

**NEVADA STATE REHABILITATION COUNCIL (N.S.R.C.)
MEETING MINUTES**

September 14, 2021 at 10am

Department of Employment Training & Rehabilitation
500 E. Third Street, Carson City, NV 89713
&
Vocational Rehabilitation
3016 West Charleston Blvd., Las Vegas, NV 89102

COUNCIL MEMBERS PRESENT:

Raquel O'Neill
Alex Goff
Mary Brabant
Judy Swain
Rebecca Rogers

COUNCIL MEMBERS ABSENT:

David Nuestro

GUESTS/PUBLIC:

Jack Mayes, Executive Director, Nevada Disability and Law Center
Cynthia Swanson, member of the public
David Schmidt, Chief Economist, DETR Research & Analysis
Robin Kincaid, Nevada PEP
Dawn Lyons, Executive Director, Nevada Statewide Independent Living Council / NV SILC
Steven Cohen, member of the public

STAFF:

Justin Taruc, Deputy Attorney General
Javier Fernandez, VR Liaison to N.S.R.C.
Mechelle Merrill, VR Deputy Administrator
Rosa Mendez, Public Information Officer
Drazen Elez, Rehabilitation Division Administrator
Sheena Childers, VR Bureau Chief

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

Raquel O'Neill, Chair called the meeting to order at 10:05 a.m. Javier Fernandez NSRC Liaison called the roll.

Mr. Fernandez determined a quorum was present and verified that the posting was completed on time in accordance with Open Meeting Law.

2. **FIRST PUBLIC COMMENT**

Ms. O'Neill called for public comment. Cynthia Swanson indicated that she compliments the council's proposed goals. There is a high need for labor and a high level of unemployment among people with disabilities. She is a self-advocate for over 30 years, the state needs to have a more robust outreach program as families are not being reached. The value of work should be discussed and switch the thinking of losing benefits. A stronger effort needs to be addressed to include work incentives, planning and WIPPA. The person-centered employment goal is fabulous.

3. **APPROVAL OF THE MAY 4, 2021 MEETING MINUTES**

Ms. O'Neill began the discussion by asking the council if there were any corrections, modifications, or changes to the May 4, 2021 meeting minutes. Rebecca Rogers made a motion to approve the minutes as written. Judy Swain seconded the motion. All in favor, none opposed, motion carried, minutes approved.

4. **APPROVAL OF THE JULY 13, 2021 STATE PLAN MEETING MINUTES**

Ms. O'Neill began the discussion on behalf of David Nuestro, NSRC Vice-Chair who conducted the state plan meeting by asking the council if there were any corrections, modifications, or changes to the July 13, 2021 state plan meeting minutes. Judy Swain made a motion to approve the state plan meeting minutes as written. Rebecca Rogers seconded the motion. All in favor, none opposed, motion carried, minutes approved.

5. **APPROVAL OF THE JULY 23, 2021 WORK GROUP MEETING MINUTES**

Ms. O'Neill began the discussion by asking the council if there were any corrections, modifications, or changes to the July 23, 2021 work group meeting minutes. Judy Swain made a motion to approve the work group meeting minutes as written. Mary Brabant seconded the motion. All in favor, none opposed, motion carried, minutes approved.

6. **NSRC ANNUAL REPORT DRAFT**

Rosa Mendez, DETR Public Information Officer began her presentation by reviewing the report and adding there have already been some reformatting that has been changed and the placeholders. The council liked the reports format and graphic design. Data pages to be updated to current totals. The shading will also be adjusted a bit brighter. The success stories are the finalized choices. Page 5. Judy Swain has an extra "r" at the end of her last name to be removed. Rebecca's last name should be "Rogers" remove the "d". A suggestion was made by Bureau Chief, Sheena Childers on page 12 to move the Employee Spotlight to its own page and move the SEPHORA partnership profile to the Collaborations section. Under Alex Goff's title the word "labor" has an "s" that needs to be removed. Drazen asked to be removed from the council member list as he has not been appointed by the Governor. No further changes were suggested.

7. **REVIEW AND APPROVAL OF THE RECOMMENDATIONS FROM THE STATE PLAN SUBCOMMITTEE FOR PROGRAM YEARS 2022 AND 2023, STATE PLAN GOALS, STRATEGIES AND PERFORMANCE MEASURES**

Drazen Elez, Acting Rehabilitation Administrator reviewed the proposed changes to the 2022 and 2023 Goals, Strategies and Performance Measures.

