection will be addressed later in this presentation. This section will focus on the general, non-PETS process.

IMPORTANT: Existing customers who already have an IPE in place by June 30, 2019, with OVR will not have a disruption in services.

For all customers with approved IPEs with an effective date by June 30, 2019...

- ✓ VR services will continue as planned via IPE.
- ✓ All services listed on an existing IPE will continue.
- ✓ New services can also be approved via an IPE amendment.

- **All eligible** customers who did not have an IPE for services in place by June 30, 2019, were automatically converted to Status 11 – Waiting for Services. This is the waiting list.
- If eligibility was not determined by June 30, 2019, OVR will continue to determine if customers are eligible for VR services and assign them to a category on the Order of Selection.
- Any Certificate of Eligibility/Order of Selection form completed on July 1, 2019, or beyond will result in the customer being placed into Status 11 – Waiting for Services, regardless of the severity level determination (MSD, SD, NSD). This is the waiting list.

1. Upon receipt of referral, a counselor will meet with the applicant to complete the application and inform them about the Order of Selection waiting list and community resources available for assistance.
2. The counselor will input data and the application date; scan and upload documents in the Commonwealth Workforce Development System (CWDS), OVR's database and case management system; and determine eligibility within 60 days from the date of application (or after a documented time extension due to extenuating circumstances).
3. After an eligibility determination is made, the customer will be assigned to an Order of Selection priority category based on their functional limitations and need for multiple VR services over an extended period of time.
4. CWDS will add the case to the waiting list in the system.
5. Notice of these actions will be sent to the customer, including the right to appeal their assigned category.

Each customer placed on a waiting list will be notified in writing of:

- The priority category definitions;
- His or her assignment to a particular priority category classification;
- The possibility of reclassification if OVR is alerted to a change in the individual's circumstances or due to any misclassifications; and
- The right to appeal the category assignment through informal or formal review and of the availability of assistance from the Client Assistance Program (CAP).

For eligible customers who are placed on a waiting list:

- Individuals will be provided information and referral services to other appropriate federal and state programs, including programs carried out by other components of the Statewide Workforce Development System (e.g., PA CareerLink[®]), that are suited to address the specific employment needs of the individual.
- No IPE will be written to provide individualized services until such time that the Order of Selection category opens and individuals are notified that services are available to them.

- OVR will evaluate its ability to serve customers on a quarterly basis.
- When financial resources are available, first priority will be given to customers in the MSD category, second priority to those in the SD category, and third priority to those in the NSD category.
- This ensures that available services are prioritized for individuals with the most significant disabilities.
- When the MSD category is opened, customers who have been placed on a wait list will be released based on the date they applied, with the oldest application dates being released first.

1. OVR will determine when to open each category based upon financial availability. One priority category will be opened at a time, starting with MSD, to clear the waiting list for that priority category before opening the next priority category.
2. A monthly list will be generated by CWDS. Each quarter, based on financial availability, OVR will determine how many customers will be taken off the waiting list for the recently opened priority category. Customers will be served in the order that they applied.
3. Notice will be provided to district offices to begin developing plans for customers within the range of application dates.

4. District Administrators will ensure that customers are assigned to counselors, if circumstances required a change in the original counselor assignment.
5. Individual customers will be notified that services have become available to them based on their priority category and application date.
6. Counselors and customers will mutually develop and complete IPEs within 90 days from the date the customer was taken off the waiting list.

Operating Under a Closed Order of Selection

Stakeholder Impact and FAQs

Remember: OVR can meet with the person to determine their eligibility and place them on a category on the Order of Selection, but, with all categories closed, OVR will not be able to provide further services immediately.

- Individuals who are put on the waiting list for OVR services must be referred to services provided through the PA CareerLink®.
- You may see more people with disabilities accessing PA CareerLink® services for job search assistance.
- If you need further assistance on serving people with disabilities, OVR staff can provide training and/or resources.

- Authorized services may continue under a current IPE for active customers.
- No new customers should be started in services without **written** authorization via a current IPE and an active purchase order.
- OVR will evaluate its ability to serve customers on a quarterly basis, and, if customers are brought into the system and approved for services, you will receive a **written** authorization via an active purchase order for these services.
- Providers are encouraged to verify the status of specific individuals, rather than act on an outdated referral or inquiry.

