

GUIDELINES FOR DETERMINATION OF ECONOMIC NEED

I. LEGAL AUTHORITY:

Rehabilitation Act of 1973, as amended, in Title IV of the Workforce Development Act of 1998; and Code of Federal Regulations, Title 34, Part 361.54.

II. POLICY STATEMENT AND PURPOSE:

The Office of Rehabilitation Services will consider the financial need of individuals with a disability for the purpose of determining the extent of their participation in the cost of vocational rehabilitation services. The Agency will determine the extent an individual with a disability and/or his/her family will contribute to the cost of vocational rehabilitation services, once similar benefits if available have been applied to the cost of such services.

These policies will be applied uniformly so that equitable treatment is accorded all individuals with disabilities in similar circumstances.

This section does not apply to maintenance, academic and/or vocational training. See Section 115.28 (Training) of this Manual for academic and vocational training. See 115.36 for Maintenance.

A. CRITERIA FOR APPLICATION OF NEEDS TEST

1. A financial needs test will be applied as a condition for furnishing all vocational rehabilitation services except the following:
 - a. Counseling and guidance;
 - b. Referral;
 - c. Job search, placement assistance, and job retention;
 - d. Assessment services to determine eligibility and priority of services, rehabilitative potential including vocational evaluations in community rehabilitation programs approved by the agency;
 - e. Work adjustment services provided by community rehabilitation programs approved by the agency;
 - f. Supported employment services by approved providers;
 - g. Interpreter services and reader services;

- h. Rehabilitation engineering evaluation/assessment; and;
 - i. Personal Assistance Services (i.e. orientation, mobility, and rehabilitation teaching services).
2. Individuals determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act are exempt from a needs test and financial participation in the provision of vocational rehabilitation services.
 3. While an individual with a disability continues to receive a service for which a needs assessment must be applied, a re-determination of that person's ability to participate financially must be made at least annually or when it becomes known that circumstances have changed.

B. CONSIDERATIONS IN DETERMINING ECONOMIC NEED

1. Legitimate on-going medical expenses and the cost of other rehabilitation services being paid by the individual with a disability or family unit should be computed on a weekly basis and deducted from the weekly gross income in cases where gross income exceeds the Agency's allowable weekly amount. Rehabilitation services, for purposes of this section, are defined as any and all services deemed necessary by the agency and the individual with as disability to accomplish the vocational goal designated on the Individualized Plan for Employment (IPE) (not including the cost of health insurance).
2. Equity in real or personal property is not taken into consideration in determining financial eligibility.
3. Rental income less all essential related expenses must be taken into account and included in the weekly gross income. A minus figure should be reported as zero.
4. The total savings of a household which may include cash, bonds, or other liquid assets must not exceed the amount of \$10,000 as set by the Agency. This standard is used for VR services requiring a measurement of financial need except maintenance payments as described in #5 below.
5. In computing a person's eligibility for a direct bi-weekly maintenance payment, no cash, bonds, or other liquid assets may be retained. (See Policy section 115.45.)
6. When the individual with a disability is under the age of eighteen (18), the parents' income will be considered in determining the economic need. When

the individual with a disability is over the age of eighteen (18), the parents' income will not be considered.

7. Spouse's income will be considered in all cases of financial need.
8. Computations regarding Economic Need Determination will be completed on the Agency form ORS-60. The allowable weekly income scale of the ORS-60 will be updated by the Agency bi-annually. (The allowable income figure is based on the sum of the average wage (calculated annually by Department of Employment and Training) plus one (1) IRS Personal Exemption; this is then divided by fifty-two (52) to get the average weekly wage for each person supported beyond one.)
9. If, upon completion of the ORS-60, it is determined there is an excess of income, the counselor will determine the percentage of that excess over the allowable gross weekly income and that percentage will be applied to the total cost of the services. This amount will represent the individual's contribution toward the purchase of the service.