

WAC 67-25-140 Eligibility—Trial work experience. (1) Trial work experience is a process of providing assessment and related vocational rehabilitation services to an applicant with significant disabilities, for the limited purpose of collecting information necessary to make an eligibility determination, if there is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the significance of his or her disability.

(2) Trial work experience allows the individual to explore his or her abilities, capabilities, and capacities to perform in a realistic work situation, while addressing identified barriers to employment through the provision of appropriate vocational rehabilitation services, including supported employment, on-the-job training, rehabilitation technology and personal assistance services in order to accommodate the rehabilitation needs of the individual during the trial work experience.

(3) Prior to any determination that an individual with a disability is unable to benefit from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability or that the individual is ineligible for vocational rehabilitation services, the department must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

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

(b) Trial work experiences include supported employment, on-the-job training, and other experiences using realistic integrated work settings.

(c) Trial work experiences must be of sufficient variety and over a sufficient period of time for the department to determine that:

(i) There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(ii) There is clear and convincing evidence that due to the severity of the individual's disability, the individual is incapable of benefiting from the provision of vocational rehabilitation services in terms of an employment outcome.

(d) The department must provide appropriate supports including, but not limited to, assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-140, filed 7/3/18, effective 8/3/18. Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-065, filed 9/15/08, effective 10/16/08. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-065, filed 4/4/05, effective 5/5/05.]