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TO: EDI
FROM: Ray Cebula
RE: NPRM, Ticket to Work and Work and Self-Sufficiency Program

The Commissioner of the Social Security Administration issued proposed regulations on August 13, 2007. These proposals are associated with the Commissioner's proposals to amend the Ticket to Work Program regulations issued in September of 2005. Due to the close relationship between the two sets of proposals, the Commissioner indicates in the current proposal that he will issue one set of final regulations dealing with both the September 05 and the August 07 issuances.

Comments on the August 13th proposals are due on October 12, 2007. Comments may be submitted in writing or on-line via www.socialsecurity.gov

What follows is a side-by-side lay out that compares current to proposed regulations. Each section will be followed by a brief summary.

CURRENT REGULATION	PROPOSED REGULATION
<p>20 CFR 411.166 – Glossary of terms used in this subpart.</p> <p>(a) <i>Active participation in your employment plan</i> means you are engaging in activities outlined in your employment plan on a regular basis and in the approximate time frames specified in the employment plan.</p>	<p>(a) Using a ticket means you have assigned a ticket to an Employment Network (EN) or a State VR agency that has elected to serve you as an EN, and you are making timely progress toward self-supporting employment as defined in Sec. 411.180; or you have a ticket that would otherwise be available for assignment and are receiving VR services pursuant to an individualized plan for employment (IPE) and the State VR agency has chosen to be paid for these services under the cost reimbursement payment system, and you are making</p>

<p>(b) <i>Extension period</i> is a period of up to three months during which you may reassign a ticket without being subject to continuing disability reviews. You may be eligible for an extension period if the ticket is in use and no longer assigned to an Employment Network (EN) or State VR agency (see §411.220).</p> <p>(c) <i>Inactive status</i> is a status in which you may place your ticket if you are temporarily unable to participate or not actively participating in your employment plan. You may place a ticket in inactive status only during the initial 24-month period. Months during which your ticket is in inactive status do not count toward the time limitations for making timely progress toward self-supporting employment. You may keep your ticket in inactive status as long as you choose. However, because the ticket is not in use during months in which it is in inactive status, you will be subject to continuing disability reviews during these months.</p> <p>(d) <i>Initial 24-month period</i> means the 24-month period that begins with the month following the month in which you first assigned your ticket. We do not count any month in which the ticket is not assigned to an EN or State VR agency, as described in §411.145, or any month during which the ticket is not in use because it is in inactive status (see §411.190(a)(2)) or because you were determined to be no longer making timely progress toward self-supporting employment under §411.190(a)(3) or §411.205.</p> <p>(e) <i>Progress review</i> means the reviews the</p>	<p>timely progress toward self-supporting employment as defined in Sec. 411.180. (See Sec. 411.171 for when the period of using a ticket ends.)</p> <p>(b) Timely progress toward self-supporting employment means you have completed the specified goals of work and earnings, completed post-secondary education credits at an educational institution (see Sec. 411.167) in pursuit of a degree or certificate, or completed course requirements for a vocational or technical training program at an educational institution consisting of a technical, trade or vocational school (see Sec. 411.167), in the applicable progress certification period as described in Sec. 411.180.</p> <p>(c) Timely progress guidelines mean the guidelines we use to determine if you are making timely progress toward self-supporting employment (see Sec. 411.180).</p> <p>(d) Progress certification period means any 12-month progress certification period described in Sec. 411.180(b).</p> <p>(e) Progress review means the reviews the PM</p>
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<p>program manager (PM) conducts to determine if you are meeting the timely progress guidelines described in these regulations. (See §411.115(k) for a definition of the PM.) The method for conducting the 24-month progress review is explained in §411.195 and the method for conducting 12-month progress reviews is explained in §411.200.</p> <p>(f) <i>Timely progress guidelines</i> means the guidelines we use to determine if you are making timely progress toward self-supporting employment. In general, we determine if you are making timely progress toward self-supporting employment using two distinct criteria with defined time frames. These criteria are active participation in your employment plan during the initial 24-month period and increased work and earnings during subsequent 12-month progress review periods (see §411.180 to §411.190, §411.195 and §411.200).</p> <p>(g) <i>12-month progress review period</i> means the 12-month period that begins either following the end of the initial 24-month period or following the previous 12-month progress review period. We do not count any month during which your ticket is not assigned to an EN or State VR agency, as described in §411.145.</p>	<p>conducts to determine if you are meeting the timely progress guidelines described in Sec. 411.180. We explain the method for conducting progress reviews in Sec. 411.200.</p> <p>(f) Extension period is a period of up to 90 days during which you may reassign a ticket without being subject to continuing disability reviews. You may be eligible for an extension period if the ticket is in use and no longer assigned to an EN or State VR agency acting as an EN (see Sec. 411.220).</p> <p>(g) Inactive status is a status in which you may place your ticket if you are temporarily unable to make timely progress toward self-supporting employment during a progress certification period. See Sec. 411.192 for the rules on placing your ticket in inactive status and on reactivating your ticket.</p>
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These various “terms of art” have had their working definitions modified to fit the remainder of the proposed regulations as well as the changes throughout the proposal. As each term is intimately involved in the discussions below the specifics of the definitional changes will not be discussed here. What remains the same is that the Program Manager (Maximus) will make timely progress decisions for SSA. One significant change is that the “extension” of timely progress allowing for re-assignment of a ticket pulled from an EN has been changed from 3 months to 90 days. Seemingly innocent, but significant enough to trip up some folks who may actual count days!

