

# Memorandum

**TO:** Vocational Rehabilitation Counselors and Job Placement Specialists  
**CC:** Vocational Rehabilitation Specialists, Nancy Sedlacek  
**FROM:** Glenn Morton  
**DATE:** January 7, 2011  
**SUBJECT:** Meeting Announcement & Results of October 22, 2010 Meeting

The next informal meeting between court staff and certified vocational rehabilitation service providers is scheduled for Friday, January 28, 2011, at 2:00 pm. 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, with future meetings tentatively scheduled for April 22, 2011, July 22, 2011, and October 28, 2011.

The following are the results from the October 22, 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. Future Meeting Schedule:** Future quarterly meetings were tentatively set for January 28, 2011, April 22, 2011, July 22, 2011, and October 28, 2011.
- 2. VR Section Staffing Changes:** Nancy Sedlacek was introduced as the court's new Vocational Rehabilitation Manager, following Kris Peterson's retirement at the end of November. Also new to the court is Staff Assistant Julie Koch, who has filled the position formerly held by Kathy Baird who retired at the end of October. Joyce Van Patten has now moved to a part time Senior Program Specialist position within the Vocational Rehabilitation Section effective January 1, 2011. Her former position of Vocational Rehabilitation Specialist will be filled at a later date. Counselors are again 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.
- 3. SAVE program:** Counselors were advised that a copy of both sides of the U.S. Citizenship and Immigration Services (USCIS) documentation form must be submitted to the court along with the U.S. Citizenship Attestation Form. There are a number of different documents that can provide supporting evidence that an individual is a qualified alien, and in some cases the necessary information is on the reverse side of the form. Copies of the revised U.S. Citizenship Attestation Form reflecting this requirement are now available from the court's web site in English and Spanish. Counselors are also encouraged to submit the attestation form and supporting documentation early in the relationship with the client, rather than waiting until a plan is submitted for approval. The required verification by the court through the federal SAVE

program can take some time, and early submission of the attestation form and supporting documentation can avoid potential delay once the plan is submitted.

If the court is unable to verify lawful presence in the United States through the SAVE program, then a plan will not be approved and payments from the Workers' Compensation Trust Fund will be denied. In that event, the employee has the opportunity to correct any inaccurate information through the USCIS. If the information is corrected through the USCIS, then the employee may request further consideration by the court's Vocational Rehabilitation Section. Upon receipt of such a request the court staff will again attempt to verify eligibility for benefits through the SAVE program. If eligibility is verified then plan review and payments from the fund will be reinstated.

**4. English Training and Return-To-Work:** At previous meetings 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 rather than providing English training as a separate ESL plan, such training should instead be considered as an adjunct to another plan with English language learning (ELL) as a supportive service. Discussions continued at this meeting, and questions were raised and addressed as follows:

Q: What should the time frame be for a job placement plan with ELL 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?

A: A job placement plan with ELL as supportive service should not exceed one year, but may be written for less time. A plan will terminate in any event when the employee returns to work.

Q: It has been suggested that a job placement plan with ELL 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 ELL. 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?

A: There was a consensus that the counselor can and should determine what ELL is needed to return the employee to the jobs identified in the plan. Therefore, it will not be necessary to formally identify or develop English competencies for various job types in order to for such a plan to proceed and be successful.

Q: Does a job placement plan with ELL as a supportive service necessarily contemplate a period of English training before job placement begins, or can job placement and ELL occur simultaneously from the beginning of the plan?

A: There was discussion that job placement could begin as soon as the counselor has confidence that it is feasible for the employee to obtain employment in the jobs identified in

the plan. However, it has also been suggested that allowing a plan to include a range of possible jobs would permit the employee to qualify for higher level jobs depending on his or her success with ELL. This would appear to require that the employee be given some opportunity to progress with ELL prior to determining the highest level of jobs he or she would qualify for. Therefore, the answer to this question remains unclear and will require further discussion.

Q: What justification should be required by the court's specialists in reviewing a job placement plan with ELL as a supportive service? How should such a plan be written by the counselor?

A: The overall goal of the new approach is to allow flexibility for the counselor in structuring such a plan, while also providing sufficient information and justification to allow the specialists to be comfortable in signing off on the plan. This will necessarily involve striking a balance, and the requirements will evolve as new plans are considered and new circumstances are encountered.