Goal #1 Increase number of successful employment outcomes. Under strategies to remove the Third-Party Cooperative Agreements (TPCA's) strategy as they have ended, add new strategy. "Work to ensure vacancies are filled as quickly as possible, with the understanding that existing counselors in place are the only way VR will achieve this goal". Measures suggested change goal from 500 to 550 case closures.

Mary Brabant made a motion with the proposed staff recommendations, Judy Swain seconded, all in favor, non-opposed, motion carried.

Goal #2. Increase participation and increase successful outcomes in Vocational Rehabilitation (VR) transition services and ensure participants receive as appropriate Pre-Employment Transition Services (Pre-ETS). Suggestion to re-write goal into 3 parts. Strategies remain the same.

2a: Increase Participation for Students with a Disability in VR Transition Services

- 2a. Measure: Change goal for FFY22 to 200 and FFY23 to 250.

2b: Increase Participation and Increase Successful Outcomes with Students with a Disability in VR Transition Services and Post-Secondary Education

- 2b. Measure: Change goal for FFY22 to 300 and FFY23 to 300.

2c: Increase Participation and Ensure Students with a Disability receive Appropriate Pre-Employment Transition Services (Pre-ETS)

- 2c. Measure: Change goal for FFY22 to 500 and FFY23 to 750.

Alex Goff made a motion with the proposed staff recommendations, Judy Swain seconded, all in favor, non-opposed, motion carried.

Goal 3

Increase participation and successful outcomes of supported employment (SE) consumers in a competitive, integrated setting. Suggestion to re-write goal into 3 parts. Change last bullet point to read:

- Explore apprenticeship with non-traditional work with opportunities.

3a: Increase Participation of Supported Employment Consumers in VR

- Goal changed to 35% of total supported and non-supported employment consumers.

3b: Increase Successful Outcomes of Supported Employment Consumers in a Competitive, Integrated Setting

- FFY22 and FFY23; Goal changed to 100.

3c: Increase Successful Outcomes for Students with a Disability Who Are Also Supported Employment Consumers in a Competitive Integrated Setting – Outcomes

- Students with disabilities who are also SE consumers. FFY21, no changes. FFY22 SWD not SE closed after SE outcome and provide comparison %. SWD not SE closed with an EO and provide comparison%. Goals related to FFY22 and FFY23 40%.

Alex Goff made a motion with the proposed staff recommendations, Mary Brabant seconded, all in favor, non-opposed, motion carried.

Goal 4

Collaborate with other resources to support participants with mental health disabilities to obtain and maintain successful employment. (May include: Depression and other mood disorders, alcohol abuse or dependence, anxiety disorders, eating disorders, drug abuse or dependence, mental illness not listed elsewhere, personality disorders, schizophrenia, and other psychotic disorders).

Edited existing strategy bullet point 1 to:

- Increase collaboration with Southern Nevada Adult Mental Health Services (SNAMHS), Northern Nevada Adult Mental Health Services (NNAMHS) and State Rural Mental Health Clinics. Virtual Service Delivery.

Edited existing strategy bullet point 5 to:

- Collaborate with Statewide Independent Living Council (SILC) quarterly and local IL centers.

Added new bullet points to include:

- Collaborate with foster youth centers.
- Collaborate with regents for higher education for mental health supports.
- Training and education to help employers' human resources on mental health.
- Continue to provide virtual services post pandemic.
- Outreach for collaboration for mental health for Tribal Partners and Reservations and minority organizations.

Measure changes:

- Goal is that individuals with mental health disabilities will have a successful case closure rate similar to other disability groups by FFY23.
- Current successful closure rate is 32% and a similar rate would be 41%. FFY21, no changes.

Alex Goff made a motion with the proposed staff recommendations, Judy Swain seconded, all in favor, non-opposed, motion carried.

New Goal 5

VR Staff Retention Efforts as a reflection of Employee Satisfaction and Positive Work Culture

Strategies to be determined.

Measure:

Retention of counseling staff determine negative turnover rate using combined total of VR counseling staff and combined total of transferred/resigned staff. Goal not set for this 2-year reporting period (FFY22/FFY23) Collecting Information.

Judy Swain made a motion with the proposed staff recommendations, Alex Goff seconded, all in favor, non-opposed, motion carried.