CURRENT REGULATION

PROPOSED REGULATION

20 CFR 411.167 – What is an educational institution or a technical, trade or vocational school?

NO CURRENT LANGUAGE

(a) Educational institution means a school (including a technical, trade, or vocational school), junior college, college or university that is: operated or directly supported by the United States; operated or directly supported by any State or local government or by a political subdivision of any State or local government; or approved by a State agency or subdivision of the State, or accredited by a State-recognized or nationally recognized accrediting body.

(b) Technical, trade or vocational school is an educational institution that is approved by a State agency or subdivision of the State or accredited by a State-recognized or nationally recognized accrediting body to provide technical, trade or vocational training.

(c) State-recognized accrediting body means an entity designated or recognized by a State as the proper authority for accrediting schools, colleges or universities.

(d) Nationally recognized accrediting body means an entity determined to be such by the U.S. Department of Education.

(e) Approval by a State agency or subdivision of the State includes approval of a school, college or university as an educational institution, or approval of one or more of the courses offered by a school, college or university.

The changes to “timely progress” toward self-supporting employment when using a ticket to work are changed to allow for attendance at an educational institution, trade, vocational or technical school. An educational institution must be approved and accredited by a state agency unless such institution is operated directly by the federal government, the state, or a political subdivision of a state. Approval of an “educational institution” can be limited to the courses being completed by the participant.

Similarly, a technical school must be certified and accredited by a state to provide the training that it offers.

CURRENT REGULATION

PROPOSED REGULATION

20 CFR 411.171 – When does the period of using a ticket end?

(b) The day before the effective date of a decision under [§411.190](#); [§411.195](#), [§411.200](#), or [§411.205](#) that you are no longer making timely progress toward self-supporting employment;

(b) The day before the effective date of a decision under Sec. 411.200 or Sec. 411.205 that you are no longer making timely progress toward self-supporting employment;

This revision simply maintains the status quo but changes language to cite to the newly proposed sections of the regulations.

CURRENT REGULATION

PROPOSED REGULATION

20 CFR 411.180 – What is timely progress toward self-supporting employment?

(a) *General.* The purpose of the Ticket to Work program is to provide you with the services and supports you need to work and reduce or eliminate your dependence on Social Security disability benefits and/or SSI benefits based on disability or blindness. We consider you to be making timely progress toward self-supporting employment when you show an increasing ability to work at levels which will reduce or eliminate your dependence on these benefits.

(b) *Definitions.* As used in this subpart—

(1) *Initial 24-month period* means the 24-month period that begins with the month following the month in which you first assigned your ticket. (See [§§411.220](#)(e) and [411.225](#)(c) for when a new initial 24-month period may be established for you.) We do not count any month during which the ticket is not assigned to an EN or State VR agency, as described in [§411.145](#), or any month during which the ticket is not in use because it is in inactive status (see [§411.190](#)(a)(2)) or because you were determined to be no longer making

(a) *General.* We consider you to be making timely progress toward self-supporting employment when you show progress toward the ability to work at levels which will reduce your dependence on Social Security disability benefits or SSI benefits. We will also consider you to be making timely progress if you show progress toward obtaining an educational degree or certificate, or vocational or technical training that will enhance your ability to return to work.

(b) 12-month progress certification periods. The first 12-month progress certification period begins with the month following the month in which you first assigned your ticket, or the month after you have a ticket that would otherwise be available for assignment and are receiving VR services under an IPE from a State VR agency which has chosen to be paid under the cost reimbursement payment system. Any subsequent 12-month progress certification period will begin with the month following the end of the previous 12-month progress certification period. In computing any 12-month progress certification period, we do not count any month during which—

