

**NEVADA STATE REHABILITATION COUNCIL (N.S.R.C.)  
MEETING MINUTES  
February 9, 2021 at 9 a.m.**

Teleconference only

**COUNCIL MEMBERS PRESENT:**

Kacy Curry  
David Nuestro  
Shelley Hendren  
Mary Brabant  
Judy Swain  
Rebecca Rogers  
Raquel O'Neill  
Allison Stephens  
C.J. Fields  
Alex Goff

**COUNCIL MEMBERS ABSENT:**

Marshal Hernandez

**GUESTS/PUBLIC:**

Jack Mayes, Nevada Disability Advocacy and Law Center  
Brian Robertson, Market Decisions Research  
Steven Cohen, Public  
Heather Destefano, Public

**STAFF:**

Justin Taruc, Deputy Attorney General  
Jenny Casselman, DETR Deputy Director  
Mechelle Merrill, Rehab. Div. Deputy Administrator  
Drazen Elez, Rehab. Div. Deputy Administrator  
Javier Fernandez, VR Liaison to N.S.R.C.  
Sheena Childers, VR Bureau Chief  
Mat Dorangricchia, VR Northern District Manager  
Trina Bourke, VR Southern District Manager  
Faith Wilson, Quality Control Specialist  
Marla Robinson, Administrative Assistant  
Diane Pino, Administrative Assistant

1. **CALL TO ORDER, INTRODUCTIONS, AND VERIFY TIMELY POSTING OF AGENDA**

Kacy Curry, Chair called the meeting to order at 9:01 a.m. Javier Fernandez NSRC Liaison called the role.

Mr. Fernandez determined a quorum was present and verified that the posting was completed on time in accordance with Open Meeting Law. Per Governor Sisolak's extension of the Declaration of emergency directive 006, no physical meeting place was determined, and no physical posting of the agenda was done. The only posting required by the Deputy Attorney General's office was displayed on the DETR and Nevada Public Notices website.

2. **FIRST PUBLIC COMMENT**

Mr. Steven Cohen submitted an emailed public comment prior to the scheduled meeting, and he reviewed his emailed public comment executive summary during the meeting. **Public comment attached at end of the meeting minutes.** Mr. Cohen thanked the Chair for her service on the council as her term is ending. Additional comments were made regarding the meeting materials and expressed his concern with the

Governor's the State of the State address regarding the allocation of \$75 million dollars towards Workforce Development. What percentage of this amount will be allocated to persons with disabilities? Customized employment is coming.

3. **APPROVAL OF THE NOVEMBER 10, 2020 MEETING MINUTES**

Ms. Curry began the discussion by asking the council if there were any corrections, modifications or changes to the November 10, 2020 meeting minutes. Ms. Curry expressed that the current substance of the minutes does not reflect what occurred in the November 2020 meeting. The Deputy Attorney General, Justin Taruc reviewed the legal requirements of what constitutes meeting minutes and the current minutes satisfy the Open Meeting Law requirement. Raquel O'Neill made a motion to approve the minutes as written. Rebecca Rogers seconded the motion. All in favor, none opposed, none abstained, motion carried, minutes approved.

6. **OTHER REPORTS**

Jack Mayes, Executive Director of the Nevada Disability Advocacy and Law Center (NDALC) reported on the Client Assistance Program (CAP) Statistical summary for Fiscal Year 2020 activities. Work projections for the new year anticipating new client challenges and positive expectations for expansion in serving the disability populations of Nevada. However, like very other industry and organization in the world, March saw our agency's plans stumble and plummet into the depths of the unforeseen pandemic. The NDALC continues to be involved in the next rollout of the vaccine to ensure there is no discrimination against people with disabilities. The roll out is moving into community service providers including Vocational Rehabilitation.

**NDALC has about 10 programs:**

**(PABSS)** which serves beneficiaries of Social Security Income (SSI), or Social Security Disability Insurance (SSDI) under the Ticket to Work and Work Incentives Improvement Act (TWWIA) and offers assistance with the removal of barriers preventing them from returning to work.

**(WIPA)** serves beneficiaries of Social Security and offers work incentives and planning assistance under the Ticket to Work and TWWIA.

**(PABRP)** reviews are conducted of representative payees under Social Security Administration programs to confirm responsibilities are appropriately carried out on behalf of the beneficiary.

**(PAIMI)** services individuals with mental illness.

**(PADD)** services individuals with intellectual and developmental disabilities.

**(PAVA)** services individuals with disabilities regarding their voting rights and access.

**(PAAT)** serves individuals with disabilities who need assistive technology devices or services.

**(PATBI)** serves individuals with traumatic brain injuries.

**(PAIR)** serves individuals with disabilities not covered under other P&A programs.

**(CAP)** serves individuals with disabilities applying for or receiving services under the federal Rehabilitation Act.

The grant funds received, and percentage spent include:

PAMI	\$428,000	24%
PADD	\$404,556	23%
PAVA	\$105,261	6%
PAAT	\$50,000	3%
PATBI	\$50,000	3%
PAIR	\$171,598	10%
CAP	\$131,917	8%
PABSS	\$100,000	6%
WIPA	\$120,500	7%
PABRP	\$190,709.83	11%

In review of the statistical review NDALC pays close attention to the ethnicity breakdown. The Hispanic population is the largest population identified and strives to improve. Specific resources are being adapted in this area of concern. Each federal agency wants different categories followed. In the CAP report, for example, client assistance dropped off during the initial stages of the pandemic. Requests have improved since then. Training and outreach have been problematic during COVID. Zoom is being used but doesn't necessarily work with outreach.

In following up with Mr. Mayes appointment to the Rehabilitation Council, Javier Fernandez has reached out to Mr. Mayes to submit the authorization for a background check waiver to the Boards and Commissions office which was missing during the initial application process.

Kacy Curry advised that DeeDee Foremaster was not present to provide an update from the Nevada Statewide Independent Living Council (SILC).

4. **DISCUSSION/REPORT ON PROPOSED CHANGES TO THE REHABILITATION DIVISION'S POLICY AND PROCEDURE MANUAL**

Faith Wilson, Rehabilitation Division, Quality Control Specialist II began her presentation with proposed changes to the sections indicated of the Rehabilitation Division's Policy and Procedure Manual: Definitions were provided for the abbreviations mentioned.

**Abbreviations:**

- IPE: Individualized Plan for Employment
- C&G: Counseling and Guidance
- AVRN: Assessment of Vocational Rehabilitation Needs
- Pre-ETS: Pre-Employment Transition Services
- RSA: Rehabilitation Services Administration (federal oversight agency for VR programs)
- WINTAC: Workforce Innovation Technical Assistance Center (VR technical assistance center)
- VR: Vocational Rehabilitation

**Note:** Minor changes, clarification or further instruction on current policy, as well as rearranging, re-formatting, or changes in wording that don't change the essence of the policy etc. are not summarized below. Policy changes that affect other sections of the policy may not be summarized in each section; however, it will be noted in the main section.

**Section 2: Effective Communication**

Topic:	Change:	Explanation:
<b>Auxiliary Aids</b>	Update: The participant's assigned vocational rehabilitation counselor will be the point of contact for requesting auxiliary aids and services and will be responsible for ensuring the participant receives appropriate auxiliary aids and services. At the time of the request for services, individuals will be	Informed of Auxiliary Aids at time of request for services as no longer have onsite orientation

	informed of the availability of auxiliary aids and services, including their availability for all written and oral communications relating to the vocational rehabilitation program, such as scheduling, administering applications, conducting intake interviews and eligibility meetings, and providing benefits and services.	
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**Section 4: Referral of Participants**

<b>Topic:</b>	<b>Change:</b>	<b>Explanation:</b>
<b>Individuals Referred to VR</b>	Update: Individuals referred to Vocational Rehabilitation (VR) will be contacted in a reasonable amount of time and invited: <ul style="list-style-type: none"> <li>To watch the online orientation video and complete a questionnaire through the online portal at <a href="#">Department of Employment Training and Rehabilitation- Rehabilitation Division</a></li> <li>To complete an application and attend an intake</li> </ul>	Online Application and Orientation process

**Section 6: Application and Intake**

<b>Topic:</b>	<b>Change:</b>	<b>Explanation:</b>
<b>Timeframe for eligibility</b>	Timeframe for eligibility determination is still 60 days from the receipt of the application.	Application previously received at time of intake
<b>Application submission</b>	Added: Nevada has established an online process for application submission. Individuals interested in services are directed to watch the online orientation video and complete a questionnaire through the online portal at <a href="#">Department of Employment Training and Rehabilitation- Rehabilitation Division</a> . After the questionnaire is submitted, an application link is sent to the individual to complete and digitally sign. After VR receives the completed application, the individual is scheduled and notified of their intake appointment and method with assigned counselor.	New online application process established A case is opened in AWARE at the time of the application is received
<b>Choice to continue with intake</b>	Applicants can make an informed choice on whether to continue with the intake process.	Versus to submit an application
<b>I&amp;D Statement</b>	The Information and Disclosure Statement form, which includes the Fair Hearing Process, and Participant Bill of Rights and information on confidentiality will be provided to each applicant.	Previously provided at intake

**Section 8: Eligibility Determination for VR**

<b>Topic:</b>	<b>Change:</b>	<b>Explanation:</b>
<b>Ineligibility Appendix</b>	Added a guide for Ineligibility Determinations: Appendix A: Ineligibility Coding Instructions (See attachment) <i>** Note: AWARE update version 6.8 made it possible to process Ineligibility Determinations in the case management system.</i>	Reference for processing an Ineligibility Determination

**Subsection 12.3 Scope of VR Services; Employment Development, Job Placement, Job Retention, Job Coaching and Service Coordination**

<b>Topic:</b>	<b>Change:</b>	<b>Explanation:</b>
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	services will not resume until the reasons and issues have been sufficiently addressed.	
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**Subsection 12.5 Scope of Services: Postsecondary Education and Training at Vocational Training Facilities**

Topic:	Change:	Explanation:
<b>Form Requirement</b>	When the IPE includes a trial semester besides the Trial Semester Agreement Form added that the IPE Addendum: Additional Exploration of My Vocational Goal Form is required.	To be in alignment with Section 10: C&G, AVRN and IPE as a Trial semester is for further career exploration and goal feasibility
<b>Federal Student Aid at Vocational Training Centers or Facilities</b>	Added that Federal Student Aid be explored, verified, documented if available or not, and utilized if available at vocational schools.	Some vocational schools do accept Federal Student Aid; comparable benefits need to be fully explored
<b>Post- Secondary Forms required for Vocational Training Centers or Facilities</b>	General policies regarding post-secondary education also apply to vocational training centers and facilities; therefore, added to include completing required post-secondary forms.	General policies regarding post-secondary education also apply to vocational training centers and facilities

