

LRS CHAPTER 4, TECHNICAL ASSISTANCE & GUIDANCE MANUAL

 LOUISIANA WORKFORCE COMMISSION The Department of Labor	Part 406	Name Order of Selection	Effective Date *April 2, 2019**
	Authorization *Federal Register, Volume 81, Department of Education, 34 CFR 361, Part VI, State Vocational Rehabilitation Services Program, §361.36, §361.37, §361.42, and §361.43.**		

*The Order of Selection consist of five groups or categories that Counselors place eligible individuals in based on their functional limitations and the number of functional capacity areas that are seriously limited as a result of their limitations. This process allows the Counselor to rank the severity of impact of the disability(ies) on employment from Most Significantly Disabled to Non-Significantly Disabled as described in II. E. on the following page.**

I. PREREQUISITE TO PLACEMENT IN THE ORDER OF SELECTION

Before a Counselor considers placement of a particular consumer into a Selection Group in the Order of Selection, the Counselor must first determine whether or not the individual is eligible and whether the individual is significantly disabled or non-significantly disabled. It is important to remember eligibility is not determined by diagnosis alone. The Counselor must go through the decision-making process for eligibility (Refer to Part 405).

II. FUNCTIONAL CAPACITY AREAS

A. Placement in the Order of Selection is based on functional limitations in eight (8) functional capacity areas, which are as follows:

1. Mobility
2. Motor Skills
3. Communication
4. Self-Care
5. Self-Direction
6. Interpersonal Skills
7. Work Tolerance
8. Work Skills

- B. Assignment to an Order of Selection group is made by the Counselor after a determination of eligibility for vocational rehabilitation and a determination of whether the individual is either significantly disabled or non-significantly disabled. The guiding principles for placement in the Order of Selection are as follows:
1. The limitation is a result of the disability.
 2. Functional limitations result from the disability and decisions are not based on the degree of need from lack of financial resources.
- C. Extended factors, such as lack of training, geographical location, unavailability of transportation, support systems, etc. are not considered in determining an individual's placement in the Order of Selection.
- D. The decision must fall into one of the following categories:
1. Most Significantly Disabled
 2. Significantly Disabled
 3. Non-Significantly Disabled
- E. The Counselor assesses limitations in functional capacity in order to distinguish between levels of severity of the disability as follows:
1. Selection Group I - The Most Significantly Disabled. An eligible individual is considered the most significantly disabled (Group I) when the following apply:
 - a. The individual meets the definition of an “individual with a significant disability” as defined in Subsection 405.2; and
 - b. The individual’s significant physical or mental impairment seriously limits four (4) or more functional capacity areas; and
 - c. The individual’s vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.
 2. Selection Group II – The Most Significantly Disabled. An eligible individual is considered the most significantly disabled (Group II) when the following apply:
 - a. The individual meets the definition of an “individual with a significant disability” as defined in Subsection 405.2; and
 - b. The individual's severe physical or mental impairment seriously limits three (3) functional capacity areas; and
 - c. The individual’s vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.

3. Selection Group III – Significantly Disabled. An eligible individual is considered significantly disabled (Group III) when the following apply:
 - a. The individual meets the definition of an “individual with a significant disability” as defined in Subsection 405.2; and
 - b. The individual's severe physical or mental impairment seriously limits two (2) functional capacity areas; and
 - c. The individual’s vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.

4. Selection Group IV - Significantly Disabled. An eligible individual is considered significantly disabled (Group IV) when the following apply:
 - a. The individual meets the definition of an “individual with a significant disability” as defined in Subsection 405.2; and
 - b. The individual's severe physical or mental impairment seriously limits one (1) functional capacity area; and
 - c. The individual’s vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.

5. Selection Group V - Non-Significantly Disabled. An individual is considered non-significantly disabled (Group V) when:
 - a. the individual has a physical or mental impairment; and
 - b. the individual has been determined eligible for vocational rehabilitation services; and
 - c. the individual does not meet the above-stated criteria for an individual who is either “the most significantly disabled” or “significantly disabled.”