<p>timely progress toward self-supporting employment under §411.190(a)(3) or §411.205.</p> <p>(2) <i>12-month progress review period</i> means the 12-month period that begins either following the end of the initial 24-month period or following the previous 12-month progress review period. We do not count any month during which your ticket is not assigned to an EN or State VR agency, as described in §411.145.</p> <p>(c) <i>Guidelines</i>. We will determine whether you are making timely progress toward self-supporting employment by using the following guidelines:</p> <p>(1) During the initial 24-month period after you assign your ticket, you must be actively participating in your employment plan. "Actively participating in your employment plan" means that you are engaging in activities outlined in your employment plan on a regular basis and in the approximate time frames specified in the employment plan. These activities may include employment, if agreed to in the employment plan. At the end of the initial 24-month period, you must successfully complete the 24-month progress review, as described in §411.195. If you worked in one or more months during the initial 24-month period at the level of work applicable to the work requirement for the first 12-month progress review period, each such month of work may be used to reduce by one month the number of months of work referred to in §411.195(a)(2) and §411.195(a)(3) for purposes of meeting the requirements of those sections regarding a goal of three months of work during the first 12-month progress review</p>	<p>(1)(i) Your ticket is not assigned; and (ii) You have a ticket available for assignment and are not receiving services under an IPE from a State VR agency which chose the cost reimbursement payment system; or</p> <p>2) Your ticket is in inactive status (see Sec. 411.192).</p> <p>(c) We will determine if you are making timely progress toward self-supporting employment by using the following guidelines:</p> <p>(1) During the first 12-month progress certification period, you must be making timely progress as follows:</p> <p>(i) You must have worked in at least three months within this 12-month period and have earnings in each of those three months that are equal to or greater than the amount representing a trial work service month (see Sec. 404.1592(b) of this chapter); or</p> <p>(ii) You must have been enrolled in a four-year degree or certification program at an educational institution and have completed at least 24 post-secondary credit hours, or the equivalent of one academic year of full-time study, in the program by the end of this 12-month period; or</p> <p>(iii) You must have been enrolled in a vocational or technical training program at an educational institution consisting of a technical, trade or vocational school and have completed at least 50 percent of the course requirements of the program by the end of this 12-month period.</p>
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<p>period.</p> <p>(2) During your first 12-month progress review period, you must work (as defined in §411.185) for at least three of these 12 months. The three months do not need to be consecutive. If you worked one or more months during the initial 24-month period at the level of work applicable to the work requirement for the first 12-month progress review period, each such month of work may be used to reduce by one month the number of months of work required for the first 12-month progress review period.</p> <p>(3) During your second 12-month progress review period, and in later 12-month progress review periods, you must work (as defined in §411.185) for at least six of these 12 months. The six months do not need to be consecutive.</p>	<p>(2) During the second 12-month progress certification period, at the conclusion of 24 months of ticket use, you must be making timely progress as follows:</p> <ul style="list-style-type: none"> (i) You must have worked in at least six months within this 12-month period and have earnings in each of those six months that are equal to or greater than the amount representing a trial work service month (see Sec. 404.1592(b) of this chapter); or (ii) You must have been enrolled in a four-year degree or certification program at an educational institution and completed a cumulative total of 50 post-secondary credit hours, or the equivalent of two academic years of full-time study, in the program by the end of this 12-month period; or (iii) You must have been enrolled in a vocational or technical training program at an educational institution consisting of a technical, trade or vocational school and have completed the course requirements of the program by the end of this 12-month period. <p>(3) During the third 12-month progress certification period, at the conclusion of 36 months of ticket use, you must be making timely progress as follows:</p> <ul style="list-style-type: none"> (i) You must have worked in at least nine months within this 12-month period and have gross earnings from employment (or net earnings from self-employment as defined in Sec. 404.1080 of this chapter) in each of those nine months that are more than the SGA threshold amount specified in Sec. 404.1574(b)(2) of this chapter; or (ii) You must have been enrolled in a four-year degree or certification program at an educational institution and completed a cumulative total of 70 post-secondary credit hours, or the equivalent of three academic years of full-time study, in the program by the end of this 12-month period. <p>(4) During the fourth 12-month progress certification period, at the conclusion of 48 months</p>
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	<p>of ticket use, you must be making timely progress as follows:</p> <p>(i) You must have worked in at least nine months within this 12-month period and have gross earnings from employment (or net earnings from self-employment as defined in Sec. 404.1080 of this chapter) in each of those nine months that are more than the SGA threshold amount specified in Sec. 404.1574(b)(2) of this chapter; or</p> <p>(ii) You must have been enrolled in a four-year degree or certification program at an educational institution and completed a cumulative total of 100 post-secondary credit hours, or the equivalent of four academic years of full-time study, in the program by the end of this 12-month period.</p> <p>(5) During the fifth 12-month progress certification period, at the conclusion of 60 months of ticket use, you must be making timely progress as follows:</p> <p>(i) You must have worked in at least six months within this 12-month period and have earnings in each of those six months that preclude payment of Social Security disability benefits and Federal SSI cash benefits; or</p> <p>(ii) You must have completed the course work and earned a degree or certificate from a four-year degree or certification program at an educational institution by the end of this 12-month period.</p> <p>(6) During all subsequent 12-month progress certification periods, you must have worked in at least six months within the 12-month period and have earnings in each of those six months that preclude payment of Social Security disability benefits and Federal SSI cash benefits.</p>
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The new proposals continue to call for “timely progress” to be closely associated with a return to work that will “reduce your dependence” on benefits. Given the educational expansion of the proposals, the new section also recognizes progress toward obtaining a degree or certificate as timely progress for the ticket use provisions. The existing timely progress guidelines provides for an “initial 24 month” period for work preparedness issues. During this period of time SSA generally assumed, in the absence of evidence to the contrary, that the participating individual was successfully participating in a plan to return to work. This period has been removed and replaced by two, consecutive 12 month periods during which timely progress will be measured with new, specific guidelines.

The first 12 month period will begin with the first day of the month following the assignment of a ticket to an EN or the first day of the month following the signing of a IPE with the state VR agency and that agency has decided to seek cost reimbursement for that participant's services. Subsequent 12 month periods follow immediately provided that:

1. the ticket is still assigned,
2. and timely progress was made in the 12 month period subject to examination.

Periods of time when a ticket is not assigned or in inactive status will not count toward any 12 month segment.

