

**NEVADA STATE REHABILITATION COUNCIL (N.S.R.C.)**  
**MEETING MINUTES**  
September 22, 2020

Teleconference only

**COUNCIL MEMBERS PRESENT:**

Kacy Curry  
David Nuestro  
Shelley Hendren  
Judy Swain  
Rebecca Rogers  
Mary Brabant  
Alison Stephens  
Raquel O'Neill

**COUNCIL MEMBERS ABSENT:**

None

**GUESTS/PUBLIC:**

Jack Mayes, Nevada Disability and Law Center  
Steven Cohen, Public  
Julie Weissnan-Steinbaugh, Public

**STAFF:**

Justin Taruc, Deputy Attorney General  
Sheena Childers, VR Bureau Chief  
Matthew Dorangricchia, VR Northern District Manager  
Mechelle Merrill, VR Deputy Administrator of Programs  
Marla Robinson, Administrative Assistant  
Javier Fernandez, Administrative Assistant  
Lacie Warren, VR Business Processing Analyst  
Rosa Mendez, DETR Public Information Officer  
Faith Wilson, VR Quality Assurance  
Elisa Cafferata, DETR Director

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

Kacy Curry, Chair called the meeting to order at 9:04 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 during the meeting. Public comment attached at end of minutes. Roberts Rules were recently updated, and he suggested the council update its Bylaw's accordingly. Additional comments were made regarding the meeting materials.

Ms. Curry introduced the newest member to join NSRC. Raquel O'Neill who comes from Blind connect and fills the current vacancy of a former VR client. Ms. O'Neill thanked the council for the warm welcome and is looking forward to working with the council.

3. **APPROVAL OF THE MAY 12, 2020 MEETING MINUTES**

Ms. Curry began the discussion by asking the NSRC Liaison Javier Fernandez to announce the agenda item and ask the council if there were any corrections, modifications or changes to the May 12, 2020 meeting minutes. David Nuestro made a motion to approve the minutes as written with no changes. Mary Brabant seconded the motion. All in favor, none opposed, non-abstained, motion carried, minutes approved.

4. **PROPOSED 2021 NSRC MEETING SCHEDULE**

Ms. Curry began by reviewing the proposed 2021 NSRC meeting schedule. The proposed dates and times were Tuesday, February 9<sup>th</sup> at 9am, Tuesday, May 4<sup>th</sup> at 10am (in person in Las Vegas), Tuesday, July 13<sup>th</sup> at 10am for the State Plan Subcommittee meeting (in person in Las Vegas), Tuesday, September 14<sup>th</sup> at 9am (in person in Las Vegas), Tuesday, November 9<sup>th</sup> at 9am.

Shelley Hendren, Rehabilitation Division Administrator recommended the (in person) meeting date and time be changed from Tuesday, May 4<sup>th</sup> at 10am to 9am, to Tuesday, September 14<sup>th</sup> at 10am (in person). Due to no available travel funds for the current fiscal year for VR staff to travel. Also, if the current pandemic continues.

Alison Stephens made a motion to approve the amended proposed dates and times as discussed. Rebecca Rogers seconded the motion. All in favor, none opposed, non-abstained, motion carried, schedule approved.

The new dates for 2021 NSRC meeting schedule will be:

Tuesday, February 9<sup>th</sup>, full council at 9am

Tuesday, May 4<sup>th</sup>, full council at 9am

Tuesday, July 13<sup>th</sup>, State Plan Subcommittee meeting at 10am (in person in Las Vegas)

Tuesday, September 14<sup>th</sup>, full council at 10am (in person in Las Vegas)

Tuesday, November 9<sup>th</sup>, full council at 9am

(the in-person meetings will be subject to the current pandemic travel restrictions and available agency funding)

5. **NSRC ORIENTATION / MEMBERSHIP UPDATE**

Shelley Hendren, Rehabilitation Division Administrator and Mechelle Merrill, Division Deputy Administrator of Programs presented the Membership update followed by NSRC Orientation. Ms. Hendren began the membership update with advising the council to be familiar with the Bylaws that govern the council. Raquel O'Neill was recently appointed in the position of Former VR client. Joshua Baker resigned as a Disability Advocate, so this vacancy now exists. A long-standing vacancy Native American (American Indian) section 121 VR program this is for tribal members who have applied and received the Voc. Rehab. grant. There is a vacancy for the Department of Education. C.J. Fields has been recommended for this position. VR Counselor position is vacant. One of VR's counselors, Steve Icamen has applied for this position. The Client Assistance Program vacancy, Jack Mayes has applied. Workforce Development Board is vacant. 3 vacant Business, Industry & labor positions. Jessica Jolly from Sephora has applied for one of the vacancies with no updates yet on her application status.

