

Memorandum

TO: Vocational Rehabilitation Counselors and Job Placement Specialists
CC: Vocational Rehabilitation Specialists, Nancy Sedlacek
FROM: Glenn Morton
DATE: January 19, 2012
SUBJECT: Meeting Announcement & Results of October 28, 2011 Meeting

The meeting tentatively scheduled for Friday, January 27, 2012 has been cancelled due to a lack of agenda items. Therefore, the next informal meeting between court staff and certified vocational rehabilitation service providers is now scheduled for Friday, April 20, 2012, 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 generally held on a quarterly basis, with additional meetings tentatively scheduled for July 27, 2012, and October 26, 2012.

The following are the results from the October 28, 2011 meeting. Please bring any questions or concerns regarding the discussions or decisions at this meeting to the attention of court's Vocational Rehabilitation Section, and they will be considered at the next meeting.

- Future Meeting Schedule:** Future quarterly meetings were tentatively set for January 27, 2012, April 20, 2012, July 27, 2012, and October 26, 2012. However, as noted above, the January 27, 2012 meeting has been cancelled due to lack of agenda items.
- LOEP Reports:** Counselors who are agreed to or appointed to provide both vocational rehabilitation services and a loss of earning power (LOEP) evaluation were asked to remember to submit a copy of the LOEP report to the court as soon as it is completed. This is required by Rule 37, A. The LOEP report need not be submitted to the court if the counselor is appointed or agreed to provide an LOEP evaluation only.
- GED Estimates/Plan Length:** It was announced that Central Community College will no longer be giving an estimated time for GED completion. This is reportedly true for other schools as well, and there was a question as to whether in such circumstances a GED plan should be written for the full two year maximum. It was noted that part of the purpose of establishing a maximum time limit for a GED plan was to provide a fixed point in time for evaluating the claimant's progress and the status of the case. A follow-up plan may then be justified based on the circumstances of the individual case. With that in mind, it was suggested at this meeting that a one year time limit may be more appropriate for GED cases in which an estimated completion date cannot be obtained. While the maximum time for a GED plan will remain at two years, counselors are encouraged to consider a lesser time period for cases in which an estimated completion time cannot be obtained. Once again, a follow-up plan may then be appropriate depending on the circumstances of the case.

4. Job Placement Specialists: There was a general discussion regarding the use of job placement specialists in workers' compensation cases. A number of questions were raised and addressed as follows:

How frequently and extensively are such specialists being utilized and for what purposes?

Some counselors in attendance use a job placement specialist (JPS) extensively, while others typically perform their own job placement services. Those who frequently use a JPS noted that a specialist can have skills and access to employers that the counselor may not have. Some clients may also require more frequent contact and support during the job search, and a JPS can also help to identify and avoid barriers including "game playing" by a client. Those counselors who typically do their own job placement feel it is a matter of personal preference or style, and note that the job seeking skills of a counselor may equal or exceed those of a JPS.

How are such specialists being supervised by the counselors?

It was understood and acknowledged that a counselor is responsible for the case, and that the counselor must maintain oversight of what the JPS is doing. The counselor should set the expectations for the JPS and monitor the progress of the client. Some counselors indicated that they keep an ongoing log for every client contact by a JPS.

Are services to be provided by such specialists being identified in the vocational rehabilitation plan?

The court specialists commented that vocational rehabilitation plans have not always identified when a JPS will be involved in the case, or what services the JPS will be providing. The specialists asked that this information be included in the plan when it is submitted for approval.

Are such specialists preparing Rule 37, A reports, and, if so, are copies being provided to the court?

It appeared from the discussions that many of the counselors in attendance are preparing any Rule 37, A reports that are submitted to the court, and this was thought to be appropriate given that a JPS is not familiar with the entire case. Nevertheless, Rule 37, A does contemplate that a JPS may prepare a report under that rule. Counselors are reminded that any report prepared by a JPS that is provided to any party must also be sent to the court.

Are counselors or job placement specialists employed by a state agency being utilized as job placement specialists in workers' compensation cases?

This appears to occur very infrequently, despite the fact that Rule 41, D allows a counselor or specialist employed by a state agency to provide job placement services in workers' compensation cases. Those in attendance felt that state counselors or specialists can be helpful, especially in western Nebraska, in that they may have better access to a client and may have more knowledge regarding local resources and employer contacts. However, the potential

benefits of using a state counselor or specialist are limited by the differing goals, priorities, and guidelines of the state vocational system as compared to the workers' compensation system.

5. Legislative Activity: Those in attendance were unaware of any potential legislation impacting the workers' compensation vocational rehabilitation system at the time of the meeting, and no such legislation has surfaced as of the date of this memorandum.

6. Next meeting agenda items: No agenda items are currently identified for the April 20, 2012 meeting. An agenda will be announced prior to that meeting. Suggestions are welcome.

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