**Section 14: Students and Youth with Disabilities**

Topic:	Change:	Explanation:
<b>Age modification for Student with Disability</b>	A student with a disability is an individual with a Disability who: <ul style="list-style-type: none"> <li>• Is in an educational program (including secondary education programs, non-traditional or alternative secondary education programs including home schooling; post-secondary education programs and other recognized educational programs such as those offered through the juvenile justice system); and</li> <li>• Is 16– 21 (or 22 per NRS 388.5223) years old; however, may be as young as 14 on a case by case basis to provide necessary services such as but not limited to Pre-ETS; and</li> <li>• Is either: <ul style="list-style-type: none"> <li>○ Receiving transition services under the Individuals with Disabilities Education Act (IDEA); or</li> <li>○ Is an individual with a disability for purposes of Section 504 of the Rehabilitation Act of 1973, as amended.</li> </ul> </li> </ul> <p><i>**Note: Other references to age modification for Students with a Disability are updated throughout the P&amp;P as necessary.</i></p>	Ensure necessary services such as Pre-ETS are provided to students as young as 14 when necessary
<b>Utilizing Pre-ETS funds for other VR Services for eligible students to benefit from Pre-ETS</b>	1. Add to funds set aside, per federal regulation, for pre-employment transition services: Other VR services necessary for eligible students to benefit from the pre-employment transition services in accordance with an approved IPE. However, this doesn't apply to students with disabilities who have not yet applied or been determined eligible for the VR program.	Pre-ETS flexibility federal guidance document

<p><b>Closure reasons when determinized ineligible or no longer eligible for VR for Youth Seeking Employment as Subminimum Wage:</b></p>	<p>2. Add to financial responsibility for Pre-ETS Services: When Pre-ETS funds are utilized for other VR services necessary for eligible students to benefit from the pre-employment transition services in accordance with an approved IPE these services are exempt from financial participation, regardless of whether or not the individual is exempt based on financial needs.</p> <p><i>**Note: Other references to utilizing Pre-ETS funds for other VR Services for eligible students to benefit from Pre-ETS are updated throughout the P&amp;P and on related form "Services Subject to Financial Participation / Comparable Benefits" as necessary.</i></p> <p>Important updates for clarification for closure reasons when determinized ineligible or no longer eligible for VR for Youth Seeking Employment as Subminimum Wage:</p> <ol style="list-style-type: none"> <li>1. Cases will be closed other with the reason being "Ineligible: Not seeking an Employment Outcome" OR "Ineligible (After a Determination of Eligibility)" because he or she does not intend to achieve an employment outcome.</li> <li>2. Closed "Extended Employment" is still an option available if the individual entered or was working in extended/subminimum wage employment at the time of case closure after IPE services and supports were provided.</li> <li>3. Removed closure options from policy for these types of cases: "transferred to another agency", "no longer interested in receiving services", and "all other reasons".</li> </ol> <p><i>**Note: Other references to ineligibility closures for Youth seeking Subminimum Wage are updated throughout the P&amp;P and on related form "Certificate for Youth Entering Employment at Subminimum Wage" as necessary.</i></p>	<p>WINTAC guidance Reasons for Exit Tool and RSA guidance- FAQ 21-02</p>
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**Section 15: Self-Employment**

Topic:	Change:	Explanation:
<p><b>Business Enterprise Program</b></p>	<p>Change operator to blind licensee.</p>	<p>Bill draft request on behalf of the BEN program &amp; NRS 426</p>

**Section 18: Purchases and Payments of Goods and Services, Authorizations, Cash Pays and Authority Levels**

Topic:	Change:	Explanation:
<p><b>Vendor/Provider Authorization Limits</b></p>	<p>Removed Rehabilitation Technician ability to issue authorizations and payment approvals.</p>	<p>Ensure expenditures and payments are appropriate</p>

**Section 21: Confidentiality- Protection and Release of Information**

Topic:	Change:	Explanation:
<p><b>Federal regulations (34 CFR 361.56 and CFR 361.47)</b></p>	<p>Added additional component to Confidentiality with Electronic Communication: You may choose to communicate electronically with your counselor or other Rehabilitation staff; however, you assume the above risks in doing so. When virtual meetings are conducted, they are on an agency approved platform and in a secure environment. You may also attend a meeting on a virtual platform but using only a telephone. A secure virtual</p>	<p>Updates in responses increased communication with participants electronically</p>

	environment includes but is not limited to: video conference programs, use of a unique meeting access code or PIN, use of a virtual meeting waiting room, meeting attendee(s) are invited to join meeting by host invite, and all attendees present in meeting room, and anyone present with them, must identify themselves. <i>**Note: This reference on electronic communication is updated on the " Information and Disclosure Statement" form under Confidentially Risks Associated with The Use of Technology</i>	
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David Nuestro made a motion to accept the proposed changes as discussed. Judy Swain seconded the motion. All in favor, none opposed, none abstained, motion carried, changes approved.

5. **PRESENTATION OF THE RESULTS OF THE FFY2020 CONSUMER SATISFACTION SURVEY, CONDUCTED ON BEHALF OF THE VOCATIONAL REHABILITATION PROGRAM BY MARKET DECISIONS RESEARCH.**

Brian Robertson, from Market Decisions Research (MDR) began the presentation. MDR completed a total of 1,428 surveys in 2020.

- General VR Consumers (VR): 1,119
- Youth in Transition Consumers: 221
- Older Individuals who are Blind Consumers (OIB): 88

These surveys were done with consumers with cases open during September 2020 to August 2020, or with cases closed within that time frame.

Cases were further stratified by case benchmarks indicated by NV VR/OIB Program.

- In service Individual Plan of Employment (IPE) to 6 months
- In service 6 to 12 months
- In service 18 months or longer
- Closed cases

Data collection was conducted from January to December 2020 but underwent changes:

- Trimester 1 data collection ended early in April due to COVID and a VR service pause.
- Data collection resumed in August,
- Remaining annual data collection combined into a single trimester

All data was collected in two different modes

- By telephone from MDR's data collection facility, and
- A new online survey module using email addresses from VR's sample file.

The over response rate was 43%.

Results are weighted to reflect population characteristics (age, gender, etc.).

- Results accurately reflect the views of your three service populations.

**The core metrics are the broad measures of the VR consumer experience.**

- Key measures of the consumer experience that can be compared across concept, across groups, and trended year to year.
- Allow comparison of results across VR agencies using similar metrics.
- Some are domains, which are calculated by combining several questions.
- Others are individual questions.



- Nevada has 11 core metrics

**The consumer experience core metrics all use a common 0 to 100 scale.**

- The most positive result is bound to 100.
- The least positive result is bound to 0.
- Each metric is the average of all scores.

**The higher the score the more satisfied the consumer or the more positively they view their experience.**

- A score of 100 would represent an extremely positive experience among VR consumers.
- A score of zero would imply an extremely negative experience.

**What are the VF Consumer Experience Core Metrics?**

**Overall Satisfaction and Expectations:** A global measure of the consumer experience with Nevada VR/OIB Program.

**Experience with Services Provided by VR:** This measure focuses on the services provided by the VR or OIB program and the range of services available in each program.

**Experience with Staff and Counselors:** Consumer's experience working and interacting with Nevada VR/OIB program staff and their counselors.

**Communications with VR Staff:** This measure also looks at consumer's interactions with staff but is focused specifically on communications between the consumer and staff. That this is separate from other experiences with staff underscores the importance of communications with the way that consumers rate their experience with Nevada VR/OIB program.

**Consumer Control and Involvement:** How consumers perceive their involvement in the progress and control over the choices and goals.

**Outcomes and Meeting Goals:** How well consumers perceive the services provided by Nevada VR/OIB program help them meet their goals.

Additional questions asked were:

- Would you tell your friends with disabilities to go to the Nevada VR/OIB program for help?
- Did you experience any problems with Nevada VR/OIB program, or the services provided to you?
- The ease of the application process.
- The accessibility of the Nevada VR/OIB program office for someone with your type of disability.

## **General VR Population**

### **Trends to Watch**

#### **Positive Aspects of the Consumer Experience**

**VR consumers are positive overall but continue to praise their experience with VR staff and consumers.**

The percentage reporting problems declined further, despite potential challenges during the pandemic.

Compared to the North and South, Rural consumers continue to report a more positive with:

- Getting questions answered and communication with VR staff and counselors,
- Services they receive and how promptly they are provided,
- Helpfulness of staff, and
- Experiencing fewer problems.

Those **in-service IPE to 6 months** are more positive about:

- VR staff understand their individual needs and situation,
- Their counselor is easy to contact,
- VR services have helped or will help them become financially independent, and
- VR service helped or will help them reach their goal.

**Less Positive Aspects of the Consumer Experience**

The least positive general VR domain is Overall Satisfaction and Expectations.

Other less positive domains include:

- Communications with staff
- Experience with services provided by VR
- Outcomes and meeting goals

Fewer consumers would recommend VR now as compared to this time last year.

General VR consumers consistently experience more problems than any other population.

Feedback from dissatisfied general VR consumers highlights:

- Not meeting their goals or getting employment
- VR services are ineffective
- Communication issues like counselors not responding to them
- Challenges due to changing counselors

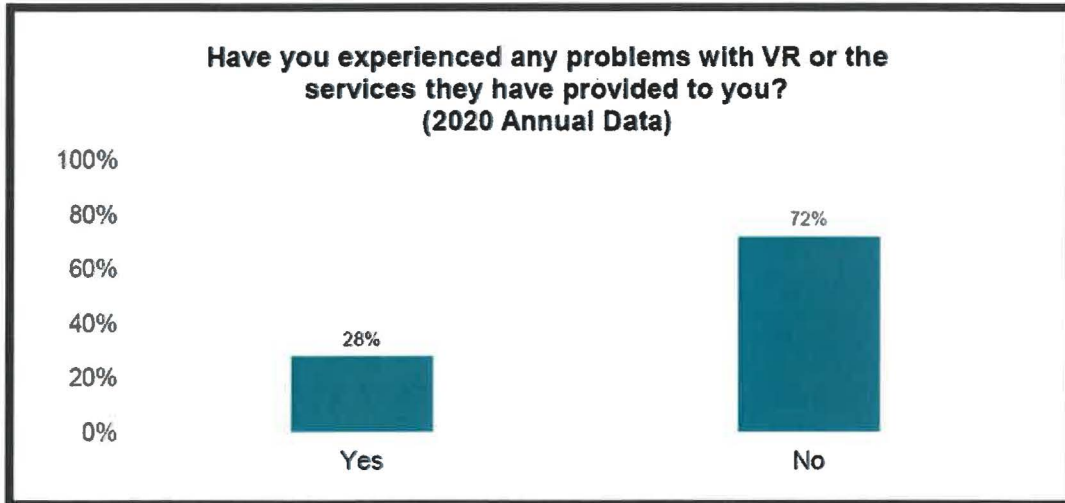
**General VR – Trend**

Domain	May - July 2019	Sept - Dec 2019	Jan - April 2020	Aug. – Dec. 2020
Overall Satisfaction and Expectations	67	77	75	72
Experience with Services Provided by VR	70	77	78	74
Experience with Staff and Counselors	83	88	87	85
Communications with Staff	70	75	75	73
Customer Control and Involvement	78	80	79	77
Outcomes and Meeting Goals	76	82	79	76
Ease of the application process for VR services	77	74	77	77
Accessibility of the VR office for someone with your type of disability	89	90	90	89
Satisfaction with current employment	79	75	76	79
Would you tell your friends with disabilities to go to the VR program for help? (% yes)	92	92	90	88
Did you experience any problems with VR or the services they have provided to you? (% no)	63	73	73	72

### Problems Experienced

28% of consumers reported experiencing a problem with VR or the services they were provided.

