

# Memorandum

**TO:** Vocational Rehabilitation Counselors and Job Placement Specialists  
**CC:** Vocational Rehabilitation Specialists, Kris Peterson  
**FROM:** Glenn Morton  
**DATE:** October 18, 2010  
**SUBJECT:** Meeting Announcement & Results of September 17, Meeting

The next informal meeting between court staff and certified vocational rehabilitation service providers is scheduled for Friday, October 22, 2010, at 2:00 pm. The primary topic for this meeting will be continuing discussions on how plans for injured workers with limited ability to communicate in English can be focused on return to work. The meeting will be held at the court's administrative offices at 1221 "N" Street, Suite 402, in Lincoln. Meetings are held on a quarterly basis, and tentative dates for 2010 quarterly meetings will be determined at the October 22, 2010 meeting.

The following are the results from the September 17, 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. VR Section Staffing Changes:** It was announced that Kris Peterson will be retiring at the end of November and that Joyce Van Patten will be moving to a part time position within the VR Section effective January 1<sup>st</sup>. Kathy Baird will also be retiring at the end of October. Therefore, three of six positions within the VR Section will be new or open very shortly and this will likely result in some delay as new staff are hired and trained. Counselors are asked to be patient during the transition period and to ensure that proposed plans are submitted as early as possible. Expedition of plan review may be difficult during the transition period, and plans submitted at the last minute may not be approved by the proposed start date.

**2. English Training and Return-To-Work:** At the July 30, 2010 meeting there was general agreement that English training for employees with limited ability to communicate in English should focus more directly on return-to-work rather than just teaching the employee to speak English. It was suggested that instead of providing English training as a separate ESL plan, such training should instead be considered as an adjunct to another plan with English training as a supportive service. Most frequently this would be a job placement or on-the-job training plan, although a GED or other formal training plan may also be appropriate in some cases.

Discussion continued at this meeting. It was proposed that a job placement plan with English as a supportive service could include a range of possible jobs or job categories that may be appropriate for the employee, depending on his or her success with English training. An employee who does well with English training would qualify for the higher level jobs, whereas an employee who does not do well would qualify only for the lower level jobs. The intent of

such a plan would be to advance the employee as far as possible with English training, and therefore a higher level job, within the time frame of the plan. However, the ultimate goal of such a plan would be to return the employee to work regardless of the level of English proficiency attained. Given the change in emphasis from the current ESL plans, it was suggested that English training under this new approach might more appropriately be referred to as English language learning (ELL) rather than English as a second language (ESL).

It was noted that such an approach would keep the employee actively engaged in the plan, through the job search process, while also providing an incentive to do well with his or her English training. Conversely, this approach would also require more active involvement by the counselor than is currently the case with ESL plans. The ability to do things concurrently rather than consecutively was thought to be another advantage of such an approach. For example, an employee could be engaged in English training, volunteer services, and seeking a job at the same time. It was recognized that this approach would initially be more costly, although the long term costs should be significantly lower.

A number of issues were identified for further discussion, as described below, although others will almost certainly arise.

- a. What should the time frame be for a job placement plan with English training as a supportive service? Should there be a fixed and standard time frame for all such plans? If not, how should the time frame be determined?
- b. Would it be necessary to identify English language competencies for the different levels or categories of jobs included in the plan? If so, how would such competencies be determined?
- c. Does this approach necessarily contemplate a period of English training before job placement begins, or can job placement and English training occur simultaneously from the beginning of the plan?
- d. What justification should be required by the court's VR specialists in reviewing such a plan? How should such a plan be written by the counselor?
- e. What would the responsibilities of the counselor be during such a plan?
- f. How should this new approach be implemented? What steps should be followed in transition to this new approach? Suggestions have included a court sponsored training session or seminar to which all interested parties (judges, attorneys, insurers, etc.) would be invited, and identifying a number of particular plans that could serve as "best practice" models.
- g. How will the experience under the new system be monitored? Is the data currently collected on the case closure form sufficient, and if not what additional information will be needed?

**3. Next meeting agenda items.** At the next meeting on October 22, 2010 the following will be addressed as time permits:

- a. Meeting Schedule for 2011.
  - b. ESL Training and Return-To-Work: Continuing consideration of the ideas, concepts, and questions discussed at the September 17, 2010 meeting, as described above in this memorandum.
  - c. General Issues: Discussion of any other issues of ongoing concern to the counselors or court specialists.
4. **Future meeting agenda items.** Suggestions for future meeting agenda items are welcome.
- a. Case Closure Form: Discussion of possible changes to the form.