

Memorandum

TO: Vocational Rehabilitation Counselors and Job Placement Specialists
CC: Vocational Rehabilitation Specialists, Nancy Sedlacek
FROM: Glenn Morton
DATE: August 1, 2011
SUBJECT: Meeting Announcement & Results of April 22, 2011 Meeting

The next informal meeting between court staff and certified vocational rehabilitation service providers is scheduled for Friday, August 19, 2011, at 2:00 pm. The meeting will be held at the court's administrative offices at 1221 "N" Street, Suite 402, in Lincoln. Due to unforeseen circumstances, the meeting previously scheduled for July 29, 2011 was rescheduled to August 19, 2011. Meetings are held on a quarterly basis, with the final meeting for this year scheduled for October 28, 2011. Tentative dates for the 2012 quarterly meetings will be determined at the October 28, 2011 meeting.

The following are the results from the April 22, 2011 meeting. If there are 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. New Court Specialist: Kathleen (Kathi) Stultz was introduced as a new vocational rehabilitation specialist with the court.

2. VR Form Revisions: The substantial changes at recent meetings relating to plan types and supportive services have also required changes to various court forms relating to vocational rehabilitation. These include the Vocational Rehabilitation Plan form (VR-44) and the Student Instruction forms for job placement and formal training.

Draft revisions to the VR-44 form and related instructions were circulated to all certified counselors and specialists prior to this meeting, and additional changes were discussed and agreed to at this meeting. Particular changes of note are (1) the agreed upon average weekly wage will now be required in box 1 of the form, rather than the hourly wage at the time of injury, (2) the projected wage or range of wages will now be required in box 5 of the form, rather than the entry and average hourly wage, and (3) the allowance for general supplies has been increased from \$15.00 to \$30.00 per term or semester. It was acknowledged that general supplies may be purchased from an outlet other than the institution's book store, but in order to facilitate reimbursement such supplies should be purchased separately from non-reimbursable items and should be the only items listed on the receipt. A further revised form was then circulated to all certified counselors and specialists on May 11, 2011, and approved for use at that time. The revised form may be found on the courts' web site at <http://www.wcc.ne.gov/vr/vr44.pdf>. Proposed plans on previous versions of the form are no longer being accepted by the Vocational Rehabilitation Section.

Revised Student Instruction forms for job placement and formal training were also circulated to all certified counselors and specialists on May 11, 2011, and were approved for use at that time at the counselor's discretion. However, these forms are still in the draft stage, and further changes can be considered at the August 19, 2011 meeting. Copies of the current draft forms are attached, and are available on the court's web site at http://www.wcc.ne.gov/vr/vr44_siadraft.pdf, http://www.wcc.ne.gov/vr/vr44_sibdraft.pdf and http://www.wcc.ne.gov/vr/vr37e_draft.doc.

Various "clean-up" type changes have also been made to a number of other court forms relating to vocational rehabilitation, and revised versions of the forms have been posted to the court's web site. These were effective upon posting, and counselors are encouraged to check the web site and ensure that current versions of the forms are being used.

3. Tutor Reimbursement: A question was raised as to whether there is an established hourly wage for tutors. After discussion, it was agreed that while there is no set wage for tutors an hourly rate of \$15 will generally not be questioned by the specialists. A higher hourly wage may be appropriate in some circumstances, but an explanation will be required from the counselor as to why the higher wage is justified.

4. Labor Market Surveys: A question was raised as to how a counselor can know, in advance of plan submission and review by a court specialist, whether a labor marked survey will be required (i.e., contacts with employers and documentation of each contact).

The issue of what constitutes sufficient labor marked information has been discussed extensively at previous meetings (see memorandums from the 6/25/04, 11/17/06, and 12/15/06 meetings). The conclusion at those meetings was that it is not possible to establish a bright line test for what labor market information will be required in any given case. While labor market information is needed in every case, the information will be different depending on the case and the type of case. Nevertheless, general guidelines were developed and agreed to at those meetings, and these are now reflected in instruction 8, E of the plan form instructions. The conclusions from the previous meetings were reaffirmed at this meeting.

5. Next meeting agenda items. At the next meeting on August 19, 2011 the following will be addressed as time permits:

- a. Student Instruction Forms: Review of draft revisions to the student instruction forms which were circulated to all certified counselors and specialists on May 11, 2011 (copies attached).
- b. Case Closure Form: Review of first exposure draft of changes to the Case Closure form (copy attached). The revisions include changes required by the new approach to plan types and supportive services, and by modifications to the court's computer system. Other changes have been included at the request of one or more users of the form.

c. Dual VR Plans: In a number of recent cases counselors have been asked to develop multiple vocational rehabilitation plans based on differing physical restrictions. How should such requests be handled?

d. Rule 37, A Reports: The court's specialists have a need for information in order to monitor the status of ongoing vocational rehabilitation plans. How should this need best be satisfied? In the absence of sufficient information in a Rule 37, A progress report the specialists have been requesting additional information or clarification from the counselor. Is this working well or should other options be explored for obtaining the necessary information? Should a progress report be sufficient in itself to meet the needs of the specialists as well as the parties? If so, what information should be included in the report? The specialists have suggested that a "report" under Rule 37 includes any correspondence from the counselor to all of the parties, and, therefore, the specialist must be copied on all such correspondence. Some, but not all, counselors are currently providing such copies. Should this be required of all counselors?

6. Future meeting agenda items. No additional agenda items are currently identified for future meetings. Suggestions are welcome.