- Of those experiencing a problem, only 26% indicate that VR worked to resolve the problem.



### Types of Problems Experienced by General VR consumers

Type of Problem or Issue	% Experiencing	Did VR work to resolve this problem?	
		Yes	No
Counselor did not return calls, emails or follow up	13%	20%	80%
Listen to customer, understand needs, wants, ability	10%	34%	66%
Changing counselors, switching too much, causes problems	8%	48%	52%
Counselor was not helpful or supportive	8%	25%	75%
Counselor would not listen, dismissed concerns	7%	18%	82%
Did not receive employment, VR could not find me a job	6%	19%	81%
Didn't receive job search help	6%	11%	89%

Percentage among those experiencing a problem.

### Consumer Feedback

Consumers were asked to provide additional feedback when they were not positive in their assessment.

- Not satisfied with VR
- VR did not meet expectations
- Disagreed that VR helped or met their goals, they did not feel welcome, they found something difficult, they did not find VR accessible.

Feedback was collected throughout the survey in response to 21 questions.

Consumers could provide more than one response.

The following table summarizes the most common responses from 697 consumers that provided additional feedback. This is 62% of general VR consumers.

	%
<b>Changing counselors, switching too much, causes problems</b>	<b>18%</b>
<b>Counselor did not return calls, emails or follow up</b>	<b>18%</b>
<b>Calls, mail not returned for days, weeks, had to wait too long for return call</b>	<b>13%</b>
<b>Better communication needed</b>	<b>13%</b>
<b>Did not receive employment, VR could not find me a job</b>	<b>12%</b>
<b>Covid-19 related problems</b>	<b>11%</b>
<b>Had no control over experience, told me what to do</b>	<b>10%</b>

**Employment and Job Satisfaction**

**Employment**

45% of General VR consumers are working.

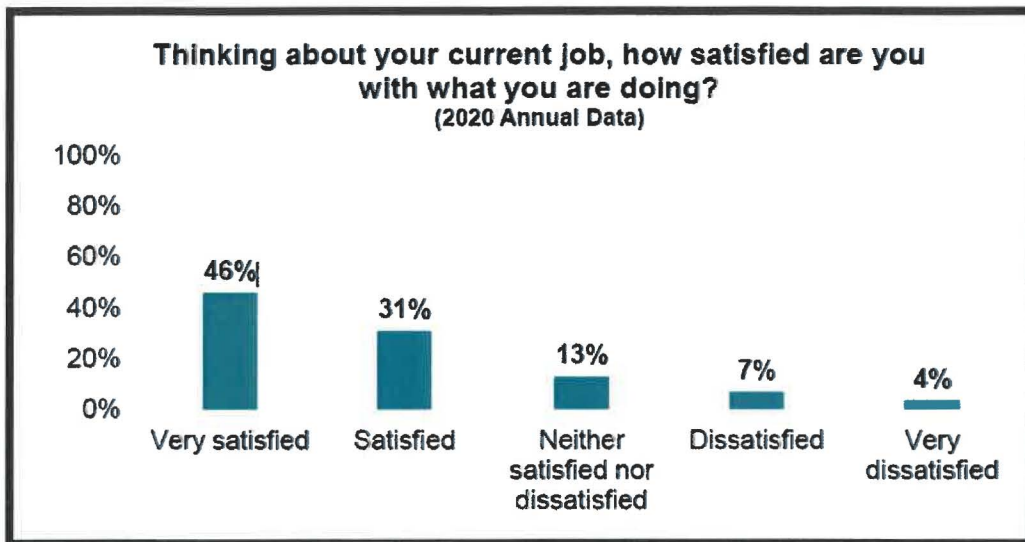
**Finally, these last few questions ask about what you are currently doing. Are you currently...?  
 (2020 Annual Data).**

	%
Working full time, that is, more than 35 hours per week	20%
Working part time	25%
Currently looking for a job	29%
In school or receiving job training	19%
Keeping house	25%
Currently unable to work	17%
Volunteering your time	11%



**Job Satisfaction**

77% of employed consumers are satisfied with their job.



Reason	%
Need a job aligned with skills, training	17%
Not a career move, only temporary job	16%
Bored with job, been at job too long, burnt out, need change	13%
Job does not provide benefits, does not provide good benefits	12%
Low pay, does not meet financial need	11%
Job is physically demanding	8%

**Youth in Transition (YIT)**

**Trends to Watch**

**Positive Aspects of the Consumer Experience**

Overall, Youth in Transition (YIT) consumers report having a very positive experience with VR and the services they receive.

Experience with VR staff and Counselors is the **most positive** aspect of their experience.

Nearly all youth consumers would recommend the VR program to their friends with disabilities.

Youth in service IPE to 6 months are more positive about the following aspects of their experience:

- Their choice of service providers,
- The application of services was easy to complete,
- VR staff are respectful and helpful, and
- Their counselor is easy to contact.

**Less Positive Aspects of the Consumer Experience**

**Least positive domain** is East of the Application Process

Satisfaction with services and communication has been trending down throughout the year.

Declining Domains (two or more consecutive trimesters)

- Experience with VR services
- Experience with VR staff and counselors
- Outcomes and meeting goals
- Recommend VR (Still above 90% in Trimester 3 of 2020)

Despite the declines in 2020, Youth are still very positive overall.

Domain	May - July 2019	Sept - Dec 2019	Jan - April 2020	Aug. - Dec. 2020
Overall Satisfaction and Expectations	82	77	79	76
Experience with Services Provided by VR	83	84	82	76
Experience with Staff and Counselors	91	95	89	86
Communications with Staff	77	81	80	75
Customer Control and Involvement	85	82	82	78
Outcomes and Meeting Goals	90	88	86	82
Ease of the application process for VR services	76	69	77	74
Accessibility of the VR office for someone with your type of disability	94	90	92	88
Satisfaction with current employment	85	68	80	76
Would you tell your friends with disabilities to go to the VR program for help? (% yes)	94	100	96	93
Did you experience any problems with VR or the services they have provided to you? (% no)	86	77	88	77

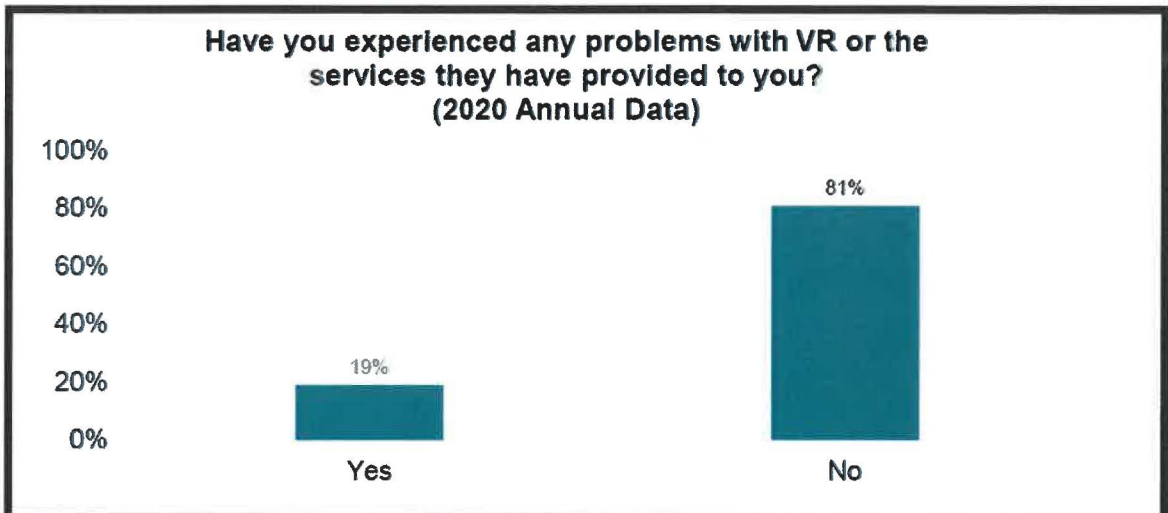
A series of questions were asked to assess use of special services targeted toward youth in transition.

- Almost all these receiving these services found them valuable.

	% Receiving Service	% Finding the Service Valuable
Job exploration counseling or career counseling	49%	96%
Work based learning experiences including a job, internship, or volunteering	49%	99%
Counseling on opportunities to attend college, learn a trade, or get a professional certification after high school	48%	94%
Workplace readiness to help get ready for the challenges of work	47%	95%
Instruction in self-advocacy to help you live the life you want including peer mentoring	44%	97%

### Problems Experienced

- 19% of youth consumers reported experiencing a problem with VR or the services they were provided.
- Of those experiencing a problem, 55% indicate that Nevada VR worked to resolve the problem.



Type of Problem or Issue	% Experiencing
Changing counselors, switching too much, causes problems	11%
Listen to customer, understand needs, wants, ability	7%
Counselor did not return calls, emails or follow up	6%
Counselor rude, disrespectful, unprofessional	5%
Online services, computer	5%
VR closed case or stopped services	4%
Speed up process, provide services quicker	4%

### Consumer Feedback

Consumers were asked to provide additional feedback when they were not positive in their assessment.

- Not satisfied with VR
- VR did not meet expectations
- Disagreed with VR helped or met their goals, they did not feel welcome, they found something difficult, they did not find VR accessible.

Feedback was collected throughout the survey in response to 26 questions.

Consumers could provide more than one response.

The following table summarizes the most common responses from 103 consumers that provided additional feedback. This is 59% of YIT consumers.

	%
Counselor did not return calls, emails or follow up	10%
Better communication needed	9%
Hard to remember, find phone number, who to contact	8%
Forms and paperwork hard, complicated	8%
Changing counselors, switching too much, causes problems	7%
Not aware of available services due to lack of information	7%
Trouble understanding, terms, language, confused	7%

## Older Individuals Who are Blind (OIB)

### Trends to Watch

#### Positive Aspects of the Consumer Experience

**OIB program consumers report the most positive consumer experience of all three populations.**

The **most positive** part of their experience is working with OIB program staff and counselors.

Fewest problems of any application.

Other positive areas include:

- Experience with Services Provided by Nevada OIB program
- Overall Satisfaction and Expectations

Several domains declined in 2020 trimester 1 but have since improved significantly:

- East of the application process
- Experience with Staff and Counselors
- Experience with Services



**Less Positive Aspects of the Consumer Experience**

OIB program consumers report challenges with the application process and rate it more negatively than other populations.

Fewer OIB program consumers would recommend the program to their friends with disabilities.

Communication with the OIB program was a challenge throughout 2020 but did improve later in the year.