Specific guidelines for "timely progress" are also proposed. These are set out according to the 12 month period involved.

First 12 months – Work activity grossing income equal to the current Trial Work amount in 3 months **or** if enrolled in a 4 year educational program, completed 24 post-secondary credit hours **or** the equivalent of one year of study or if enrolled in a vocational school, completed at least 50% of the course of study.

Second 12 months – Work activity equal to current TW amount in 6 months **or** completed 50 credit hours of post-secondary course work (cumulative with early progress) or two full years of study **or** completed all course work in a vocational school setting.

Third 12 months – Work equal to current TW in 9 months **or** completed 70 credit hours or 3 years of study.

Fourth 12 months – Work equal to TW in 9 months **or** completed 100 credit hours or the equivalent of 4 academic years of study.

Fifth 12 months – Earning in 6 months that would be sufficient to exhaust cash benefits **or** completed or will complete course work by the end of this period.

All subsequent 12 month periods – Earnings in 6 of the 12 months that would exhaust cash payments.

It is important here to recognize that earning sufficient to exhaust cash payments differ significantly in the Title II (SSDI) and Title XVI (SSI) programs. SSDI currently considers earned income of \$900 (after the application of incentives) to be substantial gainful activity and will eliminate cash payments. SSI uses its general income counting formula to reduce income (also after the application of incentives) and will require, in the absence of incentives, an amount of income roughly equal to two times the cash payment.

CURRENT REGULATION

PROPOSED REGULATION

**20 CFR 411.185
(removed)**

NO REPLACEMENT PROPOSAL

(a) *For title II disability beneficiaries:*

(1) During your first and second 12-month progress review periods, we will consider you to be working in a month in which you have earnings from employment or self-employment at the SGA level for non-blind beneficiaries, as defined in §§404.1572 through 404.1576 of this chapter. For a month in which you are in a trial work period (see §404.1592 of this chapter), or if you are statutorily blind as defined in §404.1581 of this chapter, we will consider the following as fulfilling this requirement—

(i) Gross earnings from employment, before any deductions for impairment related work expenses under §404.1576 of this chapter, that are more than the SGA threshold amount for non-blind beneficiaries in §404.1574(b)(2) of this chapter; or

(ii) Net earnings from self-employment (as defined in §416.1110(b) of this chapter), before any deductions for impairment related work expenses under §404.1576 of this chapter, that are more than the SGA threshold amount for non-blind beneficiaries in §404.1574(b)(2) of this chapter.

Note to paragraph (a)(1): If you worked in one or more months during the initial 24-month period at the level of work described in paragraph (a)(1) of this section, those months of work may be used to meet certain requirements of the 24-month progress review as explained in §411.180(c)(1) and the work requirements for the first 12-month progress review period as explained in §411.180(c)(2).

(2) During your third 12-month progress review period, and during later 12-month progress review periods, we will consider you

to be working in a month for which Social Security disability benefits are not payable to you because of your work or earnings.

(b) *For title XVI beneficiaries:*

(1) During your first and second 12-month progress review periods, we will consider you to be working in a month in which you have—

(i) Gross earnings from employment, before any SSI income exclusions, that are more than the SGA threshold amount for non-blind beneficiaries in [§404.1574\(b\)\(2\)](#) of this chapter; or

(ii) Net earnings from self-employment (as defined in [§416.1110\(b\)](#) of this chapter), before any SSI income exclusions, that are more than the SGA threshold amount for non-blind beneficiaries in [§404.1574\(b\)\(2\)](#) of this chapter.

Example to paragraph (b)(1): If you earn \$750 in January 2001, but exclude \$200 of this income in a Plan for Achieving Self-Support (see [§§416.1180-416.1182](#) of this chapter), you would still be considered to be working in that month.

Note to paragraph (b)(1): If you worked in one or more months during the initial 24-month period at the level of work described in paragraph (b)(1) of this section, those months of work may be used to meet certain requirements of the 24-month progress review as explained in [§411.180\(c\)\(1\)](#) and the work requirements for the first 12-month progress review period as explained in [§411.180\(c\)\(2\)](#).

(2) During your third 12-month progress review period, and during any later 12-month progress review periods, we will consider you to be working in a month in which you have earnings from employment or self-employment that are sufficient to preclude the payment of

Federal SSI cash benefits for a month.

(c) For concurrent title II and title XVI beneficiaries:

(1) During your first and second 12-month progress review periods, we will consider you to be working in a month in which you have earnings from employment or self-employment at the SGA level for non-blind beneficiaries as defined in [§§404.1572](#) through [404.1576](#) of this chapter. For a month in which you are in a trial work period (see [§404.1592](#) of this chapter), or if you are statutorily blind as defined in [§404.1581](#) of this chapter, we will consider the following as fulfilling this requirement—

(i) Gross earnings from employment, before any SSI income exclusions or deductions for impairment related work expenses under [§404.1576](#) of this chapter, that are more than the SGA threshold amount for non-blind beneficiaries in [§404.1574\(b\)\(2\)](#) of this chapter; or

(ii) Net earnings from self-employment (as defined in [§416.1110\(b\)](#) of this chapter), before any SSI income exclusions or deductions for impairment related work expenses under [§404.1576](#) of this chapter, that are more than the SGA threshold amount for non-blind beneficiaries in [§404.1574\(b\)\(2\)](#) of this chapter.

