

## 1375.40 Work-Try-Out (WTO) / On-The-Job Training (OJT) Policy

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### **Work-Try-Out (WTO)**

A Work-Try-Out (WTO) may be used as an assessment or as an employer incentive to confirm suitability for a job placement. WTO is a time limited assessment provided in an actual work setting. The objective of a WTO is to obtain first hand information on job performance by providing the individual with a paid opportunity to assess skills, abilities and interests for a particular job. For the employer, a WTO may be an incentive to hire the individual for a specific job.

The WTO can be used to:

1. Assess an individual's ability to perform essential job functions for an identified employment goal; or
2. Obtain job analysis and performance information in order to develop an OJT program for the individual with the current employer or another employer for a similar job; or
3. Reduce the financial risk to the employer to hire an individual while confirming the individual's placement suitability in a specific job opening. A WTO as an employer incentive requires clear notation in the record of services that the employer expects to hire the individual.

When authorizing a WTO to assess essential job functions or to obtain a job analysis, the WTO is authorized in status 18 and below. When authorizing a WTO as an employer placement incentive, the WTO may be authorized in status 22. The WTO purpose must be clearly described and documented in the record of services.

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ACCES-VR can reimburse an employer 100% of gross wages for a WTO, not to exceed 480 hours.

### **On-the-Job Training (OJT)**

On-the-Job Training (OJT) is a valid means of providing time limited on-the-job skill training in an actual work setting. The expected outcome is permanent employment with the employer or, in special circumstances, with another employer in the same or related field.

The employer provides training to the individual to acquire essential job skills required for a particular job, consistent with the individual's employment factors. The outcome is permanent employment with the employer who provides the training, or with another employer who provides advanced written commitment to hire the individual upon successful completion of the OJT.

### **Length of OJT**

The ACCES-VR counselor determines the length of the OJT in consultation with the employer. The ACCES-VR counselor and individual should jointly pursue the development of the on-the-job training. ACCES-VR may also authorize the assistance of a community rehabilitation provider (CRP) to help develop and provide follow-up for the OJT.

The length of training can be authorized up to a maximum of 26 weeks. An OJT should be completed in less than 26 weeks whenever possible and must be based on the individual's ability to acquire the necessary skills to achieve job competency. O\*net On-Line, the Occupational Outlook Handbook and/or the Dictionary of Occupational Titles should be consulted to determine a reasonable training period.

The following links provide occupational information:

O\*net Web Site: <http://online.onetcenter.org/>

Occupational Outlook Handbook Web Site: <http://www.bls.gov/oco>

### **Economic Need**

WTO and OJT services are not subject to economic need. While OJT wage reimbursement fees are not subject to economic need, all associated services with the OJT must comply with ACCES-VR economic need policy. ([1125.00 Financial Need Review Policy](#))

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### **Comparable Benefits**

Comparable benefits shall be used whenever they are both an available and appropriate means of providing any part of the WTO or OJT. Seeking comparable benefits should not unreasonably delay the start of the WTO or OJT. When a comparable benefit constitutes a partial payment of an assessment, placement or training fee, it shall be applied against ACCES-VR's authorized amount.

### **OJT Wage Reimbursement**

An OJT is authorized as a vocational training service in status 18. OJT wage reimbursement fees to the employer cannot exceed the amount paid to the individual in gross wages. ACCES-VR may pay up to the employer's customary entry level wage for the job. ACCES-VR will pay 100% wage reimbursement to the employer of gross weekly earnings for up to 26 weeks.

If the length of the OJT must be extended, the extension is approved at 50% wage reimbursement rate.

### **General Criteria for WTO or OJT**

The ACCES-VR counselor develops the WTO or OJT consistent with the following criteria:

1. The employer is willing and able to assess and/or train the individual in the specific skills necessary for the job and will provide adequate supervision;
2. The employer will place the individual on the payroll for the customary starting wages of the job and cover Worker's Compensation, Social Security, and Unemployment Insurance;
3. The employer agrees to participate in ACCES-VR's payment method of wage reimbursement, including use of any comparable benefits to defray the cost to ACCES-VR;
4. The employer will assure that all Department of Labor standards for wages, hours and safety, are met;
5. Any additional wage costs for overtime will be the responsibility of the employer;
6. The employer will apply all benefits and company policies available to other employees in a similar job status;
7. The employer, or as appropriate the community rehabilitation provider (CRP), will immediately notify the ACCES-VR counselor of any problems or concerns with the WTO or OJT program;
8. WTO's and OJT's shall not be authorized in circumstances where the individual would be considered an independent contractor;
9. WTO's and OJT's may be authorized with for-profit businesses and not-for-profit businesses, including community rehabilitation providers (CRP);

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10. For WTO's as a placement incentive or for OJT's, the employer must have the financial means to hire the individual.