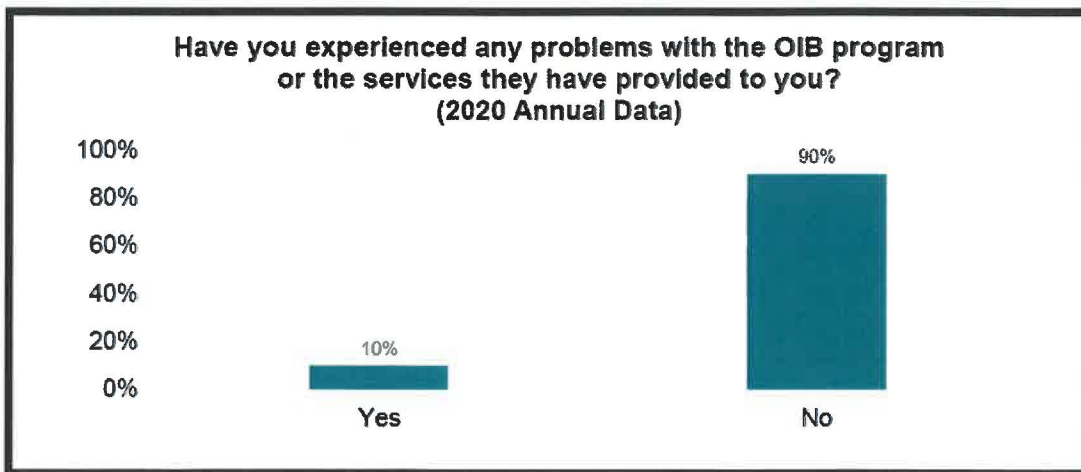
OIB program consumers experience issues with office accessibility more often than other populations.

Domain	May - July 2019	Sept - Dec 2019	Jan - April 2020	Aug. - Dec. 2020
Overall Satisfaction and Expectations	88	86	82	86
Experience with Services Provided by the OIB program	91	90	82	89
Experience with Staff and Counselors	97	94	84	92
Communications with Staff	88	85	83	84
Customer Control and Involvement	89	87	82	86
Outcomes and Meeting Goals	91	87	84	86
Ease of the application process for OIB program services	77	67	54	76
Accessibility of the OIB program office for someone with your type of disability	84	86	77	83
Would you tell your friends with disabilities to go to the OIB program for help? (% yes)	97	97	96	89
Did you experience any problems with the OIB program or the services they have provided to you? (% no)	88	89	84	90

**Problems Experienced**

10% of consumers reported experiencing a problem, the last of any population.

- Of those experiencing a problem, only 17% indicate the OIB program worked to resolve the issue.



Type of Problem or Issue	% Experiencing
Counselor would not listen, dismissed concerns	22%
Evaluate where customer is with disability	22%
Counselor did not return calls, emails or follow up	22%
Customers' needs were not met	11%
Broken promises, no follow through	11%
Did not receive employment, VR could not find me a job	11%

**Consumer Feedback**

Consumers were asked to provide additional feedback when they were not positive in their assessment.

- Not satisfied with the OIB program
- The OIB program did not meet expectations
- Disagreed that VR helped or met their goals, they did not feel welcome, they found something difficult, they did not find the OIB program accessible.

Feedback was collected throughout the survey in response to 21 questions.

Consumers could provide more than one response.

The following table summarizes the most common responses from 88 consumers that provided additional feedback. This is 100% of OIB program consumers.

	%
Had no control over experience, told me what to do	16%
Forms and paperwork hard, complicated	16%
Hard to remember, find phone number, who to contact	10%
Better communication needed	8%
Time lag to get services, appointments	8%
Distance, too far away	6%
Counselor did not return calls, emails or follow up	6%

## COVID-19

### New COVID-19 Items

This section details the questions added in August to assess the impact of the COVID-19 pandemic on the consumer experience.

Questions added are:

- COVID1. In what ways has the coronavirus pandemic affected your experience with VR/OIB?
- COVID2. Have you put VR/OIB services on hold or stopped looking for work?

Asked of these unemployed:

- COVID3. Did you lose or leave your job due to the coronavirus pandemic?
- COVID4. Were you laid off, furloughed, or concerned for your safety and left work voluntarily?

### COVID-19 Impact on the Consumer Experience

	Overall	General VR	Youth in Transition	OIB
Unable to meet with counselor, social distancing	13%	12%	17%	10%
Stopped looking for work	1%	1%	1%	1%
Had to stop working	2%	2%	1%	1%
VR is closed	7%	8%	3%	12%
Employers are not hiring	3%	3%	2%	1%
Don't have necessary equipment (computer)	1%	1%	1%	-
Delayed medical care	1%	1%	-	7%
Difficulty communicating, hard to get in touch with counselor	13%	14%	8%	12%
Isolated, can't leave home	3%	2%	3%	6%
Process has slowed down, delays in achieving goals	16%	17%	13%	15%
Other	5%	5%	3%	6%
DK-REF	44%	43%	56%	31%

Despite its broader impacts, the pandemic did not affect services for a majority of consumers.

25% of consumers put services on hold due to the pandemic.

- OIB program consumers were most likely to pause their services.

Just over one in ten General VR (15%) and Youth (12%) stopped looking for work.

	Overall	General VR	Youth in Transition	OIB
Put VR services on hold	25%	26%	20%	31%
Stopped looking for work	14%	15%	12%	7%
Neither	67%	65%	74%	66%

Among those who are currently unemployed, 20% of general VR and 11% of youth in transition lost a job because of COVID-19.

Among general VR, 48% were laid off while only 23% of youth experienced a layoff.

Very few left a job because of concern for the health.

	Lost a job Due to COVID (% Yes of Unemployed)	Among those		
		Laid off from your job	Furloughed	Concerned for your safety and left voluntarily
Overall	18%	42%	6%	15%
General VR	20%	48%	7%	17%
Youth in Transition	11%	23%	4%	8%

### Positive Consumer Experiences

**Despite the challenges of the pandemic, consumers remain positive about their VR/OIB program experience.**

- Few consumers report significant impacts, and most continued their services.
- Very few lost a job or stopped looking for one.

The **most positive** aspect of the consumer experience is working with staff and counselors.

The **OIB program** continue to report a more positive experience than other populations.

Those **in-service IPE to 6 months** among General VR and Youth are most positive than other service phases.

By region, **rural counselors** are more positive about their experience than the North or South.

### Areas of Focus for Quality Improvement

**While no longer the least positive domain, communication is the primary subject of quality improvement feedback.**

- True of all three service populations
- A greater issue given the challenges of the pandemic

Consumer feedback focuses on staying connected and the time it takes to contact their counselor:

- Counselor did not return calls, emails or follow-up
- Changing counselors, switching to much, causes problems
- Better communication needed
- Calls, mail not returned for days, weeks, had to wait too long for return call

Among suggested improvements:

- More open communication with client, more follow-up
- Better communication in general



**Apart from basic communication issues, population mentions specific issues about not feel heard or respected.**

Common feedback includes:

- Listen to customer, understand needs, wants, ability
- Counselor was not helpful or supportive
- Counselor would not listen, dismissed concerns
- Counselor rude, disrespectful, unprofessional
- Evaluate where customer is with disability (OIB program specifically)

### **Core areas to monitor and improve**

While still largely positive, more consumers report issues with **staff and counselors**. Domain declined consistently in 2020 among General VR and Youth

**Outcomes and meeting goals** is also declining for both General VR and Youth.

Each population is now less likely to **recommend VR/OIB program** compared to this time in 2019.

The **application process** is still one of the more negative aspects of their experience.

### **Moving Forward**

Data collection will continue in three Trimester data collection period.

- January – April
- May – August
- September – December

Data collection will still be primary handled by telephone.

- Consumers will be provided additional methods by which to complete data collection.
- Online
- Mail/Paper

Initial efforts to complete the survey will be done by telephone, followed by:

- Email reminders to those with available and valid emails
- Consumers may request an email invitation to the online survey or a mailed paper version of the survey.

The survey and its questions are working well.

Continue to ask COVID-19 items until services return to normal.

Continue to use the online survey

- Better response rate
- More flexibility

Eliminate the item follow-ups for YIT services and ask a single, broad question:

- Very little usable feedback from existing YIT follow-ups
- Nearly all youth find their services valuable
- “How can VR improve the transitional services you are receiving?”

### Comparing Nevada VR to Other Agencies

Several states conduct consumer experience surveys using the same or similar questions that are used for Nevada and the OIB program.

These states have agreed to share their results.

A separate report will be provided to Nevada VR that compares results on the core metrics, problems, and consumer feedback to five other agencies:

- Florida
- Maine
- North Dakota
- Vermont

A 15-minute break was taken.

### 7. ADMINISTRATORS REPORT

Shelley Hendren, Rehabilitation Division Administrator reported on the following topics:


**Legislative Update:** Senate Bill SB61 has been filed and VR met with some governmental entities who had some concerns. Some conceptual amendments have been submitted to make some minor changes to the bill. The changes include: Section 3, the dispute resolution process. The language was amended to indicate that either party may go to district court to appeal for a request for judicial review. Section 6, definitions NRS 426.630 to provide clarity to the law. The definition of public building or property, government owned buildings that are on a long-term lease to a private entity. What was added was a potential exception that any property that is leased to private entities for live entertainment purposes NRS 368A.090. Section 8, providing the Blind Business Enterprise notice. The notice is to change from 30 days to 60 days due to the state process which is what is in the code of regulations. Section 11, NRS 426.670 removes authorization of the Bureau to establish a vending facility in or on a public building or property. What was proposed was you shall cooperate with the Bureau to discuss options and upon agreement ensure the establishment of one or more vending facilities. There are a handful of bills that are currently being tracked which may have an impact on VR and our clients.


**Governor's Recommended Budget for VR:** The budget has not yet been submitted to the legislature. The following is some information that will be presented. The two Bureau's that comprise the states VR program are the Bureau of Vocational Rehabilitation (BVR) and the Bureau of Services to Persons who are Blind or Visually Impaired (BSBVI). A new Mission and Vision statement has been created. **Mission:** Actively engaging with Nevada business to understand their employment needs while creating innovative programs that develop the strengths, priorities, and talents of individuals with disabilities, ensuring that Nevada works for everyone. **Vision:** A skilled and inclusive Nevada workforce.

Below illustrates the rate of return on investment with regards to budget and funding. For every \$1 invested in VR there is a \$2.96 savings for taxpayers over the life of the client. For every General Fund dollar invested, the State saves \$16.73 over the life of a client.

### Vocational Rehabilitation (B/ A 3265 & 3254)

**Return on Investment:**

 For every **\$1** invested in VR there is a **\$2.96** savings for taxpayers over the life of a client.

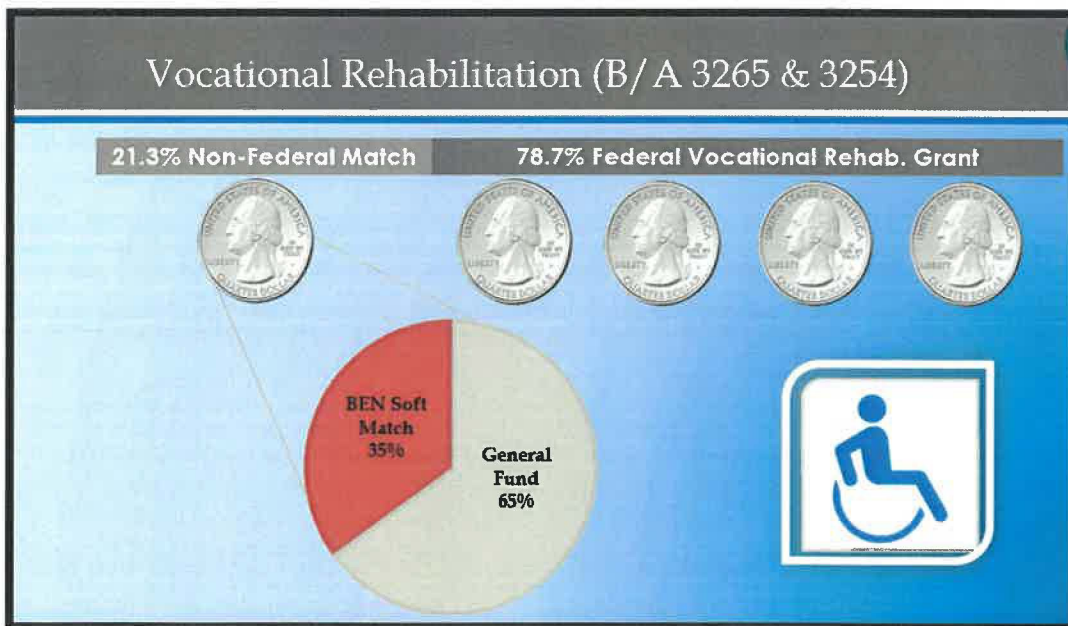
 For every **General Fund dollar** invested, the State saves **\$16.73** over the life of a client.