Ms. Merrill began with the orientation. The agency is comprised of 2 bureau's The Bureau of Vocational Rehabilitation (BVR) and The Bureau of Services of Persons who are Blind or Visually Impaired (BSBVI). VR's Vision Statement is (A skilled and inclusive Nevada Workforce). VR's Mission Statement is (Actively engaging with Nevada businesses to understand their employment needs; and creating innovative programs that develop the strengths, priorities and talents of individuals with disabilities, ensuring that Nevada works for everyone). Our goal is competitive, integrated employment for people with disabilities

that meet the needs of Nevada's employers. 41.1% of people with disabilities in Nevada, aged 22-64 are employed.

Why does Vocational Rehabilitation Matter? There are roughly 327,139 who are working age Nevadan's with disabilities between the ages of 21-64. In the general population 78.6% of those without disabilities are employed. People with disabilities are employed at 41.1%. Of all individuals with disabilities who are employed over 71% do not have full time status. 58% of primary disabilities are mental health. People with disabilities constitute the nation's largest minority group as well as the only group that any one of us can become a member of at any time.

VR currently has 13 offices statewide; most are co-located within a Job Connect Office. VR has 130 employees statewide. 50 Rehabilitation Counselor positions statewide and the majority hold master's degrees and are certified rehabilitation counselors.

VR currently holds an average of about 80 cases per counselor, which can become a challenge at times. Most consumers pay nothing for VR services; however, VR does apply a needs test which mandates financial participation for income exceeding 250% of the poverty level.

**Eligibility Criteria:** The individual must have a physical or mental impairment, diagnosed by a qualified medical professional. The impairment must result in a substantial impediment to employment. The individual requires VR services to secure employment. The individual can benefit from services and they are able to legally work in the United States. If receiving Social Security benefits for disability, presumptive eligibility.

**Process to Receive Services:** The individual must submit an application. Complete an intake. The individual will have an eligibility determination within 60 days or an extension if additional information is needed. The individual will participate in vocational and other assessments. The individual and the counselor will discuss employment goal and create a plan to achieve it. The Individualized Plan of Employment (IPE) must be established within 90 days of your eligibility determination. The provision of services will depend upon the client's plan in order to achieve the goal. Once the individual is most ready for employment, they are deemed job ready VR works with them to attain employment. After employment is achieved, the case is monitored for a period no less than 90 days. After this time the case will be considered successfully closed and post-employment services are discussed with the individual if anything additional is needed from VR that it is provided. The Ticket to Work program would also be discussed with the individual.

**Some Customary Services VR provides:** Assessment of job skills & abilities; Career Counseling & Guidance; Community-Based Assessment & On-The-Job paid training; Vocational training, certificate programs, college education; licenses, tools, equipment, uniforms & supplies for work; Orientation & Mobility Training; Assistive Technology for the workplace; Physical and Mantel "Restoration"; Interpreters; Job Coaching; Job Development & Job Retention services.

The Workforce Innovation & Opportunity Act (WIOA) and its effect on BVR and BSBVI. Signed into law on July 22, 2014. This regulation and its implementing regulations are designed to strengthen and improve the nation's public workforce development system and help Americans with significant barriers to employment, including individuals with disabilities into high quality job and careers and help employers hire and retain skilled workers. It has had a tremendous impact on VR and BSBVI. The WIOA core programs include: Title I (U.S. Department of Labor Workforce Development and One-Stop System. Title II (U.S. Department of Education) Adult Education and Family Literacy Act program. Title III (U.S. Department of Labor) Wagner-Peyser Employment Service program, ESD. Title IV (U.S. Department of Education) State Vocational Rehabilitation Services program. Within Title IV there were new mandates given to VR by WIOA. It created

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the requirement for common performance measures across all four programs. All four also must create a Unified State Plan where all 4 titles must contribute to the plan on how their programs have done and share their goals. It provided Pre-Employment Transition Services which has been a huge impact especially for transition students. Regarding Subminimum Wage it requires VR to provide Career Counseling, Information and Referral services at least annually to all individuals receiving subminimum wage. New definitions were also created. A student is defined as up to age 22; in a Special Education program or a 504 program. A youth is defined as up to age 24. Competitive Integrated Employment someone earning minimum wage or higher, and at a location where employee interacts with others to the same extent as someone without a disability interacts in the workplace.

Common Performance Measures there is a great emphasis on postsecondary skill gains and credentials. The achievement of identified skill gains and credentials for clients. Employment and longevity on the job and earnings is another way VR's program is measured.

