

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

Tuesday, November 1, 2022, at 9am

Rehabilitation Administration
751 Basque Way, Carson City, NV 89706
&
Vocational Rehabilitation
3016 West Charleston Blvd., Las Vegas, NV 89102

COUNCIL MEMBERS PRESENT:

Raquel O'Neill
Rebecca Rogers
Jack Mayes
David Fisher
Austin Olson
Alex Goff

COUNCIL MEMBERS ABSENT:

David Nuestro
Tucker Morgan
Sandra Sinicrope
Drazen Elez

GUESTS/PUBLIC:

Steven Cohen, member of the public
Carley Murray, Nevada PEP
Dawn Lyons, SILC
Emire Stitt, DP Video Productions
Julie Irish, DP Video Productions
Nicholas Merk, DP Video Productions
Mark Noyes, Market Decisions Research
Candace Walsh, Market Decisions Research
Judy Swain, member of the public

STAFF:

Chricy Harris, Deputy Attorney General
Javier Fernandez, VR Liaison to NSRC
Brett Martinez, VR Deputy Administrator
Sheena Childers, VR Bureau Chief
Mat Dorangricchia, VR Northern District Manager
Vivian Turner, VR Supervisor

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

Raquel O'Neill, Chair called the meeting to order at 9:02 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**

Raquel O'Neill opened floor to public comment.

Steven Cohen emailed his public comment attached to these minutes regarding the 700-hour program.

3. **APPROVAL OF THE SEPTEMBER 13, 2022, MEETING MINUTES**

Ms. O'Neill asked the council for any modifications, changes, corrections to the September 13, 2022, Meeting Minutes.

Alex Goff made a motion to approve the minutes as written. Rebecca Rogers seconded. All in favor, none-opposed, none-abstained, motion carried.

4. **APPROVAL OF NSRC 2022 ANNUAL REPORT FINAL DRAFT**

Julie Irish, DP Video Productions contractor reviewed the second draft of the NSRC 2022 Annual Report. Ms. Irish mentioned the changes to the report were shortened up, consolidated, reorganized the pages. There are a few spots needing graphics, text and waiting for the data to be input into the report to be up to date. More graphics were added for a more visible appeal for easier understanding. Most of the images for the success stories are filled out. The last page is a tear out with all of the Vocational Rehabilitation locations. This will be the final report with all of the updated data.

Ms. O'Neill mentioned she appreciated the person-centered language used in the report and the QR code link to go to the stories of the individuals and to the VR website. The deadline for the Annual Report is December 31st for the report to be on the governor's desk.

Alex Goff made a motion to approve the draft as written in structure, layout, design, colors the theme, with the final statistical data to be added by the VR Division upon receipt. Austin Olson seconded. All in favor, none-opposed, none-abstained, motion carried.

5. **PRESENTATION BY MARKET DECISIONS RESEARCH FOR SURVEY RESULTS (MAY, JUNE, JULY, AND AUGUST 2022).**

Mark Noyes, of Market Decisions Research presented the May, June, July, and August 2022 Consumer Satisfaction Survey information and finding ways to help VR improve their interactions with individuals served by VR staff and offering recommended survey changes for the future. The full recommendations will be in the Final Annual Report due in December. Mr. Noyes presented the results for the 1st and 2nd Trimester and what they had found during their in-depth research conducted during this time frame.

Demographics-Trimester 2

Number of Consumers: 523

	Subtotal
General VR	420
Youth In Transition	70
Older Individuals who are Blind	33

Cases by Length of Time in Service

	VR	OIB
In Service IPE to 6 months	145	21
In Service 6 to 12 months	56	7
In Service 18+ months	184	2
Closed	106	3

The small size of the individuals interviewed in these categories results in unrealistic numbers and are not as accurate as can be if a larger number of individuals were surveyed are served in the Youth in Transition and Older Individuals Who are Blind category resulting in numbers jumping around.

Summary of Domain Scores- Trending

Domain	2021 T1	2021 T2	2021 T3	2022 T1	2022 T2
Overall Satisfaction and Expectations	73	74	75	72	75
Experience with Services Provided by VR	75	75	75	73	75
Experience with Staff and Counselors	86	86	87	84	86
Communications with Staff	72	74	75	74	74
Customer Control and Involvement	79	77	79	77	78
Outcomes and Meeting Goals	80	79	81	78	81
Ease of the application process for VR services	75	78	79	78	79
Accessibility of the VR office for someone with your type of disability	88	89	87	85	90
Satisfaction with current employment	71	79	76	80	73
Would you tell your friends with disabilities to go to the VR program for help? (% yes)	90%	90%	92%	84%	89%
Did you experience any problems with VR or the services they have provided to you? (% no)	74%	77%	75%	71%	75%

Scores are added into domain fields, the field relate to four questions that all relate to the same theme. The questions asked are linked together and the individual will usually respond in a positive way to all the questions, same as if they respond to a negative response. Measurements are interlinked in the minds of the individuals being asked the questions resulting in favorable or unfavorable response in the same field of questioning. Scoring has been trending in the same field of the last few quarters. Accessibility to VR offices have been going in an upward swing. Satisfaction in employment has been lowering during the past with the Pandemic playing a part in the results. This has been noted in different states other than Nevada with agencies working with individuals with disabilities.

