

# OVR Order of Selection Information Session

The Office of Vocational Rehabilitation (OVR) is returning to an Order of Selection (OOS). This process, established under the Rehabilitation Act, is used by Vocational Rehabilitation (VR) programs to manage caseloads during times of limited funding or staffing. By implementing an OOS, OVR can better allocate resources, adjust programs, and introduce cost-saving measures in anticipation of continued flat-funding.

# ORDER OF SELECTION (OOS)

- If a vocational rehabilitation agency is **unable to serve all eligible individuals**, that state must put an OOS into place.
- In an OOS, **individuals with the most significant disabilities must be selected first** for the provision of vocational rehabilitation services.
- An OOS is meant **to assess and triage an individual's needs** and then **prioritize services** based upon their level of need.

- Upon fiscal analysis of the budgetary shortfall caused by federal flat funding for FFY 2024, OVR determined it may not be able to serve all eligible individuals.
- OVR then received approval from the Rehabilitation Services Administration (RSA), Pennsylvania Rehabilitation Council (PaRC), and Pennsylvania State Board of Vocational Rehabilitation (State Board) to develop an amendment to the WIOA Combined State Plan to include an OOS.
- The amendment was drafted and presented to the public in October 2024 for a public comment period of one month. OVR Leadership considered all comments and provided responses to each of them.
- PaRC voted to approve the final draft amendment on November 13, 2024, and the State Board voted to approve on December 19, 2024.
- RSA approved the draft amendment on February 20, 2025, and it was added to the PA WIOA Combined State Plan with an effective date of April 1, 2025.

- An OOS must be applied at the **statewide** level.
- An OOS applies to the state's **Vocational Rehabilitation program** only.
- Specialized services offered by the Bureau of Blindness & Visual Services (BBVS) under the **Independent Living Older Blind (ILOB), Specialized Services – Child/Adult, or Business Enterprise Program (BEP)** are **not impacted** by an OOS.

PA OVR's OOS is divided into **three priority categories**:

1. Individual with the Most Significant Disability (**MSD**)
2. Individual with Significant Disability (**SD**)
3. Individual with Non-Significant Disability (**NSD**)

**\*NOTE:** In July 2025, we will be changing the name of the third category to *Individual with a Disability (D)*.

# ORDER OF SELECTION – Process



- OOS determinations are documented by the counselor, who completes the **Order of Selection** portion of the OVR Eligibility Form, indicating the level of severity of the disability.
- Staff utilizes input from the customer, along with supporting documentation contained within the case (records, case notes), to determine in what **functional capacity areas** the individual has **serious limitations**, in terms of employment.
- The counselor is responsible for determining and documenting the expected **need for multiple services** over an **extended period of time**.

# Eligibility vs OOS (1 of 2)

Eligibility Determination...



While many, if not most, individuals with documented disabilities may meet OVR's eligibility criteria, not all will be assessed to have an MSD; some will be SD, while others will be NSD. **Just because someone is not categorized as MSD does NOT mean they are not ELIGIBLE. Eligibility and placement on OVR's OOS are two separate but related determinations.**

## **ELIGIBILITY**

- Does the applicant have an **impairment**?
- Does their impairment and resultant functioning create an **impediment to employment**?
- Do they require **VR services**?
- Can they **benefit from services** in terms of an employment outcome? *This is presumed, unless they participate in Trial Work Experiences (TWEs).*

## **ORDER OF SELECTION**

- Does the eligible individual's impairment **seriously limit** their performance within any of the seven functional capacity areas in terms of employment?
- Are their limitations at a **level of significance** such that the counselor expects them to require **multiple services** over an **extended period of time** (six months from date of IPE or needed on an ongoing basis)?

# So... What's Changing?

## Phase 1

- OVR re-implemented the OOS on April 1, 2025.
- This closed the SD and NSD categories while we continue to monitor our funding situation and implement other cost containment measures.
  - OVR will utilize the MSD category closure as needed **IF** cost containment measures are insufficient and caseloads and Pre-ETS continue to grow.



- Beginning on April 1, 2025, any case determined to be SD or NSD on the OOS, without a signed Individualized Plan for Employment (IPE) in place, was moved to a wait list.
  - Any OVR customer moved to the wait list receives a letter informing them of their category on the OOS and providing information about the wait list.
- Any case determined to be MSD on the OOS was not affected. IPEs can be developed for MSD cases at any time.
- **Any** customer (MSD, SD, or NSD) who had a signed IPE in place as of March 31, 2025 was not impacted. Services for these individuals will continue.