III. CHANGING THE ORDER OF SELECTION PLACEMENT

If it is determined that a consumer’s placement in the Order of Selection should be moved from a less severe group to a more severe group after the consumer had previously been approved as eligible and placed in a Selection Group, the Counselor and/or Regional Manager (if changing as a result of an Administrative Review), as applicable, must complete the following:

- A. Change Initiated by the Counselor or Resulting from the Consumer Appeals Process

1. *Make the appropriate case notes in AWARE to document the change in the Order of Selection placement and scan or file any additional medical documentation supporting the change in placement in the case record.**
2. *** *The counselor should update the eligibility determination in AWARE to include the additional functional limitations and obtain District Supervisor and Regional Manager approval for change in Disability Priority. Counselors who are on Independent Status must also get the District Supervisor/Regional Manager's approval.
3. Requests to change Disability Priority/Order of Selection must first be approved through the Q.A. Program Manager at State Office before being sent to LRSAware@lwc.la.gov.
4. Once the Disability Priority has been changed in AWARE, the counselor must reprint the Eligibility Determination page, sign and date it and file it in the case record attached to the previous Elig Determination page along with copies of email approvals.**
5. An Eligibility Letter (RS-3a) with the new Order of Selection determination should be generated in AWARE and sent to consumer notifying them of the placement change.**

FUNCTIONAL CAPACITY AREAS, EXAMPLES OF FUNCTIONAL CAPACITY AREAS, AND EXAMPLES OF SIGNIFICANT FUNCTIONAL LIMITATION - CHART

NOTE: Eligibility Section of AWARE has a more comprehensive listing of Functional Limitations.

Counselors can use the following information as a “tool” to understand Functional Capacity area and serious Functional Limitations.

Functional Capacity Areas & Examples of Functional Capacity Area	Examples of a Significant Functional Limitation
<p align="center"><u>MOBILITY</u></p> <p>The physical and psychological ability to move from place to place at home and in the community. Using public transportation Obtaining a driver’s license Traveling alone in unfamiliar areas Ambulating without assistance (person or device) Any other indicator that affects the individual’s mobility in terms of an employment outcome.</p>	<p>A significant limitation indicates that most common life and work activities are impaired or prevented because the person usually requires assistance from others to get around in the community and/or requires modifications, assistive technology, and/or accommodations not typically made for other workers. Examples: Unable to obtain a driver’s license due to disability, etc.; Unable to drive a vehicle without modification due to disability; requires a wheelchair, prosthesis or orthotic for mobility; requires mobility training.</p>
<p align="center"><u>MOTOR SKILLS</u></p> <p>The purposeful movement and control of the body and its members to achieve specific results. Using upper extremity(ies) to obtain, control, and use objects Using upper extremity(ies) to control and coordinate fine motor movements Using lower extremity(ies) to control and coordinate gross motor movements Performing tasks at a competitive work pace Any other indicator that affects the individual’s motor skills in terms of an employment outcome</p>	<p>A significant limitation indicates that the individual requires orthotics, prosthetics, or other adaptive equipment in order to perform common life/work activities and/or requires modifications, assistive technology, and/or accommodations not typically made for other workers. Examples: Requires turntable on desk for person who has problems reaching; requires carrier/assistance to move objects less than 10 lbs. from one place to another.</p>
<p align="center"><u>SELF CARE</u></p> <p>The ability to care for self and living environment. Managing a daily schedule Adjusting to changes in daily routine or new situation Managing financial responsibilities Assessing/recognizing/managing potential environmental hazards Performing activities of daily living Any other indicator that affects the individual’s self care in terms of an employment outcome</p>	<p>A significant limitation indicates the individual is not able to complete activities of daily living without modifications, assistive technology, and/or accommodations not typically made for other workers. Examples: Requires personal assistance or assistive device for any of the following: eating, toileting, grooming, dressing, cooking, shopping, housekeeping, money management, and health and safety needs.</p>

Counselors can use the following information as a “tool” to understand Functional Capacity area and serious Functional Limitations.