Dollars are returned to the state in terms of increased taxes and decreased benefits from public programs.

Study was conducted by internal agency analysts using methodologies developed by sources below. The conclusions are in line with the findings of the other national studies on the subject.

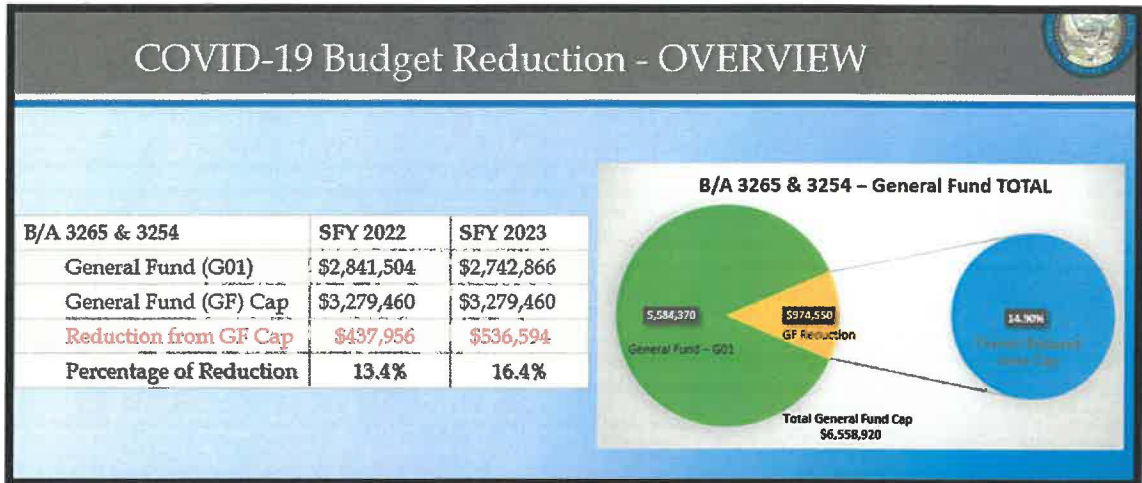
SOURCES: — University of Utah - Center for Public Policy & Administration  
 — Portland State University - Northwest Center for Economic Research  
 — The George Washington University - Institute on Rehabilitation Issues

If the state puts in a quarter, it can get almost \$1 from the federal government. The formula translates to a 4 to 1 match.



VR has 1 Third Party Cooperative arrangement that will end on June 20, 2021. The Blind Business Enterprise of Nevada program (BEN) is considered a soft match. The Federal Government allows VR to use certain expenditures in that program to draw down Federal Funds into the VR program. Because of the pandemic we don't have the same amount of soft match from the BEN program as we normally would. That pot of match is shrinking.





The Governor has asked for reductions in general fund usage. There is a cap on how the state is budgeting. The reduction request was for 12%. VR's reduction from the program in SFY 2022 is \$2 million and SFY 2023 it's \$2.5 million from the VR program.

### COVID-19 Budget Reduction - DETAILED

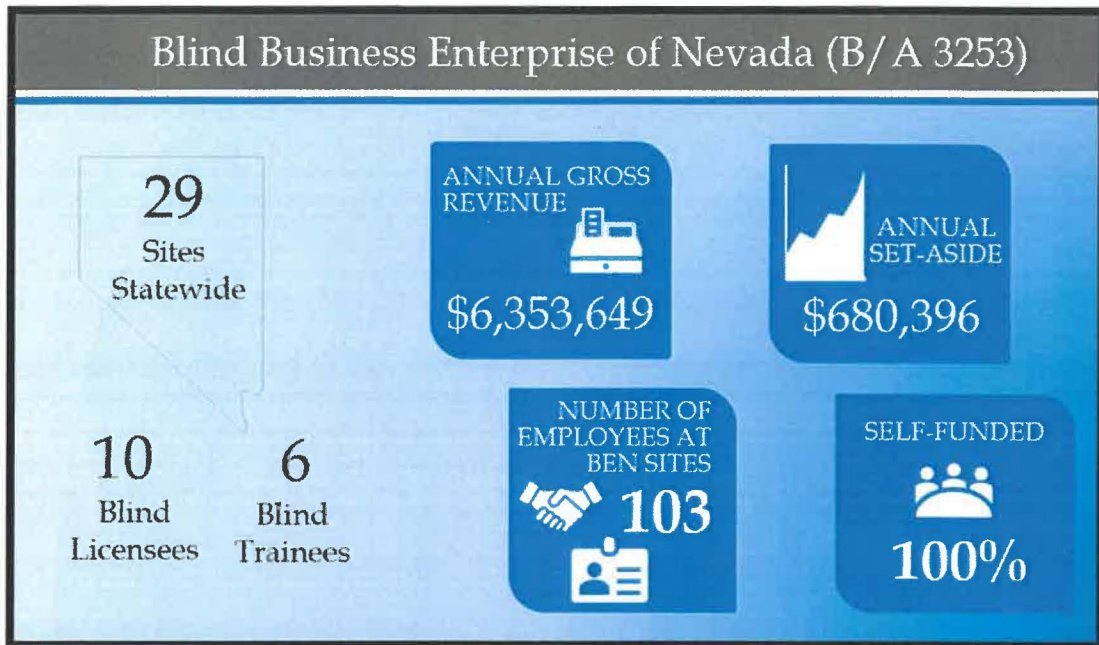
	REVENUES - Budget Reduction	SFY 2022	SFY 2023	TOTAL
Cat 00	Appropriation Control (General Fund)	\$437,956	\$536,594	\$974,550
Cat 00	Federal Section 110 Grant	\$1,618,175	\$1,982,627	\$3,600,802
	<b>Total Div. 901 – Revenue Budget Reduction</b>	<b>\$2,056,131</b>	<b>\$2,519,221</b>	<b>\$4,575,352</b>

	EXPENDITURE - Budget Reduction	SFY 2022	SFY 2023	TOTAL
Cat 01	Personnel (E680)	\$113,564	\$114,280	\$227,844
Cat 09	Client Services (E681)	\$1,941,704	\$2,404,079	\$4,345,783
Cat 26	Information Systems (E680)	\$863	\$862	\$1,725
	<b>Total Div. 901 – Expenditure Budget Reduction</b>	<b>\$2,056,131</b>	<b>\$2,519,221</b>	<b>\$4,575,352</b>

The Blind Business Enterprise has been greatly affected. Their annual gross revenue in SFY 2020 is \$6.3 million. Normally it's \$9.3 million which illustrates how the pandemic has affected the businesses owned by the program's blind licensees. It affects their employees about 103 people across the state.





The proposed dates for the Divisions budget presentation is scheduled for Thursday, March 4, 2021 and the second on Tuesday, March 23, 2021. Raquel O’Neil indicated she is concerned that individuals with disabilities are very disadvantaged with the increase of the cap. Especially those who have increased need for rehabilitations services. It costs more to rehabilitate a blind or visually impaired individual and VR is the primary support in Nevada.

**Fair Hearing Requests:** Since the November 10<sup>th</sup>, 2020 NSRC meeting, we’ve had 1 ongoing Fair Hearing that had been progressing for quite some time. That hearing took place on February 4, 2021. We’re currently awaiting the decision from the hearing officer. VR has received 2 new Fair Hearing requests. We’ve had a phone conference on one, but neither request has yet to be scheduled. One pertains to the nature and scope of the Individual Plan of Employment (IPE) and termination of services. The other pertains to termination of services.

Mechelle Merrill, Rehabilitation Division Deputy Administrator of Programs reviewed the performance measures for the 1st quarter of FFY21.

**Goal # 1 Increase the Number of Successful Employment Outcomes.** VR had 82 clients that closed with a successful employment outcome. The goal was 822. The biggest impact in reaching the established goal was due to the COVID-19 virus pandemic which reflect in these current figures. The pause that was put in place due to COVID has had a dramatic impact on VR’s goals.

The Job Development team indicated that people are taking survival jobs currently instead of continuing to work towards their goal. The client satisfaction survey also indicated that many people are placing their goals on pause at this time which also contributes to the decrease in VR’s successful employment outcomes.

**Goal # 2a Increase Participation and Increase Successful Outcomes in VR Transition Services and Ensure Participants Receive as Appropriate Pre-Employment Transition Services (Pre-ETS) – Participation.** Total Transition Student Applications received is 31, the goal is 1,014. Currently presentations are being done remotely which can be a challenge. Face-to-face presentations are more

effective.

**Goal # 2b Increase Participation and Increase Successful Outcomes in VR Transition Services and Ensure Participants Receive as Appropriate Pre-Employment Transition Services (Pre-ETS) – Outcomes.** Transition Student Outcomes is 15 and Transition Students with Postsecondary Education is 29 for a total of 44, the goal was 400. With schools and business closed it is much more difficult to help students achieve successful employment outcomes.

**Goal # 2c Increase Participation and Increase Successful Outcomes in VR Transition Services and Ensure Participants Receive as Appropriate Pre-Employment Transition Services (Pre-ETS) – Services.** Potential Eligible Transition Students that Received Pre-ETS services were 28, Transition Students with a VR Case that received Pre-ETS services were 68 for a total of 96. The goal was 1,898. The current totals show VR's current inability to go out to schools and complete the face-to-face presentations. To be able to convert Pre-ETS students into actual VR applicants.

**Goal # 3a Increase Participation and Successful Outcomes of Supported Employment Consumers in a Competitive Integrated Setting – Participation.** Total Open Supported Employment Consumers was 166. The goal was 786. Cases are currently not being closed for a lack of participation or other reasons. There is a lot of fear and trepidation for those with disabilities.

**Goal # 3b Increase Participation and Successful Outcomes of Supported Employment Consumers in a Competitive Integrated Setting – Outcomes.** Total Supported Employment Consumers with an employment outcome was 17. The goal was 166. VR has lost vendors due to the pandemic. The remaining vendors that stayed on had staff reductions in order to continue to provide services.

**Goal # 3c Increase Successful Outcomes for Students with a Disability who are also Supported Employment Consumers in a Competitive, Integrated Setting – Outcomes.** Total was 9. There is no current goal set.

**Goal # 4 Collaborate with Other Resources to Support Participants with Mental Health Disabilities to Obtain and Maintain Successful Employment.** Total who achieved an employment outcome was 74. The goal was 330.