OVR Business services staff will continue to provide business services activities such as:

- Outreach and consultation on disability work related topics
- Job Development (for customers who have an individualized plan for employment in place)
- Job Placement (for customers who have an individualized plan for employment in place)

- For an employee who needs assistance but is not a current OVR customer with an IPE in place, information and referrals will be provided to other community providers and resources who may be able to assist.
- If OVR has recently closed the case (within one year), we may be able to assist through post employment services.
- If you have questions about workplace accommodations or the Americans with Disabilities Act (ADA), connect with the Job Accommodation Network (JAN) by calling (800) 526-7234 (voice) or (877) 781-9403 (TTY) or visiting the [JAN website](#).

Operating Under a Closed Order of Selection

Impact on Pre-Employment Transition Services (PETS)
and General Transition Services

What are Pre-employment Transition Services (PETS)?

PETS are intended to provide students with a generalized early start to job exploration. The 5 Required PETS include:

Self-Advocacy Instruction

Counseling On Postsecondary Options

Job Exploration Counseling

Work Based Learning

Workplace Readiness Training

Pre-employment Transition Services are for students:

- Between the ages of 14-21
- Enrolled in secondary or post-secondary education
- Have an IEP, 504 Plan, or identify themselves as a student with a disability

For Pre-Employment Transition Services (PETS) for students:

Students with disabilities are subject to the Order of Selection as VR customers; however, they can receive Pre-Employment Transition Services in certain instances:

- The potentially eligible student has already participated in one of the five required pre-employment transition services (sponsored by OVR) before receiving a determination of eligibility for VR services and being placed on the Order of Selection wait list.
- The student who has applied for VR services but has not yet been determined eligible or placed on the Order of Selection may receive pre-employment transition services that are new or continuing.

For Pre-Employment Transition Services (PETS) for students:

A student can receive Pre-Employment Transition Services while applying for VR Services.

Please note that if a student has not received PETS prior to being determined eligible for VR services and placed on the Order of Selection waiting list, that student will not be able to receive any of the five required pre-employment transition services OR individualized VR services.

OVR staff will still be able to attend IEP meetings for potentially eligible students and students with open VR cases during the period that Order of Selection is closed and PA OVR is operating under a waiting list.

For individualized VR services to students:

- Current OVR customers, who have an IPE completed by June 30, 2019, may continue with authorized VR services.
- New customers that are determined eligible and placed on a waiting list cannot receive VR services.
- No new customers can begin VR services without being moved off of the waiting list and into active VR service provision.
- After being moved off of the waiting list, the customer will meet with a VR counselor to prepare and sign an IPE.
- New VR cost services will not be started without a signed IPE and a written service authorization via purchase order.

Operating Under a Closed Order of Selection

Impact on Subminimum Wage/Section 511 Services

- For Individuals age 24 and younger prior to receiving subminimum wage, OVR is required to provide PETS, vocational rehabilitation, and/or career counseling.
- For any individual receiving subminimum wage, OVR is required to provide annual career counseling and information and referrals.

Nothing would change regarding Section 511 under the closure of the Order of Selection.

- OVR will continue to provide annual career counseling and information and referral sessions for individuals receiving subminimum wage.
- If interested, individuals would continue to apply for OVR services.
- Eligibility Determination would continue to be completed.

Section 511 requires that a youth (age 24 and under) must complete three (3) services prior to entering into subminimum wage (SMW) employment.

1. Transition Services under IDEA and/or Pre-Employment Transition Services under WIOA: Documented on the **OVR-263**
2. Career Counseling provided by OVR: Documented on the **OVR-263A**
3. Application for OVR services, and:
 - a. Found ineligible, or
 - b. Closed unsuccessful after attempting to reach IPE goal, and
 - c. Documented on **OVR case closure letters or ineligibility certificates**

In the situation where individuals are seeking to enter subminimum wage employment under the age of 25, OVR would:

1. take an application,
2. provide information about the benefits of competitive integrated employment, provide information about the services that OVR is able to provide, AND
3. inform the individual about the closure of the OOS and the creation of the “Waiting List”.

The individual would have the choice to either make an informed decision to close his/her case with OVR and enter Subminimum Wage employment, or to remain “open” on the waiting list to receive OVR services.

- For additional information about the Order of Selection (OOS) closure, including answers to common FAQs, please visit the [OVR website](#) and access the “Order of Selection” tile.
- For specific details about individual applications and/or individual case details, please contact your local OVR District Office.