Summary of Domain Scores – Service Population

Domain	General VR	Youth in Transition	Older Individuals who are Blind
Overall Satisfaction and Expectations	74	76	71
Experience with Services Provided by VR	75	76	70
Experience with Staff and Counselors	86	86	82
Communications with Staff	75	71	68
Customer Control and Involvement	78	80	74
Outcomes and Meeting Goals	81	83	77
Ease of the application process for VR services	79	79	69
Accessibility of the VR office for someone with your type of disability	92	85	51
Satisfaction with current employment	71	87	--
Would you tell your friends with disabilities to go to the VR program for help? (% yes)	90%	87%	84%
Did you experience any problems with VR or the services they have provided to you? (% no)	73%	82%	75%

The population of the Older Individuals who are Blind presented with lower levels of satisfaction than the other two groups. With the small group size of individuals interviewed caution is aired on the result until further investigations is looked at for the whole time period the results will be included in the Annual Report at the end of the year.

Summary of Domain Scores – Trending

- Consumers of VR/OIB services continue to be positive about their experiences and are satisfied with the services provided to them.
- OIB consumers related their experience lower across all core metrics.
- Positively trending metrics that increased 3+ points since 2022 T1 include:
 - Overall satisfaction and expectations (75)
 - Outcomes and meeting goals (81)
 - Accessibility of the VR office (90)
- The percentage of consumers who would tell their friends with disabilities to go to the VR program for help rose five percentage points since 2022 T1, from 84% to 89%.
- The percentage of consumers who reported experiencing no problems rose by four percentage points since 2022 T1, from 71% to 75%.
- Satisfaction with current employment is only metric that decreased since 2022 T1 and is now at its lowest point since 2021 T1.

Current percentages are high and look good for individuals recommending VR services to family members or friends. Accessibility is becoming more readily available as more Covid restrictions are being lifted. Satisfaction with current employment between the two quarters is lower and the answer is not clear.

A question was asked if open ended questions were being asked to gather more information as to the negative answers provided by the individuals being surveyed.

Mr. Noyes indicated they do ask open ended questions to find out the root cause of the negative answers from the individual being surveyed. Data is collected and will be shared in the annual Report. Finding ways for VR to better the client's outcomes is determined by the information received by the survey answers. Reasons for the client's disapproval would be helpful to have to work on for future planning.

Methodology

Background

- Market Decisions Research (MDR) was contracted by the State of Nevada. The goal of these interviews is to gather more detailed information about the overall satisfaction a client has had using VR services.

Interview Guide

- The interview guide was developed by MDR in collaboration with Vocational Rehabilitation. The guide consisted of topics such as communication with staff, services received, gaps in service, and the impact of Covid-19 on their services. A copy of the guide is available upon request.

Sample

- The primary target population for this study were individuals 18 and older who have received or are currently receiving services through VR. All participants completed the consumer satisfaction survey within the past year. A short follow-up survey was sent to a portion of the sample. Qualifying respondents were asked if they would be interested in participating in an in-depth interview.
- Participants were able to sign up for a time to speak to an interviewer and were offered a \$20 gift card as a thank you for their participation. As of October 13, 2022, eight interviews had been conducted with an additional three scheduled.

Data Collection

- MDR completed 8 interviews as of October 13, 2022. Additional interviews are being scheduled with a plan to complete 10-15 interviews. Interviews began on September 6, 2022 and are expected to continue through the end of October 2022. The interviews were facilitated using Microsoft Teams, and the recorded discussions were transcribed for analysis. Interviews ranged from 15-30 minutes.

Limitations

- As a qualitative method, in-depth interviews excel at uncovering the reasons why participants feel a certain way or have specific opinions. However, the thoughts and beliefs expressed by participants are not necessarily representative of a larger population's disposition. Singular comments may only represent one individual's stance – unless it can be shown to be part of a general trend of beliefs or perceptions.

Some of the in-depth interviews did speak to job satisfaction and accessibility, 12 in-depth interviews were contacted with VR clients for a better understanding of the program and how it was going with their experiences on what was working and what could be improved on, along with general feedback. Details will be in the year end annual report. Those who participated in the interviews were conducted over video chat and received a thank you in a form of a gift card for their participation.

The first set of questions were about the initial application process. During the interviews and the overall feedback was consistent that they have enough support filling out the application. The wait time between filling out the paperwork and a contact to receive services to start is a pain point for many.

We heard a wide variety of services that consumers have received including, transportation, vouchers for clothing, support, and guidance, assistive technology. These services are appreciated and are an intricate part of the success of the consumer. Delays in receiving services was the most common complaint and seen as a barrier.

Communication with the counselors is highly valued and rated constantly high during all the trimesters. Having someone to rely on and talk through the goals and the service plan is very important to the consumer. The relationship with the counselors is going well. MDR asked if more tools or resources were needed to improve upon communication. One suggestion mentioned was an on-line VR dashboard to keep track of their responsibilities and deadlines. Email communications is of value to the consumers.

