

Memorandum

TO: Vocational Rehabilitation Counselors and Job Placement Specialists
CC: Vocational Rehabilitation Specialists, Kris Peterson
FROM: Glenn Morton
DATE: July 14, 2010
SUBJECT: Meeting Announcement & Results of April 16, 2010 Meeting

The next informal meeting between court staff and certified vocational rehabilitation service providers is scheduled for Friday, July 30, 2010, at 2:00 pm. The meeting will be held at the court's administrative offices at 1221 "N" Street, Suite 402, in Lincoln. (Note: The building is now owned by Great Western Bank, and is no longer called the TierOne Center). Meetings are held on a quarterly basis, with the final meeting for this year scheduled for October 22, 2010. Tentative dates for 2011 meetings will be determined at the October 22, 2010 meeting.

The following are the results from the April 16, 2010 meeting. If you have questions or concerns about any of the discussions or decisions, please notify the court's Vocational Rehabilitation Section prior to the next meeting and they will be considered at that meeting.

- 1. Policy on Grades and Class Schedules:** Revisions to the court's policy regarding grades and class schedules were discussed and agreed upon. A copy of the revised policy was sent to all certified counselors by email on April 19, 2010, and is available on the court's website at: http://www.wcc.ne.gov/vr/reporting_grades_class_schedules_20100416.pdf.
- 2. Proposed VR Rule Change - Rule 37:** There was discussion regarding proposed changes to Rule 37, B relating to reporting of grades and class schedules, with no concerns expressed. The proposed changes were subsequently considered by the judges of the court at a public meeting on April 28, 2010, and were adopted effective that date. The revised Rule 37 and other court rules are available on the court's website at: <http://www.wcc.ne.gov/publications/rules.pdf>.
- 3. ESL Plans:** Discussions continued regarding the problems surrounding ESL plans and the limited availability of ESL classes. Unfortunately, no effective solutions have been identified to date. Attempts have been made to contact the Department of Education to explore ways to improve the availability of ESL classes, but those efforts have been placed on hold pending a response from the Department. A suggestion was also made that we work with local service providers to improve the availability of and funding for ESL classes, as well as broader issues relating to ESL (e.g., likelihood of success, how much ESL is needed, and how to assess progress). Unfortunately, concrete ideas as to how that could be accomplished have not been forthcoming.

Therefore, the court staff is now suggesting that our efforts may be more productive if directed internally, toward what is within our control and what can be done within the workers'

compensation system. To this end, the staff is proposing that consideration be given to developing plan justification requirements and instructions specific to ESL, and to developing requirements for tutors and appointment of tutors in ESL plans. Draft proposals will be distributed in advance of the July 30, 2010 quarterly meeting and will be discussed at that meeting.

There was also discussion at the April 16, 2010 meeting that it might be helpful to know how other jurisdictions are approaching ESL. The results of the court's research on this issue will be presented at the July 30, 2010 meeting.

4. Miscellaneous: Concerns have been raised by the court's accounting staff that payments from the trust fund are sometimes delayed due to incorrect or incomplete information in our files. Counselors are asked to insure that information such as names, social security numbers, and addresses are correctly reported to the court, since this information is relied upon when issuing payments.

5. Next meeting agenda items. At the next meeting on April 16, 2010 the following will be addressed as time permits:

a. ESL and Other States: Discussion regarding the court's research on vocational rehabilitation and ESL in other states.

b. ESL Plans and Return-To-Work: There has been a request to further consider the possibility of combining ESL training with return-to-work efforts, including whether "hybrid" plans (e.g., ESL/Job Placement, ESL/OJT) may be permissible in some circumstances. For previous discussions regarding hybrid plans, see the outcomes memorandum from the counselor/specialist meeting on May 21, 2004, which is available on the court's website at http://www.wcc.ne.gov/vr/2004-05-21_meeting.pdf.

c. ESL Plan Justification: Consideration of proposed ESL plan justification requirements and instructions as developed by the court's staff.

d. ESL Tutors: Consideration of proposed requirements for tutors and appointment of tutors in ESL plans as developed by the court's staff.

e. General Issues: Discussion of any other issues of ongoing concern to the counselors or court specialists.

6. Future meeting agenda items. The following topics will likely be addressed at future meetings. Any suggestions for additional agenda items are welcome.

a. Case Closure Form: Continuing discussion of possible changes to the form, including a number of suggestions made at the meeting on July 25, 2008. The court staff will prepare a draft of a revised form for consideration at a future meeting.