**Goal # 5 Work with Eligible Government and Community Partners to Maximize Utilization of Resources and Federal Funds.** Current totals as not yet available as this is reported annually.

8. **MEMBERSHIP REVIEW**

Ms. Curry asked for Javier Fernandez to provide an update on NSRC membership status. Mr. Fernandez reported that he has not received notifications from the Boards and Commissions office of any new appointments to the council. An updated was provided the Boards and Commissions office on existing applicants. The application for Jack Mayes was received and is pending the completion of the waiver document that needs to be completed and submitted. According to the Boards and Commissions office they have not received any applications from Steven Cohen nor from Jessica Jolly. The recommendation from J.C. Fields for Erik Jimenez to fill the current Disability Advocate vacancy. According to the Boards and Commissions office they have not received an application from Mr. Jimenez.

9. **COMMENTS BY THE COUNCIL**

Ms. Curry asked if there were any comments by the council or future agenda items. Mr. Fernandez provided the dates and times of the next scheduled council and subcommittee meetings. Full council meeting on Tuesday, May 4, 2021 at 9am, State Plan subcommittee meeting on Tuesday, July 13, 2021 at 10am, Full council meeting on Tuesday, September 14, 2021 at 10am, Full council meeting on Tuesday, November 9,

**N.S.R.C. Meeting Minutes**  
**February 9, 2021**

2021 at 9am. Ms. Hendren will provide a more comprehensive update and bills VR is tracking during her Administrator's report along with an Autism report at the next scheduled NSRC meeting.

**10. SECOND PUBLIC COMMENT**

Ms. Hendren thanked Kacy Curry for her two-year term and for being the Chair on the NSRC council. Mr. Cohen provided additional comments regarding a technical assistance grant available for consideration. In terms of NSRC appointment, he will submit a new application and waiver to the Boards and Commissions office. Applications are only held for 1 year. Regarding full inclusion, a digital platform might be a better option for council meetings. Robert's rules need to be addressed. Has concerns about the 700-hour program.

**11. ADJOURNMENT**

Meeting adjourned at 1:20 p.m.

**Edited By:**

*Javier Fernandez*

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Javier Fernandez, N.S.R.C. Liaison

**Approved By:**



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David Nuestro, Vice-Chair

Part 1: Thank you, Madame Chair, for your diligent service to the Council. I wish you well as you move forward to future endeavors. While certainly far from an unbiased opinion, I offer the highest level of endorsement for Raquel to succeed her, as both Interim and permanent Chair. Common sense bylaw suggestions, specific to terms of office and other things, within the constraints set forth in Federal law, will be part of my prepared remarks that make it into the advance May packets. How fun. If feasible, and with appropriate consent of the necessary parties, I would encourage the Council to consider these two subjects simultaneously. Governance is at the root of success, and, the high level challenge, as I view it, based upon just shy of 10 years of public meeting experience, including 2 Chairmanships, is stability, if the Interim choice later and the permanent choice, likely in May, are different. Granted, if that happens, the Interim wouldn't go anywhere, but work may simply be stalled, if the two nominees view PWD employment subjects differently.

Parts 2 & 3: No substantive change to Part 2. Welcome to Session. Stay safe, be healthy, and don't forget to practice self-care along the way. The Governor has allocated \$75 million in his proposed Budget for economic development. With that level of proposed investment, even if it were only for 1 year, PWD should be more of a priority, as they represent approximately 1/5 of the population of the country. It's a sticky wicket, but, based upon the Administration's pre-stated priorities, I would strongly encourage the Council to contemplate a resolution endorsing the transmittal to both Congress and the Legislature to immediately end 14 (c) in Nevada, as soon as legally feasible. Currently, these relationships are exempted from workplace treatment statutes in Nevada, and 82+ years of PWD being treated as 2nd class citizens are enough. Waiting another 6 years for the Federal phase-out insults the intelligence and skills of PWD, when compared to their peers w/o.

Knowing them as long as I do, I imagine Management has the Budget flagged as part of their report, and I happily defer to them to do their thing. With pre-Session workload, additional common-sense solutions will be ready in time for May, and certainly July. Hopefully, July will continue past tradition of permitting active public participation in the Plan's development.

Part 4: Customized employment is currently an issue. While I need additional time to analyze the data provided by Management due to pre-Session workload, I hope to be able to report back in May, or certainly July.

Part 5 and RA Inquiry: Incorporated by reference herein.

The general provisions of Section 12 of the P&P Manual, Scope, Restrictions subsection 13 may create a concern for me, if selected from a pending interview that I had yesterday. Is that subsection to be interpreted to also include work card-type needs, and, also, how will it work in the context of an IPE, when the role meets the stated goal?





Brooke Cagle / Unsplash

# Are neurodiversity hiring initiatives working? ...



William Lane Ed.D. Special Education Consultant [Follow](#)

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At the beginning of 2020, Marcia Scheiner, President and Founder of Integrate Autism Employment Advisors (formerly Asperger Syndrome Training & Employment Partnership), released a comprehensive and revealing [report](#) in *Autism Spectrum News* analyzing the impact of top Fortune 500 companies' efforts to employ and engage neurodivergent talent. The results were eye opening.

The results were eye opening.

Whereas an estimated 50 large U.S. employers have publicly launched hiring initiatives specifically targeted to autistic and neurodivergent talent in the past two to four years, four


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## SAP

Program launched: 2013

Employees in program: 160+

Roles: 28

Countries: 13

Retention rate: 92%

## JPMorgan Chase

Program launched: 2015

Employees in program: 155+

Roles: 40+

Countries: 8

Retention rate: 95%

## Microsoft

Program launched: 2015

Employees in program: 100+

Roles: *Technology roles*

Countries: 1

Retention rate: 92%

## EY

Program launched: 2016

Employees in program: 80+

Roles: *Artificial intelligence, cybersecurity, data analytics, emerging technologies, etc.*

Countries: 1

Retention rate: 90%+

While these numbers are impressive, it is important to remember: in 2013, SAP announced that it hoped to have 1 percent of its workforce be made up of autistic employees by 2020. As of its most recent reporting, SAP currently employs 160 autistic individuals, a mere 0.16% of its staff worldwide.

What prevented these numbers from being higher?

While the autism incidence rate has increased--in 2013, 1 in 88 individuals were diagnosed with autism; today, it is 1 in 59--the type of jobs available in these hiring programs are not necessarily representative of the interests or skill sets of today's neurodivergent talent.

Nearly all of the jobs that SAP, JPMorgan Chase, Microsoft, and EY hire for are in the technology fields; however, not all autistic adults have the experience or skills necessary to fill these types of roles.

According to data from Integrate, of the 213 autistic young adults attending their Employer Connect job skills/networking program, only 33 percent had or were working towards a degree



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Scheiner sums it up well: "Six years into these efforts, the unemployment rate for autistic individuals has not improved. Our system for connecting autistic jobseekers with employers needs to be re-imagined making it easier for them to connect, and for employers to understand the many roles neurodivergent employees can fill in their organizations."

For those who are looking to model their workplace's neurodiversity programs after these Fortune 500 company's hiring initiatives, it is important to ask yourself: are your position openings representative of the neurodivergent community's interests, talents, and skill sets, or have you pigeonholed your autistic talent to a singular field?

Published By



William Lane Ed.D. Special Education Consultant  
Diversity and Inclusion Advocate, Ke...

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"Six years into these efforts, the [#unemployment](#) rate for [#autistic](#) individuals has not improved. Our system for connecting autistic jobseekers with employers needs to be re-imagined making it easier for them to connect, and for employers to understand the many roles neurodivergent employees can fill in their organizations." Whereas an estimated 50 large U.S. employers have publicly launched hiring initiatives specifically targeted to autistic and neurodivergent talent in the past two to four years, four companies have achieved the highest hiring numbers: [SAP](#), [J.P. Morgan](#), [Microsoft](#), and [EY](#). [#autism](#) [#asd](#) [#autismawareness](#) [#neurodiversity](#) [#specialneeds](#) [#autismacceptance](#) [#autismsupport](#) [#asd](#) [#autismawareness](#) [#specialneeds](#) [#specialeducation](#) [#autismacceptance](#) [#autismsupport](#) [#neurodiverse](#) [#autismspectrum](#) [#autismatwork](#) [#hiring](#) [#neurodivergent](#)

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## Steven Cohen

10139 Donald Weese Court ♦ Las Vegas, Nevada 89129  
(732) 567-4048 ♦ Steven.Cohen@Alumni.UNLV.edu

February 9, 2021

### Via E-mail

Kacy Curry, Outgoing Chair  
The Honorable Shelley Hendren  
c/o Javier Fernandez, Council Liaison  
Nevada State Rehabilitation Council  
751 Basque Way  
Carson City, NV 89706

### **Re: Chair Nominations**

Hi Ms. Curry and Ms. Hendren,

It is my pleasure to offer this letter of support for Raquel O'Neill to fulfill the role of Interim and Chair of the Council for the time period March 6th, 2021 through June 30th, 2022.

I first met Ms. O'Neill when she filled the big shoes of Mr. Joe Garcia as the Disability Specialist at the College of Southern Nevada's West Charleston Campus, its most populous of 3 main campuses throughout the Las Vegas Valley. As my undergraduate career continued over the next approximately decade, we ended up unsuspectedly following each other to UNLV, where Ms. O'Neill adequately filled the dual role of Disability Specialist and Interim Director of its Disability Resource Center.

Given the Division's approximately 15% decline in successful closed outcomes over the past 4 fiscal years, the Council needs a Chair who is capable of asking the tough questions, and, as we navigate these uncertain times together as a community, facilitating the implementation of tough decisions.

Based upon her level of participation at her 1st 2 Council meetings, as well as my personal interactions with her over the course of a decade-plus, I have no doubt that Ms. O'Neill is one of few choices within the present membership with the well-rounded skill set necessary to do so.

Thank you for your time and consideration. Please feel free to contact me at (732) 567-4048 and/or Steven.Cohen@Alumni.UNLV.edu with any questions.

Sincerely,

Steven Cohen

CC: Raquel O'Neill, Council Member

My name is Steven Cohen, and I am a disability self-advocate. In the event questions arise based upon my prepared remarks, I am always more than happy to address questions offline at [Steven.Cohen@Alumni.UNLV.edu](mailto:Steven.Cohen@Alumni.UNLV.edu). Council and Department staff are authorized, effective as of this revision, to share my recently updated cell phone number with legitimately interested parties to discuss any matter mentioned herein, with deference to Open Meeting Law requirements, Robert's Rules of Order meeting etiquette, etc.

If you have been around the block over the past several quarters' Council and committee meetings, this document should be far from new. What is, however, nobody in the disability community, or otherwise, could've predicted just over 9 months ago. A global pandemic has indefinitely consternated the budgetary resources of State Governments throughout the country. At temporary risk are many of the projects listed at the end of this document. Disability issues such as those listed should not be partisan. With another regular Legislative Session beginning in less than 2 months, the future of both adult and minor services alike is likely to again be at risk. Now, more than ever before, all the Councils, Commissions, Boards, etc., and their respective committees, need to put their collective heads together to create a united voice. To that end, I leave you with over 20 years' worth of national history, as it has, and will continue to, personally apply to our family, and many of the issues identified at the end of this document.