Due to the Covid restriction the consumers are adjusting to the new shift with online meetings. For many consumers it helped with worries of transportation issues and other barriers of not making appointments for their participation in the program.

Key Findings

- Consumers appreciate the resources they can access through VR Vocational Rehabilitation.
 - Access to clothing, transportation and assistive technology helps consumers feel more prepared and able to work toward their employment goals.
- Consumers also identified gaps in resources.
 - Consumers seeking office-based work identified resources that would make this work accessible and easier to perform. These include adaptive equipment, additional skill building, and computer equipment.
- The shift to a hybrid model of meeting consumers was a positive.
 - The hybrid model made VR more accessible to those who had barriers, physical, monetary, time, that made going into the office or meeting in person difficult.

- The length of time between the application and starting services is difficult for consumers.
 - Consumers report they wait months between the initial application and the start of services. Several reasons were provided, including staff turnover, the need for more counselors, consumers needing to be more proactive.
- Counselor relationships are highly valued.
 - As seen each trimester in the consumer survey, the relationship a consumer has with their counselor dictates their VR experience. Consumers feel heard and supported by their counselor.

Sheena Childers, VR Bureau Chief mentioned looking at the results with accessibility is an issue with access to physical locations and the impact of Covid. VR offers a virtual service delivery to consumers. More information would be needed to see if the accessibility issue is factored into the services of virtual services if it is still an issue, or just the physical locations. We would like to understand if consumers are still having trouble accessing the buildings physically and why that is? We would be open to making changes to the building accessibility. We are happy with the survey results and with the relationships the counselors have with the consumers even with staff vacancy issue we are facing. Historically we have had issues with communication barriers and challenges, but VR is trying to reduce the existing gap.

The initial wait time from the online application to meet a counselor has been about two weeks. We are trending higher now with the online application process. The current process has eliminated the required orientation with initial paperwork completed. The online process has a shorter wait time. Barriers would be the VR process of receiving actual services with a consumer and the establishment of the Individual Plan of Employment (IPE) is completed, the time is lengthy, following Regulatory Guidelines can be 5 months.

Ms. Childers mentioned internal conversions have been in the process to develop a technical app for the VR clients to use to interact with and complete tasks virtually with their phone or computer. We would be the first if we could get a program up and going. Client engagement is a huge factor right now across the Nation. We are looking to streamline the process and meet the needs of our clients while following regulations and guidelines.

Mr. Noyes shared that the perception of time from a consumers view as a posed to the counselor of VR timelines are incredibly different from the information that has been collected from the interviews. Self-perceptions from consumers is vastly overstated. The measurements are done as from the experiences from the consumer and objective and not an accurate measurement. Second, the excitement of the possible development of an app and would love to be part of getting it off the ground.

Ms. O'Neill thanked Mark Noyes and his team for the presentation on their report to the council.

6. **SECTION 511 – LIMITATIONS ON THE USE OF SUBMINIMUM WAGE**

Sheena Childers, VR Bureau Chief along with Vivian Turner, VR Supervisor over the Supportive Employment, Customized Employment and 511 Team presented together the following.

Based on discussions from September NSRC Meeting as to how VR is interacting with individuals who are seeking or engaged in Subminimum Wage employment. What our requirements are as an agency to this group of individuals.

Workforce Innovation and Opportunity Act (WIOA) was created and signed into law on July 11, 2014, by President Obama. WIOA intends that individual with disabilities must be afforded a full opportunity to prepare for, obtain, maintain, advance in, or re-enter Competitive Integrated Employment (CIE).

The signing of the law was a Bipartisan act and was the reauthorization of the Work Investment Act (WIA) of 1998. Larger part of the law brings the workforce together and align the system for Workforce activities. As for VR it intends those individuals with disabilities must be afforded a full opportunity to prepare for, obtain, maintain, advance in, or re-enter Competitive Integrated Employment (CIE).

Competitive Integrated Employment (CIE) is defined as:

- Full or Part Time employment, including self-employment
- Minimum wage or higher (*competitive*)
- Location and interaction with others to the same extent as others in the workplace (*integrated*)
- Opportunity for advancement

A STUDENT with a disability is defined as:

- Up to age 21 (or 22 per NRS 388.5223), *and*
- Is in an educational program, *and*
- Eligible for or receiving Special Education Services under the IDEA *or* meeting the definition of IWD under Section 504 of the Rehab Act

A YOUTH with a disability is defined as:

- Up to age 24

WIOA, Section 511 is defined as:

- Limitations on the Use of Subminimum Wage (34 CFR Part 397)
- Effective on July 22, 2016
- Imposes limitations on EMPLOYERS who hold special wage certificates, commonly known as 14(c) certificates in the Fair Labor Standards Act (FLSA).

This specific regulation has the greatest impact on Youth because:

- Certification from VR is needed prior to a youth working for an entity who holds a 14(c) certificate and paying less than minimum wage
(The State of Nevada has a two-tier minimum wage system based on qualifying health benefits being offered to employees. For the period covering July 1, 2022, through June 30, 2023, the minimum wage rate is \$9.50 per hour if the employee is offered qualifying health benefits, and \$10.50 per hour if the employee is not offered qualifying health benefits).