8. **PROPOSED 2022 NSRC MEETING SCHEDULE**

Ms. O'Neill asked if there were any modifications to the proposed 2022 NSRC meeting schedule. The proposed dates are February 8th, May 10th, September 13th, and November 8th. The only suggested date to be changed should be the November 8th date to the November 1st.

Alex Goff made a motion to approve with the proposed change, Mary Brabant seconded, all in favor, non-opposed, motion carried.

9. **DISCUSS WHETHER THE COUNCIL WISHES TO DISCUSS THE TOPIC OF COMPETITIVE, INTEGRATED EMPLOYMENT IN MORE DEPT AND POTENTIALLY MAKE RECOMMENDATIONS TO FEDERAL ENTITIES TASKED WITH REAUTHORIZATION OF REHABILITATION**

Ms. O'Neill began the discussion with an overview and criterion of what "Competitive Integrated Employment" is. The office of Special Education and Rehabilitation Services in the U.S. Department of Education has received requests for further clarification of the definition of "Competitive Integrated Employment" particularly with respect to the criterion of an employment location, and how the criterion of an integrated employment location in the definition affects a VR program participant's ability to exercise informed choice.

To be considered "competitive integrated employment" a job position must satisfy three criteria related to wages/benefits, integration, and opportunities for advancement. The definition means full – or part-time work.

- In which the employee with a disability is compensated (including benefits) at a rate of the higher of the Federal, State or local minimum wage applicable to the place of employment, and not less than the customary rate paid by the employer to employees without disabilities performing the same or similar work and who have similar experience, training, and skills.
- At a location – That is typically found in the community; and where the individual with a disability interacts, for the purpose of performing the duties of the job position, with other employees within the work unit and at the entire worksite, and as appropriate for the work performed, with other persons who are not individuals with disabilities to the same extent that non-disabled employees

interact with these persons; and that presents opportunities for advancement for individuals with disabilities that are similar to those available to employees without disabilities in similar positions.

Ms. O'Neill recommended that the council review the information provided on this topic and possibly visit the website for further information.

10. **EXPLORE AND ASSIST IN POLICY DEVELOPMENT REGARDING INDIVIDUAL PLANS OF EMPLOYMENT TO ALIGN WITH FEDERAL REGULATIONS**

Ms. O'Neill asked the council members if they wish to have an in-depth discussion on this topic at the November 9th meeting. Council members agreed so an agenda item will be added.

11. **REVIEW AND DISCUSS OLDER INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED PROGRAM AND SATISFACTION SURVEY UPDATE**

Richelle Pennock, Rehabilitation Division Supervisor provided an overview of the Older Blind Program. There are 4 staff in the southern region that consist of 1 Rehabilitation Instructor, 1 Rehabilitation Technician and 2 Orientation and Mobility Instructors. In the northern region there is 1 Rehabilitation Counselor who covers both the Ely and Elcho areas and 1 vacant Orientation and Mobility Instructor vacancy. The individual must be 55 and older, with a visual acuity of 20/70 and/or field a loss of 50% or greater, have the need for Independent Living Rehabilitation services. There are some challenges with filling the vacant positions. Many services are provided by services providers. Client's are looking to become more independent in their homes and communities. These services cover orientation and mobility training so they are more independent and help the client to remain in their homes. A big portion of the referrals received are in the southern region than the northern region. VR has a great partnership with multiple agencies where referrals are mostly received from. A variety of service providers are needed to service a client efficiently statewide. Currently VR has about 150 active clients.

14. **OTHER REPORT**

Jack Mayes, Executive Director of the Nevada Disability and Law Center had to leave so no verbal report was provided. A PowerPoint copy was included in the meeting materials for council members to review in his absence.

Dawn Lyons, Executive Director of the Nevada Statewide Independent Living Council provided her report.

1. Integrated employment is currently the hot topic for SILC right now. We are preparing a letter to the Governor in response to the National Governors' Association Report on Promoting Employment for People with Disabilities Through Statewide Coordination. Our meeting to approve the final draft will be Thursday, October 14 at 1pm. Meeting info can be found at <https://www.nvsilc.com/meetings/>.
2. On that note, the SILC, in partnership with BlindConnect, the Governor's Council on Developmental Disabilities, Vote Nevada, Vocational Rehabilitation, Rural Center for Independent Living and Betty's Village is hosting a film about integrated employment called Hearts of Glass and a panel discussion immediately following on Wednesday, October 13. The film will be livestreamed at 1pm, while the panel discussion will begin at 2:15pm. The film will be available to stream privately before the event on October 8, if you choose to watch it in advance of the panel discussion. Sign language interpreters will be present for the panel discussion as well as CART for those who participate via Zoom. There will be a drawing for prizes after the event for all who submit a brief survey after the presentation. All information will be posted on our newsfeed, which can be found at <https://www.nvsilc.com/resources/articles>.
3. SILC is also supporting the Southern Nevada Center for Independent Living's Disability Awareness Day event on Saturday, October 16 from 10am-2pm at Lorenzi Park in Las Vegas. We will have a

table at the event and hope to recruit Youth Action Council members, as our Youth Leader will also be there with me.

