

**3325.0145 TRIAL WORK EXPERIENCE.**

Subpart 1. **Purpose.** Prior to a determination that an individual with a disability is incapable of benefiting from services in terms of employment because of the severity of that disability, SSB must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations to determine whether clear and convincing evidence supports such a determination. Where an individual cannot take advantage of a trial work period under this part, an extended evaluation under part 3325.0150 must be conducted.

Subp. 2. **Plan.** SSB must develop a written plan to assess periodically the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences, which must be provided in the most integrated setting possible, consistent with informed choice and rehabilitation needs of the individual.

Subp. 3. **Scope and duration.** Trial work experiences include supported employment, on-the-job training, and other experiences using realistic work settings. Trial work experiences must be of sufficient variety and duration to determine that:

A. there is sufficient evidence to conclude that the individual can benefit from services in terms of employment; or

B. there is clear and convincing evidence that the individual is incapable of benefiting from services in terms of an employment outcome due to the severity of the individual's disability.

Subp. 4. **Supports during trial work experiences.** SSB shall provide supports, including rehabilitation technology and services, and personal assistance services to accommodate the rehabilitation needs of the individual during the trial work experiences.

**Statutory Authority:** *MS s 248.07*

**History:** *36 SR 33*

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