Subminimum Wage – YOUTH requirements:

- Youth wanting Subminimum wage jobs must complete the following:
 - Receive Pre-Employment Transition Services (Pre-ETS) (if a student with a disability),
 - Apply for and been determined ineligible for VR services,
 - Been provided Career Counseling, Information & Referrals (CCI&R) to other public programs that allow the experience of CIE
 - Been working toward an employment outcome in a VR IPE for a “reasonable period of time” without success
- VR must document these services & provide copy to client
- VR must provide follow-up information & referrals at intervals of 6 months the first year, and annually thereafter for the life of the individual’s placement in a subminimum wage job.

Referrals can take place by one of the below steps:

- VR now has an online application process (<https://detr.nv.gov>)
- Referrals sent through email (referralinfo@detr.nv.gov) are not applications for VR services
- Applications for VR services should be processed through the online application process

- Referrals are received from the Regional Center (DRC). Referrals are tracked as to how many individuals are receiving information about service. We can send information to individual's requesting information on VR services through an online referral email.

- Regional Centers Service Coordinators present the "Have you thought about a job" form during the client's annual person-centered meeting. The completed form is then email to the VR referral email.

- The client will be contacted by VR staff to inform them on how to apply for VR services through the online application.

- VR assesses the eligibility of all individuals who apply for VR services.

- VR is an eligibility program rather than an entitle program.

- Clients can be held to apply for VR services to maintain other social/human services.

Types of Referrals:

- Youth in school
- Youth out of School
- Adults in community-based employment (SE)
- Adults in subminimum wage employment
- Adults in day habilitation programs
- Adults not employed

Youth in School

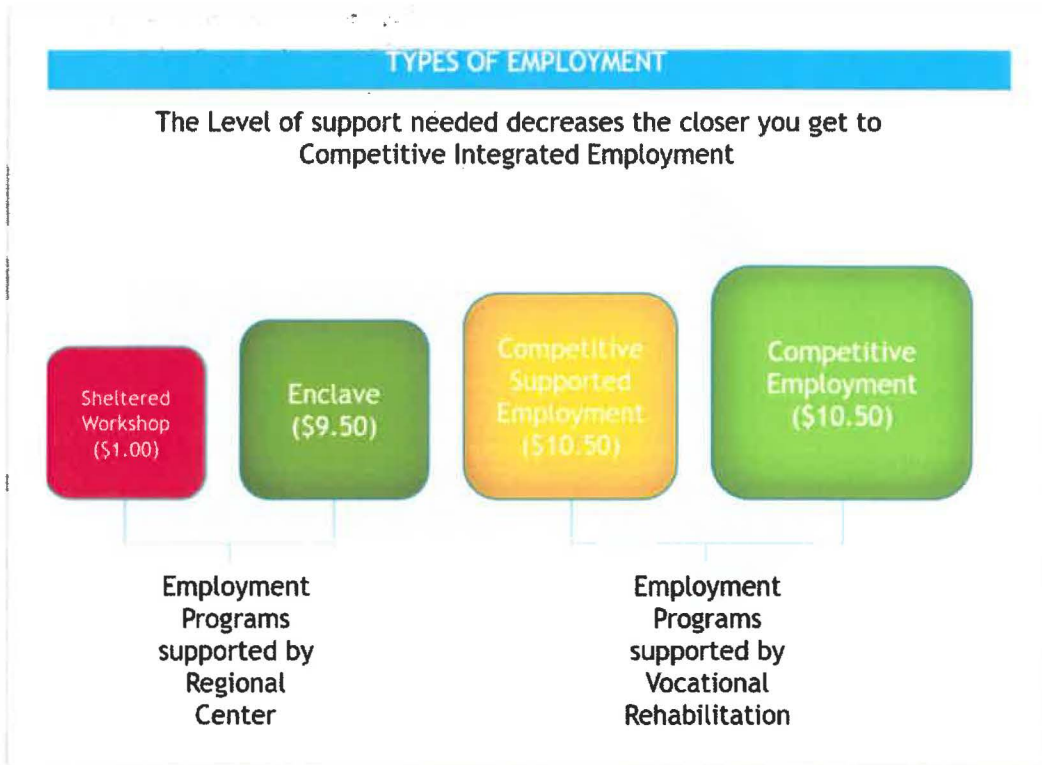
- Age 16 - 21
- Termed "Students with a disability"
- Enrolled in Nevada high school and receiving IDEA services (in an IEP or 504 Plan)
- Post-Secondary Program (e.g. PACE, POST, Job Discovery I or II)