Note to paragraph (c)(1): If you worked in one or more months during the initial 24-month period at the level of work described in paragraph (c)(1) of this section, those months of work may be used to meet certain requirements of the 24-month progress review as explained in [§411.180\(c\)\(1\)](#) and the work requirements for the first 12-month progress review period as explained in [§411.180\(c\)\(2\)](#).

(2) During your third 12-month progress review period, and during later 12-month

<p>progress review periods, we will consider you to be working in a month in which you have earnings from employment or self-employment sufficient to preclude the payment of Social Security disability benefits and Federal SSI cash benefits for a month.</p>	
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Eliminated is the old “timely progress” progression by 12 month period.

CURRENT REGULATION

PROPOSED REGULATION

<p>20 CFR 411.190 (removed)</p> <p>(a) <i>During the initial 24-month period—(1) General.</i> During the initial 24-month period after you assign your ticket, you must be actively participating in your employment plan, as defined in §411.180(c)(1). Active participation in your employment plan will be presumed unless you or your EN or State VR agency tell the program manager (PM) that you are not actively participating. (See §411.115(k) for a definition of the PM.) If you or your EN or State VR agency report to the PM that you are temporarily unable to participate or are not actively participating in your employment plan during the initial 24-month period after you assign your ticket, the PM will give you the choice of placing your ticket in inactive status or resuming active participation in your employment plan.</p> <p>(2) <i>Inactive status.</i> If you choose to place the ticket in inactive status, your ticket will be placed in inactive status beginning with the first day of the month following the month in which you make your request. You are not considered to be using a ticket during months in which your ticket is in inactive status. Therefore, you will be subject to continuing disability reviews during those months. The months in which your ticket is in inactive status do not count toward the time limitations for making timely progress toward self-supporting employment. You may not place your ticket in inactive status after the initial 24-</p>	
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month period.

(i) To place a ticket in inactive status, you must submit a written request to the PM asking that your ticket be placed in inactive status. The request must include a statement from your EN or State VR agency that you will not be participating in your plan or receiving services from them during the period of inactive status.

(ii) If your ticket is still assigned to an EN or State VR agency, you may reactivate your ticket and return to in-use status at any time by submitting a written request to the PM. Your ticket will be reactivated beginning with the first day of the month following the month in which the PM receives your request.

(3) *Resuming active participation.* If you choose to resume active participation in your employment plan, you will be allowed three months to demonstrate this active participation to the PM. During this period, you will be considered to be making timely progress toward self-supporting employment, and these months will count toward your initial 24-month period. The PM will contact your EN or State VR agency after the three months to determine whether you have been actively participating in your employment plan during these three months. If the EN or State VR agency reports that you have been actively participating in your employment plan during these three months, you will continue to be considered to be making timely progress toward self-supporting employment. If the EN or State VR agency reports that you have not been actively participating in your employment plan during these three months, the PM will find that you are no longer making timely progress toward self-supporting employment. The PM will send a written notice of this decision to you at your last known address. The notice will explain the reasons for the decision and inform you of the right to ask us to review the decision. The decision will become effective 30 days after the date on

which the PM sends the notice of the decision to you, unless you request that we review the decision under [§411.205](#).

(b) *After the initial 24-month period.* (1) After the initial 24-month period, the PM will conduct progress reviews to determine if you are meeting the timely progress guidelines for continuing to be considered to be using a ticket.

(2) The PM will conduct a 24-month progress review at the end of the initial 24-month period. (See [§411.195](#).)

(3) If you successfully complete your 24-month progress review, the PM will then conduct 12-month progress reviews at the end of each 12-month progress review period. (See [§411.200](#).)

ADD 20 CFR 411.192 – What choices do I have if I am temporarily unable to make timely progress toward self-supporting employment?

(a) If you report to the PM that you are temporarily unable to make timely progress toward self-supporting employment during a progress certification period, the PM will give you the choice of placing your ticket in inactive status or, if applicable, taking your ticket out of assignment.

(b) You may place your ticket in inactive status at any time by submitting a written request to the PM asking that your ticket be placed in inactive status. Your ticket will be placed in inactive status beginning with the first day of the month following the month in which you make your request. You are not considered to be using a ticket during months in which your ticket is in inactive status, thus you will be subject to continuing disability reviews during those months. The months in which your ticket is in inactive status do not count toward the time limitations for making timely progress toward self-supporting employment.

(c) You may reactivate your ticket and return to

	<p>in-use status if your ticket is still assigned to an EN or State VR agency acting as an EN. You may also reactivate your ticket and return to in-use status if you have a ticket which would otherwise be available for assignment, you were receiving services under an IPE from a State VR agency which chose the cost reimbursement payment system and your VR case has not been closed by the State VR agency. You may reactivate your ticket by submitting a written request to the PM. Your ticket will be reactivated beginning with the first day of the month following the month in which the PM receives your request. The progress certification period will resume counting from the last month of in-use status, and the next progress review will be due when the progress certification period has been completed. Earnings from work, or completion of post-secondary education credits in a four-year degree or certification program or course requirements in a vocational or technical training program, as described in Sec. 411.180, during the period your ticket is in inactive status may be counted toward meeting the requirements for the next progress review.</p> <p>(d) You may take your ticket out of assignment under Sec. 411.145(a) at any time.</p>
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When a participant is unable to participate in a return to work program to the extent that “timely progress” will be compromised, the participant has a choice to take the ticket out of assignment or placing it in inactive status.