All criteria must be documented in the record of services.

### **Role of the ACCES-VR Counselor**

1. The ACCES-VR counselor is primarily responsible for the proper development, implementation and monitoring of the WTO or OJT. When appropriate, the ACCES-VR counselor may delegate identified responsibilities to the Vocational Rehabilitation Counselor Assistant (VRCA), Integrated Employment Specialist (IES) or Community Rehabilitation Provider (CRP); but will maintain overall responsibility for the service.
2. The ACCES-VR counselor, in consultation with a community rehabilitation provider when appropriate, shall visit the WTO or OJT site and meet with the employer to negotiate the terms of the employer-based program.
3. The ACCES-VR counselor, in consultation with a community rehabilitation provider when appropriate, shall assure that the employer meets the selection criteria, understands the purpose of the WTO or OJT and his/her role in the program.
4. The ACCES-VR counselor, in consultation with a community rehabilitation provider when appropriate, shall discuss the content of the WTO or OJT Agreements, Assessments, or Progress Reports with the employer and individual. Any revisions to the specific WTO or OJT program require ACCES-VR approval.
5. The ACCES-VR counselor, in consultation with a community rehabilitation provider when appropriate, shall assure that the individual fully understands the terms of the WTO or OJT program which has been developed, and all parties agree to accept their responsibilities for its fulfillment.
6. The ACCES-VR counselor shall verify the individual's receipt of the wages agreed upon and shall immediately intervene when any discrepancy is apparent.

### **Ethical Considerations**

A WTO or OJT is an unique relationship between ACCES-VR and an employer since the employer is also the provider of the WTO or OJT service. ACCES-VR staff should exercise caution in selecting an appropriate employer to guard against either real or potential conflict of interest. The following guidelines apply:

1. A WTO or OJT shall not be authorized with an employer who is the immediate relative (spouse, parent, stepparent, foster parent, offspring, grandparent, in-law or sibling) of the individual.

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2. A WTO or OJT may be authorized with a current or former employer when the counselor documents that the onset or progression of the individual's disability requires acquisition of new work-related skills.
3. A WTO or OJT shall not be authorized with an employer who is a ACCES-VR staff member or his/her immediate relative.
4. A WTO for assessment purposes only may be authorized in any Civil Service position. A WTO as a placement incentive or an OJT, may be authorized only for Civil Service positions which are exam exempt (i.e. does not require a written test).
5. A WTO for assessment purposes may be authorized through a Professional or Temporary Placement Agency. A WTO as a placement incentive or an OJT - is not allowed.

**\*Exception:** A WTO as a placement incentive or an OJT is allowed when the Professional or Temporary Placement Agency is providing long-term, stable employment upon completion of the WTO or OJT and is directly responsible for payment of wages and benefits to the individual. This must be clearly documented in the record of services.

6. If the individual is under age 18, the ACCES-VR Counselor shall confirm that the individual has proper employment certificates and the job adheres to DOL Laws Governing Employment of Minors.

### **Tools and Equipment**

The employer is expected to provide the tools and equipment for a WTO or OJT consistent with their practice with any other employee.

When ACCES-VR provides tools and equipment, a written tools and equipment specification list must be provided by the employer and documented in the record of services. ACCES-VR retains ownership of all tools and equipment until after the individual is successfully closed into status 26. An "Ownership of Equipment and Supplies" (VR-69) form must be completed and documented in the record of services.

For a WTO, if ACCES-VR is expected to provide the individual with tools or necessary equipment that the employer does not provide, we may authorize purchase to complete the WTO evaluation. This purchase is not contingent on economic need.