Youth out of School

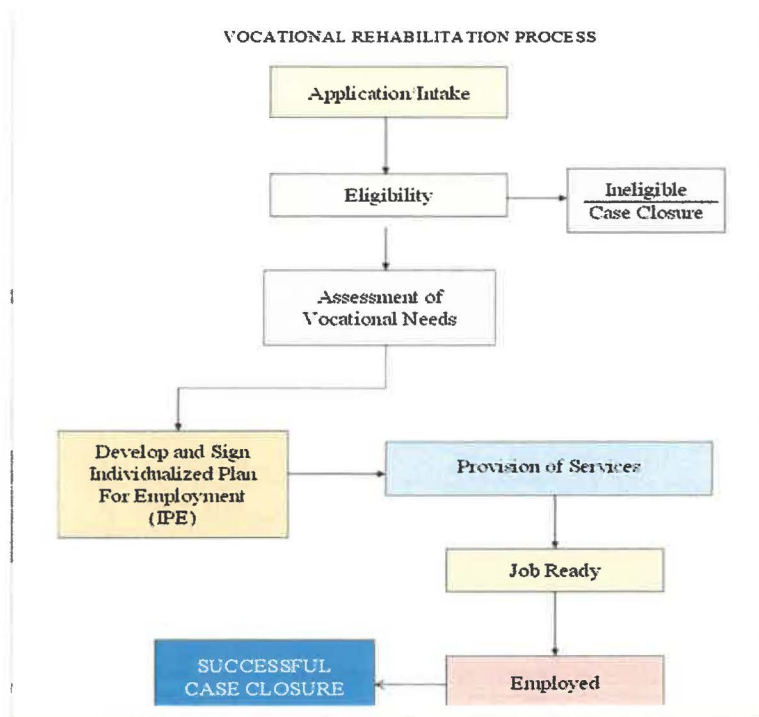
- Aged 22 – 24
- Termed "Youth with a disability"
- Aged out of the school district **OR** not planning to re-enroll

Adults

- Regardless of the type of program the client is participating in (community-based employment, supported employment, sheltered workshop, or day program paying no wages), clients are considered **adults at the age of 25**
- Adults **do not** require a certificate prior to entering subminimum wage employment



The Sheltered Workshops or Enclave employment which are supported generally by the Regional Centers. Competitive Supported Employment and Competitive Integrated Employment are supported and funded by the VR program. The level of support needed on a job decreases the closer an individual gets to Competitive Integrated Employment. Some additional supports may be needed on the job but are not as intensive while on the job as those in Sheltered Workshops. Job coaching fits into all of the areas of employment. Job coaching would be paid for by VR in the Competitive Supported Employment as well as in the Competitive Integrated Employment. The Regional Center would typically pay for job supports and supervisors for the Sheltered Workshop and the Enclave employment jobs.



VR process from start to finish.

Step One: Client Contact will be given to the information on how to apply to VR services using the online application process.

Step Two: Application Processed, once application has been processed the client will be scheduled for an Intake with a VR counselor.

Step Three: Assessment of Eligibility timeframe is 60 days. During this time, we are collecting information for the VR services to see if client meets eligibility requirements. During this time Initial Career Counseling and Information & Referral Services (CCI&R) are provided. Informs client of the different levels of employment and what are the best choices for them in their readiness and desire for Competitive Integrated Employment along with the different levels of support for the types of services provided.

Certificates of Youth Entering Employment at Subminimum Wage

- Normally are provided at this stage in the VR process
- **Cannot** be provided if:
 - Client or legal guardian refuses to attend an intake appointment to receive CCI&R
 - Client or their legal guardian refuses Pre-Employment Transition Services (Pre-ETS) if a student with a disability
- Also, cannot be provided at the time of the intake appointment.
- If the client is not able to participate in the eligibility process because of the severity of the disability, absence of safety skills, etc. the subminimum wage certificate can be provided 30 days after the intake process.

Subminimum Wage Certificates

- VR is the only entity who can provide this certificate
- Certificates are provided to the client and/or their legal guardian
- VR case is closed after certification is provided

Step 4: AVRN (needs assessment)

- Timeframe: 90 days
- Purpose of the Needs Assessment is to determine the following:
 - Readiness of Competitive Integrated Employment
 - Employment Goal
 - Nature and Scope of VR services

- VR achieves the above by completing various assessments
 - Medical
 - Psychological
 - Situational Work Assessments / Community Bases Assessments
 - Vocational Testing

Step 5: Individualized Plan of Employment (IPE)

- A mutually developed plan between the participant and VR that identifies the employment goal and the services/goods needed for the participant to achieve the goal

Step 6: Provisions of Services

- Supported Employment (SE)
- Job Development & Job Coaching

Step 7: Employment

- In SE cases, Counselors will be notified once the participant has been hired at least 45 days prior to the transition of the counselors supported long term support (extended services; long term job coaching)

Over the past year there were 80 referrals from the Regional Center. Certificates issued for Subminimum Wage employment for youth were 19. Individuals that received Career Counseling Information & Referral (CCI&R) Services was 791.

Ms. Childers indicated that challenges continuing as VR rebounds from Covid, long term staff vacancies, VR is looking for qualified individuals to work with the complex cases we receive for services from the Regional Center. Low resources for the needed assessments to help provide the quality of services to individuals in the program impacts the services the client receives for employment. Youth coming out of schools who have little to no work experience or the lack of experience to find out what they would be successful at in the work field. We are lacking the resources to help in exploring the necessary assessments. We are open to suggestions on how to get the needed assessments, and the ability to meet and bridge some of these gaps.