To place a ticket into inactive status, the participant must make a written request directed to the PM. Inactive status will be effective the first day of the month following the request. Months of inactive status will not be counted toward the above noted timely progress timelines and CDR protection will be removed. As most inactive tickets may be the direct result of an exacerbation of a medical condition this shouldn’t be a significant threat to eligibility status. If the ticket remains assigned to the EN it can be returned to in-use status. If the ticket is no longer assigned, it can be reactivated by assignment to an EN or participation with a VR agency. The participant must make a written request for reactivation of the ticket with the PM and will be reactivated the first of the month following the month of request. Progress reviews will continue from the last month of in-use status. Any earnings or studies completed during an inactive ticket period can be counted in subsequent progress reviews.

As always, a participant can opt to take the ticket out of assignment at any time for any reason. This should also be completed by a written request to the PM. CDR protections will be removed once the ticket is taken out of assignment.

CURRENT REGULATION**PROPOSED REGULATION****20 CFR 411.195
(removed)**

(a) The 12-month progress review is a two step process:

(1) *Step one—Retrospective review.* Did you complete the work requirements (as specified in [§411.180](#) and [§411.185](#)) in the just completed 12-month progress review period?

(i) If you have not completed the work requirements, the PM will find that you are not making timely progress toward self-supporting employment.

(ii) If you have completed the work requirements, the PM will go to step two.

(2) *Step two—Anticipated work level.* Do both you and your EN or State VR agency expect that you will work at the level required during the next 12-month progress review period?

(i) If not, the PM will find that you are not making timely progress toward self-supporting employment.

(ii) If so, the PM will find that you are making timely progress toward self-supporting employment. We will consider you to be making timely progress toward self-supporting employment until your next 12-month progress review.

(b) If the PM finds that you are not making timely progress toward self-supporting employment, the PM will send a written notice of the decision to you at your last known address. The notice will explain the reasons for the decision and inform you of the right to ask us to review the decision. The decision will be effective 30 days after the date on which the PM sends the notice of the decision to you,

REVISE 20 CFR 411.200 – How will the PM conduct my progress reviews?

The PM will conduct a progress review at the end of each 12-month progress certification period.

(a) The PM will first review the available administrative records to determine if you completed the work requirements as specified in Sec. 411.180 in the applicable progress certification period.

(b) If the administrative records do not indicate that you met the work requirements, the PM will contact either you or your EN or State VR agency to request additional information to determine if you completed the work requirements or have met the educational or training requirements as specified in Sec. 411.180 in the applicable progress certification period.

(c) If the PM finds that you completed the work requirements or met the educational or training requirements as specified in Sec. 411.180 in the applicable progress certification period, the PM will find that you are making timely progress toward self-supporting employment. On the basis of that finding, we will consider you to be making timely progress toward self-supporting employment until your next scheduled progress review.

(d) If the PM finds that you did not complete the work requirements or meet the educational or training requirements as specified in Sec. 411.180 in the applicable progress certification period, the PM will find that you are not making timely progress toward self-supporting employment. If the PM makes such a finding, the PM will send a written notice of the decision to you at your last known address. This notice will explain the reasons for the decision and inform you of the right to ask us to review the decision. This decision will be effective 30 days after the date on which the PM sends the notice of the decision to you, unless you request that we review the decision under Sec. 411.205.

unless you request that we review the decision under [§411.205](#).

This proposal eliminates the old method used by the PM to evaluate progress of the participating individual toward self-supporting employment and replaces it with a new method consistent with the new progress guidelines discussed above.

The review will be completed by an administrative review of the records to determine if timely progress is being made during the relevant period. If timely progress is not shown, the PM will contact the participant and or the EN/VR agency for further information. If progress is shown by the administrative review, SSA will assume progress until time for the next 12-month review.

Should the PM find insufficient progress after review and follow up contact, a written notice will be prepared and sent to the participant. This notice will be effective 30 days from the date of mailing by the PM in absence of a participant request for review of the negative findings. The result of such a finding is the un-assignment of a ticket and the loss of CDR protections.

CURRENT REGULATION

PROPOSED REGULATION

20 CFR 411.210 – What happens if I do not make timely progress toward self-supporting employment?

(b) *Re-entering in-use status.* If you failed to meet the timely progress guidelines for continuing to use a ticket, you may re-enter in-use status. If you believe that you meet the requirements for re-entering in-use status described in paragraph (b)(1), (b)(2), (b)(3), (b)(4) or (b)(5) of this section, you may request that you be reinstated to in-use status. You must submit a written request to the PM asking that you be reinstated to in-use status. The PM will decide whether you have satisfied the applicable requirements for re-entering in-use status. The requirements for re-entering in-use status depend on how far you progressed before you failed to meet the timely progress guidelines.