In Summer 1998, my father took early retirement from an Accounting role in private industry. It was always his dream to relocate to Las Vegas. At that time in my life, we had known I was different than other age-appropriate children since preschool but did not yet have a diagnostic criterion to associate my idiosyncratic behaviors with. We did a thorough investigation of Clark County School District's resources, and ultimately determined that relocating from Central New Jersey to Southern would be a more appropriate decision at that time. It was there that I was formally diagnosed with Asperger's Syndrome, now known in the clinical manuals as Autism Spectrum Disorder, along with several other co-morbid diagnoses, such as Mood Disorder with Aggression, and Major Depressive Disorder.

In the 5 years we spent in Southern New Jersey, the local police department ended up knowing us by name, because we were struggling to cope as a family with this new terminology, which continues to affect all of us almost 20 years later. During the first 3 years, I was verbally and physically aggressive toward those that were closest to me, my parents, attempted to self-harm, and came within inches of being institutionalized for "mental health" reasons. As I entered high school, the disconnect from reality set in when my assigned social worker stated, "We had another Aspie, and they didn't do that," with that representing whatever "behaviors" I was experiencing at that moment in time. In lieu of suing that school district to provide a Free and Appropriate Education, or FAPE, as some educators may know it; we were lucky to have toured an alternative upper middle and high school environment in a suburb of St. Louis, where I ended up spending my junior and senior years. While said school was not where it could have been academically, in handling both local school district and private pay referrals for middle and high school aged pupils, without its robust, near immediate therapeutic model, I may not be here testifying before the Council today. The month after I graduated with "good grades," as some schools justify getting out of their legal responsibilities with, we were finally able to realize my father's dream to move to Las Vegas. In light of the pandemic, domestic violence and related law enforcement matters are on the rise, and, thus, it is more important than ever that officers are properly trained to respond to homes with persons whom society view as "different," including both adults and minors. Of recent note, the Governor of Virginia partially pardoned an African American man, Matthew Rushin, over a car crash which caused permanent disability to 1 of the victims in another vehicle involved.

Since relocating to Southern Nevada, with reasonable accommodations, I am proud to report to the Council that I graduated with a bachelor's degree in Accounting from UNLV in Fall 2016. I will formally begin exploring the possibility of returning to school for further education in Autism Spectrum Disorders, Intellectual and Developmental Disabilities, and/or Applied Behavior Analysis and/or Special Education Law later this fall. Despite my best efforts to be politically correct, New Jersey natives aren't known for that. As a result, my attempts to "fit in" with mainstream society continue to be an issue, as recently as a few months ago. As an original 700 Hour program hire by Medicaid, I was released from my probationary period without much warning, after having entered the reasonable accommodation interactive negotiation process with the employer. Because most of Nevada's personnel statutes favor permanent employees, I appealed that wrongful termination as a whistleblower, but received a dismissal order less than 48 hours prior to trial, because the original complaint form wasn't filled out properly, or so the Hearing Officer said. I am presently in the lengthy process of initiating Federal mediation and settlement of that matter, to protect what I thought would have been a secure livelihood, State governmental employment. While recently passed Senate Bills 31 and 50 (2019) addressed some issues with the 700 Hour Program, and overall State governmental personnel processes, the common courtesies afforded to human beings with and without disabilities have disappeared in the current societal climate. If Nevada, or Las Vegas, will not provide me a sustainable retirement-capable livelihood for what society deems as necessity items, such as food, clothes, and shelter, the Honorable Chris Smith's district, a few short minutes from my childhood homes in New Jersey, is sure to. While our delegation has always ended personal meetings with words to the effect of, "We'll let you know," when the same concerns I present here today have been summarized, Rep. Smith is constantly featured within mainstream disability publications, as being a lead and/or co-sponsor of pro-disability systemic navigation legislation, for one primary reason. While the national statistics concerning autism, diagnosis are difficult enough for any human being to swallow, New Jersey's specific statistics are at least half the national average, if not worse. While many disability-based issues have the potential to turn into partisan nightmares, people with disabilities just want to be treated like people. I wish life was that easy, but it has been far from for our family for the past 27 years. By pure luck, the teacher who gave us the first clues to investigate, when autism was far from a national conversation, will end up being my realtor. As the wildest State session in recent memory recently unfolded, I was often reminded of a quote I received as part of my high school graduation present, many moons ago. In part, "Life is not always black and white. Remember to embrace the grey." (Stork, 2006).

While interpersonal communication, as some of us on Zoom and on the phone remember it, free after 9:00 at night and on weekends, has gotten somewhat lost in the digital age, several months ago, the nationally syndicated court show "Hot Bench," had a case with a witness with a hearing disability, for which CBS had the financial resources necessary to provide a sign language interpreter, based upon the witness' request. In the course of processing that case via my DVR, I clapped twice, once as Judge Patricia DiMango expressed the very point that I have been trying to make since January 2019, "Without opportunities for inclusion as a way of life, we may as well be back in the dark ages, when people in protected civil rights classifications, such as disability, could be discriminated against, just for the heck of it." As a long-standing client, when I want to go into Taurus tiger mode, I should utilize these recent experiences to sit on how I'm feeling in the moment for 1-2 business days, but often instead make waves, when there are more adult ways to solve the issue. In closing the case, the Plaintiff shared this life lesson, which will transition nicely into the theme of my next paragraph. Whether Federal and/or State, systems change doesn't happen overnight. As much time as we have spent fighting over the past decade-plus, with the passage of time, I have become even more sympathetic and thankful to Bureau staff, as, since the implementation of WIOA, Bureau staff's jobs have gotten much more difficult. While not quite person-first, the Plaintiff's take-away was words to the effect of, "Just because someone is deaf, they can still work." Tooting my horn has never been my true style, but, whether Legislatively and/or project-wise, I want to be Nevada's "Nothing About Us Without Us" test case to increase employer understanding of the concept of neurodiversity. In brief, everyone has their own unique gifts, and weaknesses. No human is perfect, even those who claim otherwise. When that dreaded question is asked in a job interview, it is done for the employer to gauge a candidate's level of personal development and accountability. Sometimes, people make the same mistake more than once, before the epiphany turns on, and the intended lesson is learned (Section 107 fair use/FOIA request). By the same token, while national companies have begun to see the value of such a concept, as the overall labor market tightens, rarely have I read and/or heard of their Nevada franchisors following suit. How can Las Vegas claim to be "The Land of Tourism," without discussing a customer behavioral metric, as part of consumer satisfaction? In almost 2020 America, which has become consumed by a desire for technology, but, more importantly, offensiveness, over things which would not have seen such pettiness a few short years ago, it would take the same few seconds for an overly satisfied customer to positively brag, about

something as simple as the diversity of a business' workforce. While not dispositive to make decisions in our most prevalent industries, consumers and customers alike have informed choice. In a person-centered human services marketplace, a cost/benefit/risk analysis is enough, but it is there that staff's involvement in the decision-making process should end. If the consumer can provide enough evidence of the transferability of soft skills developed through prior experiences, why should the labor market tool, O\*NET control?

Nationally, estimates are that 75% of working age people with Asperger's or another autism spectrum disorder are either unemployed or underemployed. I can only provide the consumer perspective concerning New Jersey, Missouri, and Nevada's available Federally mandated social "welfare" programs, but, without one of the key indicators of a quality of life, competitive, integrated employment alongside people without disabilities, working aged people with Asperger's and on the autism spectrum are left to find other ways to occupy a 24-hour day. Unfortunately, with no 2 people with Asperger's or on the autism spectrum being identical, no "catch all" legislation can possibly meet every family's unique needs. Why this "rough draft memoir" document has been circulated through countless public meetings over the past half-year, and revised multiple times, has equally as much been about the most confusing Legislative session for Nevada policy veterans in recent memory, as to provide other families who have or will walk in our shoes with hope. With that said, as will be demonstrated later, for the Council's at least fourth consecutive meeting, it is not enough to conduct consumer satisfaction surveys, across a wide spectrum of disability needs, without taking into account what the consumer wants, and, when deficiencies exist, not providing consumers with lip service. Human beings self-discover mistakes in what will wake them up daily all the time, and the forced poverties associated with the complexities of the Workforce Investment Opportunity Act must end, today. As a taxpayer, the management of any Vocational Rehabilitation program in this country who continues to permit the enrollment of Section 14 (c) Fair Labor Standards Act vendor contracts deserve to be put in the nearest Federal penitentiary, until they are willing to stand up to the 535 geniuses in Congress, who placed them in this unfortunate circumstance to begin with. Human services wake me up daily, not accounting. Unfortunately, for those who are intimately involved in our biannual Legislative process, Rocky has retired, but this revision will be sent to Bullwinkle, absent management's commitment to hear my concerns, on behalf of the consumer class.

Unfortunately, without systems in place which can provide an appropriate quality of life, having been close to that point we, one of these needs often involves the criminal justice system. In everyday life, many times, without the appropriate supports, such as family or close friends, people with Asperger's or autism spectrum disorder will provide a false sense of security regarding the subject matter being discussed, in that they will confirm understanding, when, in fact, they do not understand. In a criminal justice situation, I don't want to imagine the techniques that law enforcement officers have been trained to employ to ensure compliance. With the appropriate societal trainings, people with Asperger's and autism spectrum disorder, and intellectual and developmental disabilities more broadly, can live productive lives, free from the government's interference, whether in the "social welfare" or criminal justice context. As I have continued to dually refine these remarks throughout the past several months, I have been continually reminded of the traumas I experienced during the darkest 5 years of my life, prior to this year, our time in Southern New Jersey. Bullying is the word that is commonly thrown around in mainstream media, but, to this day, I will be the first to speak out against national attempts to abuse, neglect, exploit, etc. any person with Asperger's or autism spectrum disorder, or intellectual and developmental disabilities more broadly. Imagine, for just a moment, having your neighbor in your small community impersonate another individual, explicitly to torment the "different" new guy in the neighborhood. In conjunction with the below request for cameras in special education classrooms, now is the time for the Legislature to make these traumatic events criminals, from the very beginning. If any individual, governmental associated or otherwise, can traumatize an individual without felonious consequences, they will continue to do so, until someone takes an outspoken stance.

In conjunction with the unofficial agency public meeting Legislative subcommittees/work groups/task forces statewide, the projects I hope to bring forward during the next Legislative session's preparation process, through Legislative, designated state agency representative, provider, and consumer collaboration follow below. Some have come up in previous sessions. Where appropriate, I have added a historical status parenthetical by each project, to allow senior Legislators and/or agency staff an opportunity to locate or request historical information, which is often available via Nevada's Electronic Legislative Information System, or NELIS for short.

