

# Memorandum

**TO:** Vocational Rehabilitation Counselors  
**CC:** Vocational Rehabilitation Specialists, Kris Peterson  
**FROM:** Glenn Morton  
**DATE:** June 12, 2006  
**SUBJECT:** Meeting Announcement & Results of March 17, 2006 Meeting

The next informal meeting between court staff and certified vocational rehabilitation counselors is scheduled for Friday, June 23, 2006, at 2:00 pm. The meeting will be held at the court's administrative offices at 1221 "N" Street, Suite 402, in Lincoln (TierOne Center). Meetings are held on a quarterly basis, with future meetings tentatively scheduled for September 22, 2006, and December 15, 2006.

The following are the results from the March 17, 2006 meeting. If you have questions or concerns about any of the discussions or decisions at this meeting please notify the court prior to the next meeting and they will be considered at that time.

- 1. Meeting Date for the June Meeting.** The meeting tentatively planned for June 16, 2006 was rescheduled to June 23, 2006 due to a conflict with an IAIABC conference.
- 2. Purchases Outside of Plan Dates.** There was discussion regarding a recent case in which an employee purchased a computer in advance of the plan beginning date. Under Nebraska Supreme Court cases employees are entitled to vocational rehabilitation benefits only while engaged in an approved plan. Counselors were asked to caution their clients that purchases before the beginning date of the plan could result in the employee's being responsible for the costs. It was also noted the agenda item for this issue incorrectly stated that the counselor had advised the student to purchase the computer in advance of the plan date.
- 3. Transferable Skills Analysis.** It was clarified that this agenda item was primarily intended to address prior work history. Prior work history is critical in developing and evaluating a plan, but the plans submitted to the court do not always reflect that this has been adequately considered. It was agreed that a good transferable skills analysis is critical in developing an appropriate plan, and that a good work history is an important part of that analysis. However, it was also recognized the employees may have transferable skills not reflected in the work history (e.g., computers), and that all of the employee's skills should be taken into account in developing and evaluating a plan. Counselors were asked to insure that the plan justifications "show their work" with regard to work history and other transferable skills, and that an explanation be included if the employee appears to have transferable skills that are not being utilized in the proposed plan.
- 4. Counselor Personal Information.** Concerns were expressed regarding a recent e-mail from

the court staff requesting updated counselor information for the court's certification files, including the social security number. Questions were raised as to why this information is needed, how it will be used, and how it will be safeguarded from inappropriate disclosure. It was explained that the updated information was requested as part a reengineering of the court's computer system, that the court has comprehensive security systems in place to protect our records, and that court policy is to redact social security numbers from any information or documents released to the public. However, it was also acknowledged that a reconsideration of the need for some of this information is appropriate, given increasing concerns about privacy and identity theft, and that the court staff will study this issue and report back to the counselors.

**5. Counselor/job placement specialist certification process.** While this issue was not on the agenda for this meeting, there was time for a preliminary discussion of possible changes to the counselor/job placement certification process that will be considered further at future meetings. Items identified for possible discussion include the criteria for certification, continuing education units, and the possibility of a provisional certification (e.g., for counselors/job placement specialists in training).

**6. Next meeting agenda items.** At the next meeting on June 23, 2006 we will address the following items as time permits:

- a. Illegal Social Security Numbers. (counselor request) What should the vocational rehabilitation counselor do if the counselor is informed that the injured employee has an illegal social security number?
- b. Private short term (i.e., 2 day training) basic computer courses. Recent changes have come to the attention of the court staff in the format for this type of training by at least one private company. The court staff would like input from the counselors as to this new format and its appropriateness, especially in comparison to similar public training.
- c. Changes in Job Placement Plans. There were discussions at the December 16, 2005 meeting regarding which proposed changes to a formal retraining plan must be forwarded to the employer/insurer for agreement after approval by a court specialist. It was decided that any changes to a previously approved plan, other than general directory type information and billing information, will require submission of a new plan document that will be forwarded on to the employer/insurer for its agreement. This includes changes to the proposed starting date and estimated completion date. However, questions have now come up as to whether this should also apply to job placement plans, given that the start date for such plans has often passed when the signed plan document is received back from the employer/insurer.
- d. Counselor/job placement specialist certification process. This will be a continuing discussion of possible changes to the rules and procedures relating to certification of counselors and job placement specialists. Counselors were asked at the March 17, 2006 meeting to review the court's rules relating to certification (Rules 39 – 41) and offer their thoughts and suggestions as to needed improvements.

e. Other VR Rule Changes. A public hearing has tentatively been scheduled for November 16, 2006 to consider changes to the court's rules, including those relating to vocational rehabilitation. This will be a beginning discussion of the necessary changes, which will be continued at the September 22 meeting. If necessary, additional meetings can also be scheduled.

**7. Future meeting agenda items.** The following topics will likely be addressed at future meetings, not necessarily in this order. Any suggestions for additional agenda items are welcome.

a. Continuing Discussion of Possible VR Rule Changes.

b. Changes to the Vocational Rehabilitation Plan Form.

c. Changes to Case Closure Form. The legislature is increasingly requesting information regarding the vocational rehabilitation program and the success of vocational rehabilitation plans. However, existing data is insufficient to allow the court to respond fully to these requests. Could the Case Closure Form be amended to provide the necessary data, and if so, what data should be collected?

d. Job Placement Plans. What is the counselor's role and what are the counselor's obligations in a job placement plan?