Jack Mayes congratulated the program in helping individuals to eliminate the Subminimum Wage Certificate and getting individuals into competitive employment. Nationally. Opportunity Village has made a choice to not offer Subminimum Wage jobs in the state and that has helped transfer people into the Supportive Employment. Mr. Mayes would like to see the council updated on this process during the NSRC Meetings.

7. **OTHER REPORTS**

Jack Mayes, Executive Director of the Nevada Disability Advocacy and Law Center (NDALC) presented updates on the Client Assistance Program (CAP). Mr. Mayes mentioned they are finalizing the year-end report for the year and while provide updates at the next NSRC Meeting. One issue of concern by CAP staff was post-employment services, are not being provided and the concern over the client receiving a job and having to start the application process over to received post-employment services, if needed, and having to wait up to 90 days again.

Ms. Childers addressed the issue of concern, Rehabilitation Services Administration (RSA) send out a FAQ in March 2022 document implementing the guidance on Post Employment Services. Prior to existing the program, the services would be provided to employed clients while in the VR Program. Historically, VR would provide Post Employment Services once the case is closed and if the client is in jeopardy of losing the job. We had to change the guidelines due to the Federal Guidelines set out by the RSA. We are closing cases after the participants has received all of the Post Employment Services, we feel they need even if

after the 90 days of successful employment. We are trying to expedite the new applications for clients whose cases are closed if they need services.

Mr. Mayes shared MGM Resorts is looking into implementing training over the next 5 years to more individuals with autism spectrum disorders. Mr. Mayes wanted to know if VR is aware of the program or if they are working with MGM to help provide services.

Ms. Childers indicated that VR is aware and is working with MGM to implement some sort of partnership, information will be shared as a follow up later.

Dawn Lyons, Executive Director of the Nevada State Independent Living Council (NSILC) presented updates and provided information on the Colorado Employment Model which is in progress for a training at a later date. SILC received some information that their funding will be extended for another Fiscal year and will be using same plan until Fiscal year 2024. Home Care Standards Board is working on same issues as SILC. Outreach program in school of disability awareness is moving forward at a good pace.

8. **OPEN MEETING LAW TRAINING**

Chricy Harris, Deputy Attorney General, presented the Open Meeting Law training.

Applicability of the Open Meeting Law (NRS Chapter 241)

- The OML applies to meetings of public bodies.
- "Public Body" is defined as "Any administrative, advisory, executive or legislative body of the State or a local government consistent of at least two persons which expends or disburses or is supported in whole or I part by tax revenue including Subcommittees.
- "In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.
- "The exceptions provided in this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers."
- The spirit and policy behind the OML favor open meetings and any exceptions thereto should be strictly construed.

Open Meeting Law Requirements

- **Agenda:** Must provide full notice and disclosure of discussion topics and any possible action.
- **Decisions:** Deliberation and action(s) must be properly noticed and taken openly. Action is only taken by the body as a whole. Members have no additional decision-making powers and may only speak on behalf of the body if authorized to do so during an open meeting.
- **Subcommittees:** To the extent a multimember group is appointed by a public body and given the task of making recommendations to that public body, that group is also a "public body".

What is a meeting? NRS 241.015 says:

- **Quorum** of members of a public body gathering with:
- **Deliberation** toward a decision; and/or
- **Action:** which means making a decision, commitment or promise over a matter within the public body's supervision, jurisdiction, control, or advisory power.
- A quorum is a simple majority of the total body; action requires majority vote of members present.

- A gathering of a quorum at a social function is **not** a meeting as long as there is no deliberation or action.
- An attorney-client conference on potential and existing litigation is **not** a meeting as long as there is no action.
- Serial communications or “walking quorums” can constitute a constructive meeting.
- A constructive quorum can exist with less than a quorum speaking together at any given time if opinions are relayed between members.
- Email pitfalls – “Reply all” email chains can constitute a meeting.

Meeting Notice and Agenda: NRS 241.020

- Time, place and location and meeting
- List of locations posted
- Agenda consisting of a clear and complete statement of the topics scheduled to be considered
- Action items clearly denoted as “for possible action”
- Public comment at beginning/end for before any action item
- Posted at office of the public body or location of meeting and 3 other separate, prominent places within Nevada
- Posted at public body website and at www.notice.nv.gov
- Posted no later than 9am of the third working day before the meeting
- Agenda items must be clear and complete
- A higher degree of specificity is necessary for topics of substantial public interest
- Name and contact information for person the public may request supporting materials from and locations where the supporting material is available
- If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person
- If the public body will consider whether to take administrative action regarding a person, the name of the person
- Notification that items on the agenda may be taken out of order, may be combined for consideration, and may be removed from the agenda or delayed for discussion at any time
- Any restrictions on comments by the public
- Public bodies shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.
- Notice to persons who have requested notice of meetings pursuant to NRS 241.020.
- Additional notice requirements for consideration of character, misconduct, competence, or physical or mental health: 5 days personal service or 21 days certified mail.
- An emergency meeting may only be called where the need to act upon a matter is truly unforeseen and circumstances dictate the immediate action is required.
- One copy of the agenda, any supporting materials, and the recording of a public meeting must be provided at no cost to a member of the public requesting them and at least one copy made available at the meeting.
- Supporting materials must be available to the public when provided to public body members.
- Meeting must be recorded or transcribed.
- Minutes must be kept in conformance with NRS 241.035 and include:
 - Date, time, and place of meeting;
 - Members in attendance;
 - Substance of all matters proposed, discussed or decided, and
 - Substance of remarks made by any member of public or their written remarks if requested.