4. The Youth Action Council is currently recruiting members. The application is on our website and can be found at <https://www.nvsilc.com/get-involved/join-the-youth-group/>. All qualifications can be found there, as well.
5. The SILC has officially been removed from the Planning, Advocacy and Community Support Unit of Aging and Disability Services Division. We are now a truly autonomous Council. Our funding is supplied through ADSD's budget, as dictated by the Administration for Community Living (ACL), but the Federal guidelines make it clear that the SILC will not be established under any State agency. We will move forward as partners.

A lunch break was taken by the council at 12:33pm and returned at 1:10pm.

Rebecca Rogers left the meeting at 1pm. Roll was taken, and quorum is maintained.

12. **REVIEW/APPROVAL: STATE OF NEVADA, DEPARTMENT OF ADMINISTRATION, HEARINGS OFFICER LIST**

Mr. Elez began by reviewing the list of candidates for the annual approval by the council of a Fair Hearings officer that would represent VR in Fair Hearings proceedings. The list includes: Mark Gentile from the Gentile Law Group, Paul Lambolely from the office of Paul H. Lombolely, Vicky Oldenburg from Oldenburg Law Office, Lorna Ward, Carolyn Broussard, Robert Zentz. The governor will appoint one or more appeals officers to conduct hearings and appeals as required by the (NSR) Nevada Revised Statute 616C.340. Each appeals officer appointed is deemed to be a civil officer of the state. Each officer shall hold office for 2 years after the date of his or her appointment and until the successor of the appeals officer is appointed and has qualified. Each officer is entitled to receive an annual salary in an amount provided by law and is in the unclassified service of the state. Each officer must be an attorney, licensed to practice law in Nevada for at least 2 years. If there is a conflict of interest, directly or indirectly, the officer shall disqualify themselves from the hearing case. The officer must successfully complete annually at least 20 hours of training. Excess hours of training earned during a 12- month period may be carried over to the following year. Mary Brabant made a motion to approve the hearings officers presented. Judy Swain seconded, all in favor, non-opposed, motion carried.

13. **PRESENTATION BY RESEARCH AND ANALYSIS UNIT ON CURRENT LABOR MARKET CONDITIONS IN NEVADA (INCLUDING INFORMATION ABOUT INDIVIDUALS WITH DISABILITIES)**

David Schmidt, Chief Economist for DETR Research & Analysis Division. Mr. Schmidt presented information pertaining to Labor Market Conditions and Projections.

Nevada's current Economic Conditions: Currently recovering from post COVID 2020. The recovery has been faster than past recessions. Jobs lost have been between 200,000 to 400,000 over multiple industries. Change in employment between July 2020 and July 2021 on a local level has shown a stronger growth with the support services being the area that has returned rather quickly especially the hospitality and food services in Las Vegas. In July 2021 Nevada's unemployment rate is at 7.7% which is the highest in the nation. Unemployment rate varied by county. Clark county is over 30% yet Washoe County is about 20%. Clark County was the highest rate over all the Nevada counties. Unemployment rates by income, disability status, and education. Those with disabilities have the highest unemployment rate than those who do not have a disability. Trends in Labor Force participation by type of disability. Cognitive difficulty, hearing difficulty, self-care difficulty, vision difficulty, ambulatory difficulty, independent living difficulty. Most categories see a rise of non-participation close to the national average which is about 80%. Nevada went from having a higher share of participation to a higher share of non-participation. The drop was due to

people moving out of the work force entirely.