For an OJT, if ACCES-VR is involved in the provision of tools and equipment, ACCES-VR's economic need calculation shall be applied disregarding the anticipated income from the OJT wages. Such tools and equipment would include those customarily required for a worker to perform efficiently on the job and necessary for placement.

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### **Purchase of Clothing**

For the purchase of required clothing, please follow Purchase of Clothing/Tools/Equipment Memorandum ([POL 09-05](#)) which includes safety clothing, (steel-toed work boots, heat resistant gloves, and hard hats) to begin a job when not provided by the employer.

### **Rehabilitation Technology**

Rehabilitation technology, adaptive tools and devices are separate and distinct from ordinary tools and equipment required for a specific job. For ACCES-VR to provide required adaptive tools and equipment necessary, follow guidelines and procedures described in [1370.00 Rehabilitation Technology Policy and Procedures](#).

### **Combining WTO or OJT with Other Services**

A WTO or OJT may be combined with Supported Employment and Core Rehabilitation Services (CRS) including when it is deemed by the ACCES-VR counselor to be necessary for the individual to achieve the employment outcome. When a WTO or OJT is authorized in conjunction with any CRS service, it must be clearly documented in the record of service to be necessary to meet the rehabilitation needs of the individual and is not a duplication of services.

Approval by the ACCES-VR Regional Coordinator, District Office Manager or designated supervisor, is required.

### **Reporting Requirements**

A letter of agreement, explaining roles, responsibilities and expectations of the WTO or OJT shall be sent by ACCES-VR to the employer, the individual and when appropriate, the community rehabilitation provider.

The ACCES-VR counselor in consultation with a community rehabilitation provider when appropriate, and the individual, shall utilize a written assessment or training progress reports for all WTOs and OJTs. Attendance requirements for the individual shall meet the same standards as for all other employees.

In those circumstances when an OJT is authorized and employment is expected to be with a different employer, ACCES-VR must have this commitment in writing and the ACCES-VR counselor must document in the record of service why the OJT cannot be performed where the individual is expected to be placed.

For a WTO or OJT, the employer shall supply, at a minimum, written monthly progress/assessment reports to the ACCES-VR counselor. The report should

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accurately assess the individual's ability to become employed at the end of the assessment or training period. For the WTO as an assessment, a final report to the ACCES-VR counselor will indicate whether or not the individual was able to demonstrate the ability to perform the essential functions of the job at the required level of productivity. For the OJT, the final report must address retention of the individual in permanent employment.

### **Processing Vouchers**

The WTO or OJT voucher will not be processed for payment unless accompanied by a WTO Assessment Report; or WTO placement incentive commitment letter from the employer; or On-the-Job Training Progress Report. The WTO Assessment or OJT Progress Report form must be submitted by the employer to the ACCES-VR counselor at the end of each established assessment/training period (at a minimum, every 4 weeks).

Evidence of wage payment by the employer to the individual must be maintained in the record of services. This may include signed time sheets and/or copies of wage receipts.

IPE's and Authorizations will be:

- prepared with the vendor ID # assigned by the ACCES-VR CO Provider Review Unit (VR-400);
- prepared in hourly units for the WTO (case service code 150x) and weekly units for the OJT (case service code 560x);
- provided along with agreement forms and cover letters;
- properly justified with supporting case note documentation in the record of services; and
- followed by additional Federal Work Opportunity Tax Credit (WOTC) and NYS Workers with Disabilities Employment Tax Credit (WETC) and any other available employer financial incentives.

**Please Note\*:** Certification for tax credit eligibility must be completed and mailed within 28 days of the individual being placed on the employer's payroll at the beginning of an WTO or OJT that results in a placement with that employer.

If ACCES-VR is involved in the provision of tools and equipment, purchases should be coordinated with the ACCES-VR DO Business Manager or designee and shall also be made according to current NYS Finance Law and ACCES-VR bidding procedures.

**WTO/OJT Standard Forms and Letters**

**VR-69, Ownership of Equipment and Supplies**

**VR 400, Vendor Authorization Form**

**WTO Report Form**

**WTO Agreement Form**

**WTO Letter to the Employer**

**WTO Letter to the Consumer**

**OJT Agreement Form**

**OJT Progress Report Form**

**OJT Letter to the Employer**

**VR 801, OJT Letter to the Consumer**