- (1) *If you failed to meet the timely progress guidelines during the initial 24-month period.*
- (i) If you failed to meet the timely progress guidelines during the initial 24-month period,

* * * * *

(b) *Re-entering in-use status.* If you failed to meet the timely progress guidelines for a 12-month progress certification period and you believe that you have now met the applicable requirements for that progress certification period as described in Sec. 411.180, you may request that you be reinstated to in-use status. In order to do so, you must submit a written request to the PM asking that you be reinstated to in-use status and you must provide evidence showing that you have met the applicable requirements for the progress certification period. The PM will decide whether you have satisfied the applicable requirements for the progress certification period and may be reinstated to in-use status. If the PM determines you have met the applicable requirements for the progress certification period, you will be reinstated to in-use status, provided that your ticket is assigned to an EN or State VR agency acting as an EN, or you have a ticket which would

<p>you may re-enter in-use status by demonstrating three consecutive months of active participation in your employment plan (see §411.166(a)).</p> <p>(ii) When you have satisfied this requirement, you will be reinstated to in-use status, provided that your ticket is assigned to an EN or State VR agency. See paragraph (c) of this section for when your reinstatement to in-use status will be effective.</p> <p>(iii) After you are reinstated to in-use status, your next review will be the 24-month progress review described in §411.195.</p> <p><i>2) If you failed to meet the timely progress guidelines in your 24-month progress review.</i></p> <p>(i) If you failed to meet the timely progress guidelines in your 24-month progress review, you may re-enter in-use status by completing three months of work (as defined in §411.185(a)(1), (b)(1) or (c)(1)) within a rolling 12-month period. The rolling 12-month period must begin after the effective date of the decision that you failed to meet the timely progress guidelines. You also must satisfy the test of §411.200(a)(2) regarding the anticipated level of your work during the 12-month progress review period that may begin under paragraph (b)(2)(iii) of this section. The work requirements for this 12-month progress review period will be the work requirements applicable during the second 12-month progress review period.</p> <p>(ii) When you have satisfied these requirements, you will be reinstated to in-use status, provided that your ticket is assigned to</p>	<p>otherwise be available for assignment and you are receiving services under an IPE from a State VR agency which has chosen the cost reimbursement payment system. See paragraph (c) of this section for when your reinstatement to in-use status will be effective. After you are reinstated to in-use status, your next 12-month progress certification period will begin.</p> <p>(c) Decisions on re-entering in-use status. (1) * * * If the PM decides that you have satisfied the requirements for re-entering in-use status (including the requirement that your ticket be assigned to an EN or State VR agency acting as an EN, or that you have a ticket which would otherwise be available for assignment and are receiving services under an IPE from a State VR agency that has chosen the cost reimbursement payment system), you will be reinstated to in-use status effective with the date on which the PM sends the notice of the decision to you. * * *</p> <p>(2) * * * If we decide that you have satisfied the requirements for re-entering in-use status (including the requirement that your ticket be assigned to an EN or State VR agency acting as an EN, or that you have a ticket which would otherwise be available for assignment and are receiving services under an IPE from a State VR agency that has chosen the cost reimbursement payment system), you will be reinstated to in-use status effective with the date on which we send the notice of the decision to you.</p>
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<p>an EN or State VR agency. See paragraph (c) of this section for when your reinstatement to in-use status will be effective.</p> <p>(iii) After you are reinstated to in-use status, the second 12-month progress review period will begin. During this 12-month progress review period, you will be required to work (as defined in §411.185(a)(1), (b)(1) or (c)(1)) at least six months. The PM will conduct a 12-month progress review at the end of this 12-month progress review period to determine if you have met this requirement. After this, the PM will conduct 12-month progress reviews in the usual manner.</p> <p>*****</p>	
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If the ticket has been pulled by the PM after a negative timely progress review, the participant can request to re-enter in-use status. In order to accomplish this, the participant must make a written request for reinstatement to the PM and supply evidence showing that the timely progress requirements for the preceding period have been met. Should the PM decide that the participant has met the guidelines the ticket can be reinstated if still assigned or, if not still assigned, will again be assignable to an EN.

A reinstatement decision will be effective upon mailing by the PM and will reinstate CDR protections.

CURRENT REGULATION

PROPOSED REGULATION

<p>20 CFR 411.220 – What if my ticket is no longer assigned to an EN or State VR agency?</p> <p>(a) If your ticket was once assigned to an EN or State VR agency and is no longer assigned, you are eligible for an extension period of up to three months to reassign your ticket. You are eligible for an extension period if your ticket is in use and no longer assigned because—</p> <p>*****</p> <p>(d) (2) Ends three months after it begins or when you assign your ticket to a new EN or State VR agency, whichever is sooner.</p> <p>*****</p>	<p>(a) If your ticket was once assigned to an EN or State VR agency acting as an EN and is no longer assigned, you are eligible for an extension period of up to 90 days to reassign your ticket.</p> <p>* * * * *</p> <p>(d) (2) Ends 90 days after it begins or when you assign your ticket to a new EN or State VR agency, whichever is sooner.</p> <p>* * * * *</p>
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This proposal specifically changes the “extension period” for reassignment of a ticket pulled by the participant from 3 months to 90 days. When a participant becomes dissatisfied with the services of an EN, or for any other reason, that participant can pull the ticket from that EN. After pulling a ticket, the ticket will continue to be considered in in-use status for a 90 period. If the ticket is not assigned to another EN with that period of time, the ticket will fall out of use.