1) An additional appropriation for the Bureau of Vocational Rehabilitation, or BVR for short, to meet its Federal mandate to provide transition services from local public-school systems to "real life"



- 2) An appropriation to create State, city, county, and private industry employment opportunities for young adults with intellectual and/or developmental disabilities, known to consumers and Vocational Rehabilitation staff as the 700 Hour program, with a focus on customizing opportunities for young adults with autism spectrum disorder {700 Hour program - AB 192 (2017) and SB 50 (2019), SB 202 (2019); amended out}
- 3) A thorough review of the State Personnel and related statutes to ensure that protections exist appropriately for protected Federal civil right class individuals, which would include candidates with intellectual and/or developmental disabilities {700 Hour program - SB 202 (2019); amended out}
- 4) A joint resolution urging Congress to end the business practice of sub-minimum wage environments, previously known to senior Legislators, people with intellectual and developmental disabilities, and service providers, as sheltered workshops {700 Hour program - AB 192 (2017) and SB 50 (2019)}
- 5) A quality assurance review of the case management models deployed by the Department of Health and Human Services and Vocational Rehab to determine whether duplicity exists, and whether agencies may be able to consolidate/share case management personnel, etc.
- 6) Regular staff, management, and provider training for all personnel Statewide who may interact with people with autism spectrum disorder, as well as intellectual and developmental disabilities more broadly, as well as technological investments in ensuring that interactions with people with autism spectrum disorder, and intellectual and developmental disabilities more broadly, are as smooth as possible. For example, it has been my long-standing understanding that the Metropolitan Police Department's dispatch system is too old to allow for any autism spectrum disorder and/or intellectual and developmental disability information to be kept on file, for families who may regularly interact with law enforcement; by contrast, Northern Nevada has already been retaining this information for several years (School District training passed via SB 225 during 2017 session; community law enforcement training passed via AB 129 during 2019 session)
- 7) An additional appropriation for the State to meet its Federal mandate to provide a free and appropriate education, or FAPE for short, to students with autism spectrum disorder, and intellectual and developmental disabilities more broadly, pursuant to the recent U.S. Supreme Court decision in *Endrew F. vs. Douglas County*, as well as the historical U.S. Supreme Court decision in *Olmstead vs. L.G.*
- 8) A standard operating protocol concerning like-minded Gubernatorial appointments (See NRS 427A)
- 9) An annual Legislative Counsel Bureau Audit Division reporting of unduplicated caseload statistics concerning the Home and Community Based Waiver, Supportive Living Arrangement, and Jobs and Day Training, Rehabilitation, Employment Security, and program internal controls
- 10) A joint resolution urging Congress to permit people with intellectual and developmental disabilities to exercise the same rights as people without intellectual and developmental disabilities, without risking their benefit eligibility (e.g., marriage)
- 11) An additional appropriation for the Autism Treatment Assistance Program, to permit for transitioning young adults from high school to "real life" to have a seamless transition from ATAP case management to Vocational Rehab and/or the geographically-appropriate Regional Center (Discussion has been occurring at least since 2014)
- 12) An appropriation increasing the Registered Behavior Technician and related Medicaid service reimbursement rates, to reduce the waiting list of families for early intervention through young adult Applied Behavior Analysis services
- 13) Functional cameras in special education classrooms, which can speak for those students with intellectual and/or developmental disabilities who may have limited functioning capabilities, and cannot say words to the effect of, "Parent, Johnny hurt me today, and here's why." (Discussion has been occurring since at least 2004)
- 14) An additional appropriation for the Autism Court

15) A bill of rights related to the criminal justice system for people with Asperger's and autism spectrum disorder, as well as intellectual and developmental disabilities more broadly, including those persons who may not be able to communicate effectively

16) An appropriation to increase the minimum wage for direct support professionals who are certified through an agency, and largely paid by the geographically appropriate Regional Center and/or Medicaid to provide independence skill development services to young adults with intellectual and/or developmental disabilities

17) An appropriation to or programmatic restructuring of the Aging and Disability Services Regional Centers and Medicaid, ultimately increasing the Home and Community Based Waiver, Supportive Living Arrangement, and Jobs and Day Training reimbursement rates

18) An appropriation allowing for additional per-account holder savings in Achieving a Better Life Experience accounts

19) An appropriation to continue the Money Follows the Person program operations

20) An appropriation to transition Money Follows the Persons' positions from grant-funded to State-funded (Concept currently continued for 3 months by recent Congressional vote; status beyond 3 months unclear due to recently suspended Federal shutdown)

People with autism spectrum disorder, as well as intellectual and developmental disabilities, are people first. Thank you for your consideration, and I look forward to working with relevant parties during the interim. Some of these subjects have been passed previously, but need improvement and/or protection, and some are newly conceived, or requested for review for the first time in many years, per the available Legislative historical functions available. I hope that the highlighted relevant subjects and narrative has been informative to the Council. I thank you for your time, and welcome any questions at my contact information, which was provided at the beginning of these prepared remarks, and/or is available via Council staff.

136 Nev., Advance Opinion 76  
IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
DEPARTMENT OF TRANSPORTATION,  
Appellant,  
vs.  
JOHN BRONDER,  
Respondent.

No. 79695

**FILED**

DEC 03 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

Appeal from a district court order denying a petition for judicial review of a Nevada Division of Personnel Commission decision. First Judicial District Court, Carson City; James Todd Russell, Judge.

*Affirmed.*

Aaron D. Ford, Attorney General, and Cameron P. Vandenberg, Chief Deputy Attorney General, Carson City,  
for Appellant.

Dyer Lawrence, LLP, and Thomas J. Donaldson, Carson City,  
for Respondent.

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BEFORE PARRAGUIRRE, HARDESTY and CADISH, JJ.

*OPINION*

By the Court, PARRAGUIRRE, J.:

NRS 281.641(5) provides that the Nevada Department of Administration's Personnel Commission may adopt procedural rules for whistleblower appeal hearings. NAC 281.305(1)(a), which the Personnel

Commission promulgated under NRS 281.641(5), provides that a state officer or employee claiming whistleblower protection “must” file a whistleblower appeal within 10 workdays of the alleged reprisal or retaliation. In this appeal, we consider whether NAC 281.305(1)(a) is a procedural rule and thus within the rulemaking authority that NRS 281.641(5) confers upon the Personnel Commission, or instead a jurisdictional rule that exceeds the Personnel Commission’s authority and thus invalid. We conclude that NAC 281.305(1)(a) is a jurisdictional rule and thus invalid.

### *FACTS*

This dispute arose when appellant Nevada Department of Transportation (NDOT) fired respondent John Bronder. Bronder was a probationary NDOT employee at the time of his termination.<sup>1</sup> Approximately 8 months after NDOT fired him, Bronder filed a whistleblower appeal alleging that his termination was retaliation for his disclosure of certain information. NDOT moved to dismiss, arguing that under the 10-day rule for filing whistleblower appeals, Bronder’s appeal was untimely by several months. The hearing officer concluded that the 10-day rule is invalid and ultimately ordered NDOT to reinstate Bronder’s probationary employment. NDOT petitioned the district court for judicial review, but the district court denied the petition, thereby affirming the hearing officer’s decision.

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<sup>1</sup>A probationary employee, though hired to fill a permanent position, lacks permanent-employee status until the end of the probationary period. See NRS 284.290(3) (explaining that a probationary employee may eventually become a permanent employee).



NDOT now appeals, arguing that the hearing officer erroneously concluded that Bronder timely filed his whistleblower appeal.<sup>2</sup>

### *DISCUSSION*

This appeal involves a statute and a related regulation. The statute, NRS 281.641(5), provides that “[t]he Personnel Commission may adopt rules of procedure for conducting” whistleblower-appeal hearings. The regulation, NAC 281.305(1)(a), provides that a state officer or employee claiming whistleblower protection must file a whistleblower appeal within 10 workdays of the alleged reprisal or retaliation. The issue before us is whether NAC 281.305(1)(a) is a procedural rule and thus within the rulemaking authority that NRS 281.641(5) confers, or instead a *jurisdictional* rule that exceeds the Personnel Commission’s authority and thus invalid.

NDOT simply argues that NAC 281.305(1)(a) is valid because it “was adopted in accordance with . . . NRS 281.641,” so “[t]he district court clearly erred in concluding that NAC 281.305 is invalid.” Bronder answers by repeating the district court’s reasoning that, because NRS 281.641(5) allows rules for conducting hearings and NAC 281.305(1)(a) is instead a rule for filing an appeal, NAC 281.305(1)(a) is invalid.

We review an “administrative decision in the same manner as the district court.” *Nassiri v. Chiropractic Physicians’ Bd.*, 130 Nev. 245, 248, 327 P.3d 487, 489 (2014). We may reverse an agency’s decision “if substantial rights of the petitioner have been prejudiced because the final

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<sup>2</sup>NDOT also argues that the hearing officer clearly erred by concluding that Bronder disclosed information, but we decline to consider the issue because NDOT raises it for the first time on appeal. *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981).

decision of the agency is . . . [a]ffected by . . . error of law.” NRS 233B.135(3)(d).

This issue requires us to review an agency’s interpretation of one of its governing statutes. While we ordinarily review statutory interpretation issues de novo, we will “defer to an agency’s interpretation of its governing statutes or regulations if the interpretation is within the language of the statute.” *Dutchess Bus. Servs., Inc. v. Nev. State Bd. of Pharmacy*, 124 Nev. 701, 709, 191 P.3d 1159, 1165 (2008).

The hearing officer’s interpretation of NRS 281.641(5) was that it “appears to authorize adoption of procedural rules for hearing . . . rather than . . . jurisdictional” rules. NRS 281.641(5) authorizes the adoption of “rules of procedure for conducting a hearing,” so the hearing officer’s interpretation is within the statute’s language, and we therefore defer to his interpretation.

Under the hearing officer’s interpretation of NRS 281.641(5), NAC 281.305(1)(a) is indeed invalid. As the hearing officer explained, a rule providing a time limit for filing an administrative appeal is not procedural but *jurisdictional*. See *K-Kel, Inc. v. State, Dep’t of Taxation*, 134 Nev. 78, 80-81, 412 P.3d 15, 17 (2018) (recognizing the time period for filing a petition for judicial review under NRS Chapter 233B as jurisdictional); *Washoe Cty. v. Otto*, 128 Nev. 424, 432, 282 P.3d 719, 725 (2012) (“The word ‘must’ generally imposes a mandatory requirement.”). NAC 281.305(1)(a)’s 10-day limit is such a rule. Because a jurisdictional rule is beyond the *procedural* rulemaking authority that NRS 281.641(5) confers, NAC 281.305(1)(a) is invalid.<sup>3</sup> *Felton v. Douglas Cty.*, 134 Nev. 34, 38, 410 P.3d

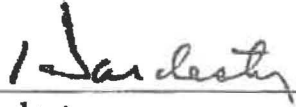
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<sup>3</sup>NRS 284.390(1) provides a similar 10-day limit that applies only to “an employee’s dismissal, demotion or suspension pursuant to NRS 284.385.” But NRS 284.385 applies only to *permanent* employees. So unless

991, 995 (2018) (explaining that this court “will not hesitate to declare a regulation invalid when the regulation . . . exceeds the statutory authority of the agency” (quoting *Meridian Gold Co. v. State ex rel. Dep’t of Taxation*, 119 Nev. 630, 635, 81 P.3d 516, 519 (2003))). Accordingly, we affirm the district court’s denial of NDOT’s petition for judicial review.

 J.  
Parraguirre

We concur:

 J.  
Hardesty

 J.  
Cadish

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the Legislature amends NRS 284.390(1) to apply to *probationary* and *temporary* employees, or otherwise provides some applicable time limit, probationary employees will not be subject to a 10-day limit for filing a whistleblower appeal.