Exceptions – NRS 241.030

- Closed sessions may be held to by any public body to consider:
 - Character;
 - Alleged misconduct;
 - Professional competence;
 - Physical or mental health of a person;
 - With some exceptions, or to prepare, revise, administer, or grade examinations administered on behalf of the public body; or
 - To consider an appeal by a person of the results of an examination appeal by a person of the results of an examination administered on behalf of the public body.
- Closed sessions may **NOT** be held:
 - To discuss the appointment of any person to public office or as a member of a public body.
 - To consider the character, alleged misconduct, or professional competence of an elected member of a public body, or a person who is an appointed public officer or who serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position.

Public Comment Pitfalls

- Restrictions must be reasonable “time, place, and manner”. This means NO:
 - Halting comment based on a viewpoint of speaker;
 - Halting comment upon belief defamation is occurring; or
 - Halting comment critical of a public official.
 - However, presiding officer may halt comments that become unduly repetitive or that stray from the scope of a specified agenda topic for which comment is offered, or halt conduct that is willfully disruptive.
 - The OML does not “prevent the remove of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.

Violations of the OML

- Actions taken is violation of the law are void.
- The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML.
- When a violation of the OML occurs or is alleged, the OAG recommends that the public body made every effort to promptly correct the apparent violation.
- Although it may not completely eliminate the violation, corrective action can mitigate the severity of the violation and further ensure that the business of government is accomplished in the open.
- Corrective action is prospective only.
 - Corrective action requires that the public body engage in an independent deliberative action in full compliance with the OML.
 - A public body must clearly denote that corrective action may be taken to a meeting by placing the term “for possible corrective action” next to the appropriate agenda item.

Using Technology for a Meeting

- Quorum of a public body using serial electronic communication to deliberate toward or make a decision violates law.
- If technology is used to convene a quorum for a public meeting:
 - There must always be a physical location for members of the public to attend the meeting.

- All the members of the public body and the members of the public who are present at the meeting must be able to hear or observe and participate in the meeting.
- That technology must not be used to circumvent the spirit or letter of the OML.

Additional Points

- Meeting held to recognize, or aware positive achievements of a person is not subject to the notice requirements of NRS 241.033.
- The OAG will not investigate complaints about alleged violations that occurred more than 120 days before the complaint was filed, unless: (1) Violation was not discoverable at the time the violation occurred, and (2) The alleged violation did not occur more than 1 year prior to the complaint.
- The OAG has authority to decline to investigate if it determines that the interests of the complainant are not significantly affected by the alleged violation, unless:
 - Complainant would have standing in a court of law, and
 - Complainant is (1) a natural person who resides in the jurisdiction of the public body; or (2) a non-government entity with a mission to foster or promote transparency in government.
- If a member of public body relies on legal advice, no criminal penalty or administrative fine may be imposed.
- Disclosure and abstention prior to consideration of a topic in conformance with Ethics in Government Law. Abstain only in a clear case where the independence of judgement of a reasonable person in your situation would be materially affected by the conflict of interest disclosed.

Mr. Mayes had a question of video being on during the meeting and the chat features.

Ms. Harris indicated that the main concern with the chat and speaking to other members about an agenda item and the public can not see the chat. We ask members do not speak on the chat features during the meeting as a safeguard. Avoid the appearance of looking down on your phone as not to appear as a OML violation to others. Trying the video off during the meeting is not a violation as long as you are still in the meeting and have not left. Having a DAG present will help with keeping down the violations. I am present and take notes on that is going on in the meeting as a reference if a complaint is filed. Being physically in the meeting helps in my own personal account as an eyewitness. Makes it easier to dispose of any false complaints.

9. EFFECTIVE COMMUNICATION TRAINING

Dale McWilliams, Vocational Rehabilitation Training Officer presentation was cancelled at the last minute. Mr. McWilliams will be sending out the link for the Effective Communication to the council member to view on their own time and for feedback to be provided at next NSRC meeting.

10. DIVISION REPORT

Brett Martinez, Division Deputy Administrator of Operations presented updates on the VR Budget Building Process right now for the next biennium 2024 – 2025. As of today, the budget has been submitted and still confidential. Once the governors recommended budget comes out in December it will be available to the public. As for Federal Funding for FFY2023 we have received our grants awards from the Rehabilitation Services Administration (RSA). We are in your second year for the State funding, for the next 9 months we are covered for funding. Next quarter we will be able to talk about the State Budget. Staffing issues 22% vacancies rate in BSB, 20% in VR we are still dealing with quite a few vacancies. We currently have 15 recruitments going, 9 counselors, 1 rehab tech. We are hiring some operations staff, accounting assistants, quality control specialist, program officer. We are very busy with all of the details to hires the staff needed to fill the vacancies. We have lost about 10 staff in the last 6 months but have had 14 new hires. The vacancies seem high, but all the state agencies are around the same in vacancy rates.