## **Prioritization of Job Retention**

The OVR State Board has approved prioritizing job retention.

- Any applicant who has been determined eligible due to their disability, is in immediate risk of losing the job due to their disability, and is determined to be in a category not currently being served, may only receive the services or goods needed to maintain the job.
- The job must be in a competitive, integrated setting. If services are needed for other purposes, they may not be delivered, and the applicant must wait until their name is removed from a wait list category and placed into active service.
- “Immediate risk” means the individual would almost certainly lose their current job if not provided specific services or equipment in the very near future that would enable them to retain that employment.
- Immediate risk of losing the job due to disability does not include economic conditions and non-disability related factors.

## Phase 2

- Beginning July 1, 2025:
  - OVR will be changing the name of the NSD category to D (Individual with a Disability)
  - We anticipate definition changes to the MSD and SD categories. This will involve language modifications and changes in the number of required functional capacities in each category.
- More information to come at a later date.



# ORDER OF SELECTION

## Impact on Pre-Employment Transition Services (Pre-ETS)

- It is imperative that students with disabilities not experience a disruption in the Pre-ETS they are receiving and that are so critical to their transition to post-secondary education and employment.
- Section 101(a)(5) of the Rehabilitation Act does not exempt students with disabilities receiving Pre-ETS prior to the determination of eligibility from a state's OOS.
- *Reference: 34 C.F.R. § 361.36(e)(3)*

Ensuring continuity of Pre-ETS during an OOS

- **No Disruptions for Students with Disabilities:**

- Students (including Potentially Eligible students) who started Pre-ETS **prior to being placed into an OOS category** must continue to receive these services, as they are critical for transitioning to post-secondary education and employment. They can continue to receive any of the five Required Pre-ETS.

- **Limitations of OOS**

- Other VR services cannot be provided to students in closed OOS categories.

- The OOS is a tool to manage the program as fiscal uncertainties arise.
- The effects of flat funding necessitate that OVR reprioritize services and other aspects of agency operations.
- By acting now, we hope to reduce the possibility of further compounding potential problems.

## How Does the Order of Selection Impact the Office of Developmental Program's (ODP) Employment Services?

[ODP Announcement 25-028, What OVR's Memo Regarding the Order of Selection and Waiting List Means for ODP's Services](#) provides guidance on how the Order of Selection (OOS) impacts ODP's employment services.

Important things to remember:

- You should continue to follow [Bulletin 00-19-01, OVR Referral Process for ODP Employment Related Services](#) for when and how to make a referral to OVR.
- During the current OOS, **do not** refer to Bulletin 00-19-02, OVR Referrals During a Period when OVR's Order of Selection is Closed.

The following ODP services are impacted by the OOS:

- In the Consolidated, Community Living, Person/Family Directed Support (P/FDS) waivers & base-funding:
  - Advanced Supported Employment;
  - Supported Employment; &
  - Education Support
- In the Adult Autism Waiver (AAW):
  - Supported Employment; &
  - Career Planning

Under the current OOS there are 3 possible outcomes:

1. The individual is determined eligible and placed in the MSD category.
  - The individual will receive services from OVR.
2. The individual is determined eligible, placed in either the SD or NSD category, and placed on a waitlist for OVR's services.
  - ODP funded employment services may be authorized.
  - If OVR services become available, the individual may choose to either receive OVR services or continue to receive ODP funded services.
3. The individual is determined not eligible for OVR's services.
  - The individual may be eligible for ODP funded services. See [Bulletin 00-19-01](#) for more information.
  - The individual may always be re-referred to OVR for services.



## Questions?

Questions for OVR can also be emailed to:

[ra-liovr-pol-rev-fb@pa.gov](mailto:ra-liovr-pol-rev-fb@pa.gov)

Questions for ODP can also be directed to ODP's Employment Leads.

Region	Name	Contact
Statewide Employment Lead	Nolan Schaaf	nschaaf@pa.gov
Western Region	Brian Dengler	brdengler@pa.gov
Central Region	Tom Flynn	thoflynn@pa.gov
Northeast Region	Eric O'Neill	erioneill@pa.gov
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