CURRENT REGULATION

PROPOSED REGULATION

<p>20 CFR 411.225 – What if I reassign my ticket after the end of the extension period?</p> <p>*****</p> <p>(b) <i>Time limitations for the timely progress guidelines.</i> Any month during which your ticket is not assigned, either during or after the extension period, will not count toward the time limitations for the timely progress guidelines. See §411.180(b)(1) and (2).</p> <p>(c) <i>If your extension period began during the initial 24-month period.</i> If your extension period began during the initial 24-month period, and you reassign your ticket to an EN or State VR agency (other than the EN or State VR agency to which the ticket was previously assigned), you will have a new initial 24-month period when you reassign your ticket. This initial 24-month period will begin with the first month beginning after the day on which the reassignment of your ticket is effective under §411.150(c).*****</p>	<p>*****</p> <p>(b) Time limitations for the timely progress guidelines. Any month during which your ticket is not assigned and you have a ticket available for assignment and are not receiving services under an IPE from a State VR agency which chose the cost reimbursement payment system, either during or after the extension period, will not count toward the time limitations for the timely progress guidelines.</p> <p>(c) If you reassign your ticket after the end of the extension period. If you reassign your ticket after the end of the extension period, the period comprising the remaining months in the applicable 12-month progress certification period will begin with the first month beginning after the day on which the reassignment of your ticket is effective under Sec. 411.150(c).</p> <p>*****</p>
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When a ticket is pulled by a participant, should that ticket be reassigned to another EN within the 90 day time period, that time when the participant was not receiving services will not count toward the 12-month period then subject to the timely progress review. The period remaining within that 12-month period will begin again upon reassignment of the ticket.

CURRENT REGULATION

PROPOSED REGULATION

20 CFR 411.226 – How will SSA determine if I am meeting the timely progress guidelines if I assign my ticket prior to (the effective date of the regulations)?

NO CURRENT LANGUAGE

(a) If you assigned your ticket to an EN or State VR agency prior to [EFFECTIVE DATE OF FINAL REGULATIONS], we will use the guidelines in Sec. 411.180(c) to determine whether you are making timely progress toward self-supporting employment on or after that date. We will consider you to be in the first or a subsequent 12-month progress certification period under Sec. 411.180 as of that date. We will determine your applicable 12-month progress certification period and the number of months remaining in that period as of that date by counting all months during which your ticket was assigned and in use during the period--

- (1) Beginning with the month following the month in which you first assigned your ticket under the rules in effect prior to that date; and
- (2) Ending with the close of the month immediately before that date.

(b) Subsequent 12-month progress certification periods will follow the rules in Sec. 411.180.

(c) If, on [DATE ONE DAY BEFORE EFFECTIVE DATE OF FINAL REGULATIONS], your ticket is in use and assigned to a State VR agency which chose to be paid for services it provides to you under the cost reimbursement payment system, your period of using a ticket may continue under the rules in this subpart, including the rules in paragraphs (a) and (b) of this section. However, your ticket will no longer be considered assigned to that State VR agency effective [EFFECTIVE DATE OF FINAL REGULATIONS]. You may assign your ticket after the State VR agency has closed your case.

Tickets assigned to EN or a VR agency prior to the effective date of the new regulations will become subject to the new guidelines. The PM will determine which 12-month period the “old” assigned ticket is in upon the effective date of the new regulations.

If the ticket was assigned to a VR agency and that agency has elected to accept cost reimbursement for services, the participant will be subject to the new timely progress rules but ticket will no longer be considered assigned. Such a ticket can be assigned upon the closing of the VR case.

CURRENT REGULATION	PROPOSED REGULATION
<p>20 CFR 411.310 – How does an entity other than a State VR agency apply to be an EN and who will determine whether an entity qualifies as an EN?</p> <p>NO CURRENT § (d)</p>	<p>* * * * *</p> <p>(d) One-stop delivery systems established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) may participate in the Ticket to Work program as ENs and do not need to respond to the RFP. However, in order to participate in the Ticket to Work program, the one-stop delivery system must enter into an agreement with the Commissioner to be an EN and must maintain compliance with general and specific selection criteria as described in Sec. 411.315 in order to remain an EN.</p>

CURRENT REGULATION	PROPOSED REGULATION
<p>20 CFR 411.315 – What are the minimum qualifications necessary to be an EN?</p> <p>NO CURRENT § (e)</p>	<p>* * * * *</p> <p>(e) One-stop delivery systems established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) are qualified to be ENs. A one-stop delivery system must enter into an agreement with the Commissioner to be an EN and must maintain compliance with general and specific selection criteria of this section and Sec. 411.305 in order to remain an EN.</p>

The final two sections of this proposal provide for a shorthand method of qualifying a One Stop Center as an EN and prescribe the basic qualifications to attain EN status.