Projections and Outlook: A projection change from 2020 to 2022 show Agriculture, Mining, Utilities and Construction Industries show higher growth rate especially specialty trade contractors. Manufacturing industries, miscellaneous manufacturing project a higher rate than electrical equipment manufacturing. Trade Transportation and Warehousing industries are projected to increase especially in transit and ground passenger transportation and clothing and clothing accessories stores. Professional services industries show a growth in Administrative and support services. Social Services Industries expected job growth in Educational services and Ambulatory health care services. Professional Services Industries projects a slower growth in Food Services and drinking places and accommodation about 65,000 jobs. There hasn't been a very robust growth yet at casino hotels.

Trends and Considerations: Recent end of federal extended unemployment benefits. States that ended benefits early have not seen significant or rapid rebound in employment, with local economic activity more dominant. Ongoing waves of COVID have the potential to draw out full recovery in the State. Employers are reporting record levels of job openings nationwide, which would increase opportunities for employment. Local experience is very different around the state, with urban Las Vegas particularly hard-hit in current data.

15. **CONSUMER SATISFACTION QUARTERLY RESULTS FROM MARKET DECISIONS RESEARCH**
Mechelle Merrill, VR Deputy Administrator begin her presentation covering open and closed cases from May – August 2021. A total of 475 surveys were sampled during the current survey period.
- General VR Consumers: 402
 - Youth in Transition Consumers: 49
 - Older Individuals who are Blind Consumers: 24

The surveys were done with consumers with open cases as of May 1, 2021, or with cases closed within the previous fourth months (January to April 2021).

Cases were further stratified by case benchmarks indicated:

- In Service IPE to 6 months: 151
- In Service 6 to 12 months: 42
- In Service 18 months or more: 120
- Closed: 162

Telephone interviews were conducted. Emails invitations to the complete the surveys were also distributed. The overall response rate was 33%.

In summary VR and Older Individuals who are Blind consumers remain positive over about their experience in the 2nd trimester. Most of the metrics improved 1 to 3 points over the prior trimester. Employment satisfaction increased significantly from 71% to 79%. Those experiencing no problems reached a high of 77% which dates backed to the 3rd trimester of 2018. There is still room for improvement with overall satisfaction and expectation and consumer control and involvement. Youth and Transition are consistently more satisfied than general VR consumers with employment 86% vs. 77%. Communication with VR staff 79% vs. 73%. Youth are more satisfied and are less likely to report experiencing problems 13% vs. 26%. Consumers in services 6 to 12 months are consistently less positive across many measures. The suggestion given to VR was to increase communication and encouragement of our clients. This may be a time where a client is resetting their own expectations and career path.

Consumer Feedback and Problems Experienced continue to highlight poor communication by VR staff. This feedback needs much improvement with consistent follow-up with clients via calls, emails and be more

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available for our clients. The concerns which stood out from the report were counselors not returning phone calls or emails and the client's frustration with the inability to meet with their counselor. This was the highest-ranking percentage of complaints at 19%.

16. IMPROVEMENTS TO SATISFACTION SCORES DURING THE PAST QUARTER

Ms. Merrill made recommendations to improve communication. A new procedure has been implemented that counselors must make verbal contact with the client every 30 days. VR will ensure they reach out to clients monthly which should reduce the complaint percentage and increase the client satisfaction rate. Mr. Elez added that counselors are going to be focusing, during their counselor academy training, the communication aspect.

17. ADMINISTRATOR'S REPORT

Mr. Elez began with by indicating that has been promoted as the new Administrator of the Rehabilitation Division. The Division currently has 3042 active client cases open. For the months of July and August 2021 there were 45 successful closures. Average days a client's case has been open in VR is 609 days and BSBVI is 844 days. There are currently 121 employees, there are 36 vacancies and 27 active recruitments. Ms. Merrill reported on Fair Hearing updates. 1 Ongoing hearing that has been in process for quite some time. The Bureau was affirmed by the hearings office in the decision to close the case, the nature was that client was to severely disabled to benefit from VR services at the time of the employment outcome. 3 ongoing hearings received from 1 client. All 3 have been dismissed by the Hearings Office in June. 1 new request received in July and since then the client has withdrawn his request.

18. COMMENTS BY THE COUNCIL

Ms. O'Neill provided some information regarding the upcoming CSAVR fall conference scheduled for November 1st to November 5th. This years' conference will be virtual and it's open to all council members who wish to attend to please notify Javier Fernandez.

19. PUBLIC COMMENT

None

20. ADJOURNMENT

Meeting adjourned at 2:30 p.m.

Edited By:

Javier Fernandez

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

Approved By:

Davie Nuestro

Davie Nuestro, N.S.R.C. Vice-Chair