Mr. Mayes asked where to be directed, since the budget numbers are online, and Mr. Martinez mentioned he can not talk about them. The state budget is posted on the state website for the upcoming budget. My basic question is the budget planning specific to Disability Benefits 101?

Mr. Martinez shared there is budget planning for the start of State Fiscal Year 2024 which starts on July 1st of 2023. We have requested as an enhancement in the budget.

Sheena Childers, VR Bureau Chief presented updates on requests for a Fair Hearing since September. There have been 3 requests received. 2 of which have been rescinded. The participant has requested or cancel the request for the Fair Hearing. The remaining request has been scheduled with the Fair Hearings office and as of today has been rescheduled to November 8th and postponed.

Caseload size in the month of September the average caseload size is 83 between VR and BSBVI. In August the average case load size back then was 84, so we're trending down. Current active caseloads in VR and BSBVI are 2944.

4th Quarter NSRC Goals and Performance measure is for October 1st, 2021, through September 30th, 2022.

Goal #1 Increase Number of Successful Employment Outcomes. At the end of the year, we have achieved 552 successful employment outcomes. Our goal is 550 we reached our goal.

Goal #2a Increase Participation for Students with a disability in VR Transition Services. Total Transition Student Applications is 772 we have exceeded our goal of 200 students. We have surpassed and meet this goal.

Goal #2b Increase Participation and Increase Successful Outcomes of Students with a disability in VR Transition Services and Postsecondary Education. Column A Transition Students with an Employment Outcome is 148. Column B Transition Students with Postsecondary Education is 83. Column C Total of Measurable Skill Gains for Open cases is 356. Column D is Total Number of Measurable Skill Gains for Closed cases is 255. Columns added together the total is 842 our goal is 300. We have surpassed these goals.

Goal #2c Increase Participation and Ensure Students with a Disability receive Appropriate Pre-Employment Transition Services (Pre-ETS). We had 617 our goal is 500 so the goal was met.

Goal #3a Increase Participation of Supported Employment Consumers in VR. We look at Column C which is division of Column A Total Open Supported Employment Consumers (448) by Column B Total Open Non-Supported Employment Consumers (1768) equals 25% with our goal of 35%. Goal was not meet we have considerable work to do to meet this goal.

Goal #3b Increase Successful Outcomes of Supported Employment Consumers in a Competitive, Integrated Setting. Column A Supported Employment Consumers Closed with an Employment Outcome of 117 with our goal of 100. We have met this goal.

Goal #3c Increase Successful Outcomes for Students with a Disability Who are also Supported Employment Consumers in Competitive Integrated Setting - Outcomes. Are focus being on Column D Students with a Disability and Who are also Supported Employment Consumers Closed with an Employment Outcome 50. Column E Students with a Disability (Not Supported Employment Consumers) Closed with an Employment Outcome 98. Dividing Column D by Column E we had 51%, are goal is 40% which we met this goal.

N.S.R.C. Meeting Minutes
November 1, 2022

Goal #4 Collaborate with other Resources to Support Participants with Mental Health Disabilities to Obtain and Maintain Successful Employment. In Column C we had 561, in Column D we had 31% Are percentage in this goal was 31% with our goal of .40%. We have work to do in this goal to meet for next year.

Goal #5 VR Staff Retention Efforts as a Reflection of Employee Satisfaction & Positive Work VR Culture. First year of collecting data We currently have 37 VR counselors, 31 Rehabilitation Technicians, 2 Retired from State service, 20 Transferred Agencies or Resigned, average tenure is 3 years. 29% Negative Turnover for your first year of recording data.

Ms. O'Neill asked about the timeline for a Fair Hearing request and scheduling once a request is received by VR.

Ms. Childers informed the timeline from receiving, scheduling, and responding to a Fair Hearing is 60 days. Turnaround time from initial receiving a Fair Hearing request is 1 – 2 business days.

Mr. Fernandez mentioned the Fair Hearings Office is the one responsible for all of the scheduling for the requests. There is a backlog and the hearings or being scheduled out a bit farther than normal, with the amount they have and also being short staffed. Postponements can happen if the date for the hearing is not in agreement with the client's availability requesting the hearing.

11. **COMMENTS BY THE COUNCIL**

Ms. O'Neil asked for any comments from the council or, future agenda items to be discussed. VR Budget for 2023 will be added to next NSRC Meeting agenda.

12. **SECOND PUBLIC COMMENT**

Ms. O'Neil opened floor for second Public Comment. There was none.

13. **ADJOURNMENT**

Alex Goff moved to adjourned meeting, Jack Mayes seconded the motion. Ms. O'Neill adjourned meeting at 12:04 p.m.

Edited By:

Javier Fernandez

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

Approved By:

Raquel O'Neill

Raquel O'Neill, Chair