Functional Capacity Areas & Examples of Functional Capacity Area	Examples of a Significant Functional Limitation
<p style="text-align: center;"><u>SELF DIRECTION</u></p> <p>The ability to regulate behavior in a purposeful and predictable way, taking into account personal goals, environmental conditions, and cultural values and expectations. Identifying logical steps necessary to reach goals Completing tasks Identifying consequences of behavior Working independently Any other indicator that affects the individual’s self direction in terms of an employment outcome</p>	<p>A significant limitation indicates the individual requires special supervision, modifications, assistive technology, and/or accommodations not typically made for other workers. Examples of functional limitations that might require this level of intervention: unable to independently complete any of the following: begin and follow through on tasks, monitor one’s own behavior; make decisions; sustain an ordinary routine; respond appropriately to change in the work setting; set realistic goals or make plans.</p>
<p style="text-align: center;"><u>INTERPERSONAL SKILLS</u></p> <p>The ability to establish and maintain positive personal, family, and community relationships necessary to achieve/maintain work. Understanding obvious social cues Establishing or maintaining positive relationships and/or interactions Adjustment to disability-related characteristics (e.g. disfigurement, deformity, behavior, etc.) which cannot be avoided or modified and have a very low degree of public and employer acceptance Any other indicator that affects the individual’s communication in terms of an employment outcome</p>	<p>A significant limitation indicates the individual requires modifications, accommodations, or other adaptations not typically made for other workers. Examples of functional limitations that might require this level of intervention: has difficulty in establishing and maintaining personal relationships, responding appropriately to criticism from supervisors, accepting instructions from supervisors and/or exhibits behaviors/conditions that detract from the performance of or acceptance by, others.</p>
<p style="text-align: center;"><u>COMMUNICATION</u></p> <p>The ability to exchange (give and receive) information. Talking/Speaking Generalizing, transferring, and/or assimilating information (written, spoken, receptive, expressive) Any other indicator that affects the individual’s communication in terms of an employment outcome</p>	<p>A significant limitation indicates the individual is not able to communicate expressively or receptively, without modifications, assistive technology, and/or accommodations not typically made for other workers. Examples of functional limitations that might require this level of intervention: unintelligible speech; significantly limited expressive or receptive communication skills.</p>

Counselors can use the following information as a “tool” to understand Functional Capacity area and serious Functional Limitations.

Functional Capacity Areas & Examples of Functional Capacity Area	Examples of a Significant Functional Limitation
<p style="text-align: center;"><u>WORK TOLERANCE</u></p> <p>The capacity to meet the physical demands of work. Leaving/missing work for medical treatment/problems Working an eight hour work day Performing work requiring lifting, carrying, pushing, or pulling Sitting/standing/walking for extended periods of time Maintaining a constant production rate pace Any other indicator that affects the individual’s work tolerance in terms of an employment outcome</p>	<p>A significant limitation indicates the individual requires intervention to perform work activities and/or will require modification, assistive technology, and/or accommodations not typically made for other workers. Examples of functional limitations that might require this level of intervention: requires frequent or extended periods of time from work due to necessary treatments or medical problems; unable to work for an eight hour work day due to limitations in physical or psychological stamina; unable to perform work requiring frequent lifting and carrying of objects weighing 10 lbs. or less and/or occasionally lift objects weighing 20 lbs. or less; unable to sit/stand for extended time periods; unable to maintain a constant production rate even though the amount of force exerted is negligible.</p>
<p style="text-align: center;"><u>WORK SKILLS</u></p> <p>The capacity to learn and perform job tasks and to adapt to new skills needed to stay employed. Sporadic/no work history due to disability Maintaining job due to disability Remembering, understanding, and/or following oral or written instructions Unable to complete a sequence of tasks Learning new tasks Conforming to established work rules Achieving expected productivity Meeting deadlines Following safety rules Punctual in reporting to work on time; returning from breaks on time Transferable work skills Requires individualized AT to perform duties Any other indicator that affects the individual’s work skills in terms of an employment outcome</p>	<p>A significant limitation indicates the individual will require special supervision, modification, assistive technology, and/or accommodations not typically made for other workers. Examples of functional limitations that might require this level of intervention: *unable to learn new tasks without intensive and/or specialized instruction; reading, spelling, or math skills are below the 8th grade level;* has unproductive work habits that require a job coach.</p>

NOTE: Eligibility Section of AWARE has a more comprehensive listing of Functional Limitations.