However, at a minimum the plan must describe why ELL is needed to return the employee to work, the nature of the ELL being proposed, and how the ELL being proposed will allow the employee to perform the jobs identified in the plan. If a tutor is to be used, the plan must describe what the tutor will be doing, and how this will assist the employee to perform the identified jobs. The plan must also specify what the counselor will be doing during the plan, as addressed in the next question.

Q: What will the responsibilities of the counselor be during such a plan?

A: It was recognized that the nature and extent of the counselor's activities will vary from plan to plan. However, the added flexibility being allowed in structuring the plan will also require more active involvement by the counselor, and the plan should specify what the counselor will be doing during the plan. As with any job placement plan, the counselor should actively search for jobs and analyze whether the jobs would be appropriate for the employee. Active "marketing" by the counselor of the employee to potential employers was also seen as a plus. There will be no set number of jobs that must be identified or suggested to the employee, but the employee will be expected to follow up on all job leads offered by the counselor.

Q: How should this new approach be implemented? Will the court's Vocational Rehabilitation Section continue to accept and review traditional ESL plans?

A: There was discussion about whether it would be preferable to continue to study this new approach and establish a "kick off" date at some future point in time, once everything is in order, or instead to proceed with implementing this new approach and make adjustments to the procedures and requirements as we go along. There was general agreement that the second approach is preferable, although it was recognized that this will require patience and flexibility from both the counselors and court specialists.

With regard to continuing review of traditional ESL plans, there will necessarily be a transition period in implementing the new approach. The Vocational Rehabilitation Section has continued to accept and review follow-up ESL plans when the employee has previously engaged in such a plan. However, traditional ESL plans will be discouraged in the future for entirely new cases, given the underlying goal of focusing English language training more directly on return to work. During the transition period the section has also allowed mileage reimbursement for job searches during an existing ESL plan, but has declined to approve a new ESL plan with job placement activities.

Q: How will the experience under the new approach be monitored? Is the data currently collected on the case closure form sufficient, and, if not, what additional information will be needed?

A: This question was not addressed due to time constraints, but will be added to the agenda for a future meeting.

**5. Other Possible Supportive Services:** The concept of supportive services in a job placement plan originally arose in connection with English language training, and there was general agreement that this continues to be the most pressing problem. However, a question was raised as to whether GED training could be considered a supportive service in a job placement plan, and, if so, whether there would be a continuing need for traditional GED plans. Similar questions were raised regarding ABE training.

In deciding to allow ELL as a supportive service in a job placement plan the underlying goal was to focus such training more directly on return to work. Unlike traditional ESL plans, this approach requires that the training be directed to the specific job goals identified in the plan. Like traditional ESL plans, GED and ABE plans currently do not require identification of a job goal. Therefore, allowing GED and/or ABE as supportive services in a job placement plan would arguably also focus such training more directly on return to work. However, the considerations regarding GED or ABE may differ from those for ELL, and further discussion will be needed before deciding whether GED or ABE training should be treated similarly to ELL.

Following the meeting a related question was raised regarding whether the Vocational Rehabilitation Section will approve a job placement plan with basic computer training as a supportive service. The section declined to do so without further discussion on the issue.

**6. Next meeting agenda items.** At the next meeting on January 28, 2011 the following will be addressed as time permits:

a. ELL and Return-To-Work:

- (i) How will the counselor determine what ELL is needed in order for the employee to perform the jobs identified in the plan? Will standard ESL training designed to teach the employee to speak English be sufficient in itself?

(ii) Does a job placement plan with ELL as a supportive service necessarily contemplate a period of ELL before job placement begins, or can job placement and ELL occur simultaneously from the beginning of the plan?

b. Other Possible Supportive Services:

(i) Should GED and ABE training be allowed as supportive services for a job placement plan? If so, would there be a continuing need for stand alone GED or ABE plans?

(ii) Should basic computer training be allowed as a supportive service in a job placement plan? Is there any other type of service that should be allowed as a supportive service in a job placement plan?

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

7. **Future meeting agenda items.** Suggestions for future meeting agenda items are welcome.

a. VR Plan Form Revisions: Are changes to the plan form or instructions needed to reflect recent decisions regarding supportive services and plan types?

b. Case Closure Form: Is the data currently collected on the case closure form sufficient, and if not what additional information is needed? In particular, is the data currently collected sufficient to monitor the results of recent decisions regarding supportive services and plan types?