

# Memorandum

**TO:** Vocational Rehabilitation Counselors  
**CC:** Vocational Rehabilitation Specialists, Kris Peterson  
**FROM:** Glenn Morton  
**DATE:** May 1, 2007  
**SUBJECT:** Meeting Announcement & Results of March 9, 2007 Meeting

The next informal meeting between court staff and certified vocational rehabilitation counselors is scheduled for Friday, June 8, 2007, at 2:00 pm. The meeting will be held at the court's administrative offices at 1221 "N" Street, Suite 402, in Lincoln (TierOne Center). Meetings are held on a quarterly basis, with future meetings tentatively scheduled for September 14, 2007, and December 14, 2007.

The following are the results from the March 9, 2007 meeting. If you have questions or concerns about any of the discussions or decisions at this meeting please notify the court's Vocational Rehabilitation Section prior to the next meeting and they will be considered at that time.

## **1. Court Technology Reengineering:**

Randy Cecrle, the court's Information Technology Manager, discussed the court's technology and business process reengineering efforts relating to vocational rehabilitation. These are intended to improve the efficiency and reduce the costs of the system, while also moving the court toward a paperless working environment. However, to be successful these efforts will require the active input and participation of the counselors. Changes are anticipated in the way information and documents are submitted to and received from the court, and any such changes must take into account the technology available to the counselors.

There was an initial discussion of long term objectives and planning for future "stakeholder" focus meetings. However, it was agreed that we should also consider how best to make use of the technology counselors have now, and how the processes can be improved short term. It was agreed that the court's Vocational Rehabilitation Section will identify what documents and communications can currently be submitted electronically. This could be followed-up with training for counselors, individually or on a group basis, on how best to use the technology they have in interacting with the court. Following the meeting the Vocational Rehabilitation Section determined that all vocational rehabilitation forms and other documents will now be accepted by fax or as a PDF attachment to an e-mail. It is not necessary to follow up with a hard copy of the documents. However, if a signature is required, then the document with the original signature must be retained by the counselor and must be made available for inspection upon request.

## **2. Courtesy Plan Copies:**

A practicing attorney voiced concerns to the court regarding a case in which the counselor had obtained a signature from an employee on a vocational rehabilitation plan without the attorney having had a chance to review the plan. This was allegedly despite the counselor being aware that the employee was represented. The attorney suggested that this could be avoided by the counselor forwarding a “heads up” copy of the plan to the attorney with an explanatory cover letter.

It was first noted that the outcomes memorandum from the December 16, 2005 meeting addressed the issue of courtesy plan copies as follows:

“[T]he court administration has...taken the position, after consultation with the Attorney General’s office, that Rule 42,C does in fact require that any draft or courtesy copy of a plan that is available to any party, other than solely to the employee, must be shared with all other parties. If the employee is represented by an attorney, then any draft or courtesy copy of a plan provided to the employee or the employee’s attorney must also be provided to all other parties. While Rule 42,C is silent as to the application of the rule to the employee’s attorney, we believe that the spirit of the rule requires that any draft or courtesy copy of a plan which is available to the employee’s attorney must also be made available to all other parties.”

After discussion, it was further agreed that in order to comply with Rule, 42,C a counselor should inquire as to whether the employee is represented by an attorney. If so, then the attorney should be given a copy of the plan prior to signing by the employee. Consistent with the above quotation from the December 16, 2005 meeting, any plan copy made available to the attorney must also be made available to all other parties.

### **3. Plan Justification and Plan Approval/Denial Process:**

There was no further discussion on this item at this time. However, it was recognized that related issues will likely come up as changes to the plan form and development of the related instruction sheet are considered (see paragraph 4 below).

**4. Changes to Plan Form:** The specialists offered a discussion draft of revisions to the Vocational Rehabilitation Plan form. A further revised draft is attached which incorporates additional changes agreed to during the meeting. The intention is to continue updating this draft as discussions proceed and until a new plan form is finalized. The changes agreed to during this meeting were:

- Add “hourly wage” to employee information section, in addition to AWW;
- Allow for “check box” if the employee is not at MMI;
- Make distinction between priorities and training types, and indicate which training types require specific job goals and which do not;
- Move plan start and end dates away from billing information;
- For wage after rehabilitation, include entry and average wage and request the source of the data;

- Add an “instruction sheet” that more fully describes the information expected in the various sections of the Plan Justification.

Comments, suggestions, changes, etc., can be submitted to the Vocational Rehabilitation Section prior to the next meeting or can be brought to the meeting for further discussion.

As noted, it was agreed that an instruction sheet is needed for the plan form. A first draft of such a sheet is included with the attachment and will be discussed further at the next meeting. It is anticipated that development of this sheet will be a good tool for additional discussions regarding plan justification and the plan approval/denial process.

**5. Next meeting agenda items.** At the next meeting on June 8, 2007, we will address the following as time permits:

Changes to VR Plan Form. Continuing discussions for changes to the plan form and development of the related new instruction sheet (see attachment).

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

a. Changes to VR Plan Form. Continuing discussions if needed.

b. Changes to Case Closure Form. The legislature is increasingly requesting information regarding the vocational rehabilitation program and the success of vocational rehabilitation plans. However, existing data is insufficient to allow the court to respond fully to these requests. Could the Case Closure Form be amended to provide the necessary data, and if so, what data should be collected?

c. Job Placement Plans. What is the counselor’s role and what are the counselor’s obligations in a job placement plan?