Pre-Employment Transition Services. VR received a federal grant called the 110 grant. 15% of section 110 grant funds must be kept in reserve to provide the 5 required activities under the Pre-Employment Transition Services. They include: Job Exploration Counseling. Counseling regarding postsecondary education and training programs. Instruction in Self-Advocacy. Work-Based Learning Experiences. Workplace Readiness training (social skills and independent living skills). An individual is not required to have an open case with VR to receive these services. These services are geared toward helping that young person make the most informed decisions about their future.

Sub-Minimum Wage. VR no longer allows individuals to choose to go into sub-minimum wage settings. This has changed with WIOA. If a student selects to go into a sub-minimum wage setting. VR requires a youth to apply for VR services; have an IPE; work toward employment for a "reasonable period of time;" receive Career Counseling, Information & Referral services. VR must document these services & provide to consumers. VR must provide follow-up information & referrals at intervals of 6 months the first year, and annually thereafter. Adults and those already in sub-minimum wage job – VR must provide information & referrals annually & maintain records.

Ms. Hendren begin the second portion of the orientation by reviewing BVR and BSBVI Funding Sources. VR is funded by receiving a formula funded federal grant that is based on wages in the state and population. The grant received in Federal Fiscal year 2019 was 28.3 million dollars. For Federal Fiscal year 2020 the grant received was 28.5 million dollars. For VR to draw down and spend those federal funds the expectation is the state will match those withdrawn funds. Match can be any form of non-federal funds. The current match amount is 21.3% of non-federal match to draw down 78.7% of federal funds almost a 1 to 4 match. In simple terms a quarter gets you a dollar. Sources of Matching funds include: General Fund, Business Enterprises of Nevada program (BEN), Healthy Nevada Funds (a state competitive grant), Independent Living (this program has been moved to Health & Human Services), Third Party Cooperative Arrangements (partnerships with other government entities), Cost Allocation.

Federal Funds Re-allotted because of the size of the federal grant and the lack of matching funds VR is unable to match a portion of the grant. There is a formal process to return those funds back to the federal government so they can give it to other states who can expend it. It's called the re-allotment process.

Return of 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 the client.

Partnerships that VR has with businesses: The top 5 industries that individuals with disabilities achieved employment in Federal Fiscal Year 2019. Sales & Service Workers, Stock & Material Movers, Clerical/Administrative Support, Food Service Workers, Health Care/Medical Industry. VR collaborates with

businesses. VR provides disability 101 training to Employers. VR funds soft skills instruction. VR may fund candidates' wages during the on-the-job training or internships opportunities through 3rd party staffing agencies. Employer provides work locations in Nevada, and specific job training and expertise. VR offers employers access to a large talent pool of qualified individuals with disabilities. It's a cost savings to employers. VR offers recruitment and retention services, workplace Accessibility, education and Training on Disability Issues, partnerships/apprenticeships/on-the-job training.

### **NSRC Membership Responsibilities**

Ms. Hendren began the 2<sup>nd</sup> portion of her presentation on this agenda item pertaining to NSRC membership and responsibilities. Title 34 Code of Federal Regulations (CFR) 361.16 & 361.17 speaks specifically about the State Rehab. Council responsibilities which include: Apply and receive an appointment by the Governor. Attend quarterly meetings. Volunteer for subcommittees. Assist with filling member vacancies. Refrain from voting on any matter that would be a conflict of interest. Members are to ensure their understanding of Nevada's Open Meeting Law and Robert's Rules for public meetings. Ensure understanding of By-Laws. Ensure understanding of Title 34 CFR 361.16 & 361.17. Jointly submit an Annual Report. Jointly develop and review annually VR's program goals and priorities, strategies and performance measures for the State Plan submission. Assist with reports & Needs Assessments. Review and analyze consumer satisfaction (survey instrument). Provide consultation to VR in developing, Implementing and Revising VR policies & procedures. Review VR's performance related to eligibility; to the extent of the scope & effectiveness of services; and ability of the VR program to accomplish its mission.

### 8. **OTHER REPORTS**

Jack Mayes, Executive Director of the Nevada Disability and Law Center (NDALC) reported on the Client Assistance Program (CAP). Because NDALC is a non-profit they are exempt from the Governor's executive orders of closure. Staff are working remotely and in the office behind closed doors. Since October 1, 2019 to present they have received 82 service requests. The primary complaint is communication between the client and the counselor specifically due to the counselor not working in-office and client's not recognizing phone numbers as they are being called. Other complaints are that cases are being closed due to miscommunication between the parties. Ticket-to-Work reassignment to the employment network. Many of these issues are being resolved.

Benefits planning is being done with a pilot program in Las Vegas and they have conducted 2 trainings. They were disrupted by the pandemic. Additional trainings will be arranged. Deaf community has reached out to NDALC regarding issues with Unemployment. A letter was sent to The Department of Employment, Training and Rehabilitation (DETR) asking for their assistance to address the issues and a special meeting was held to address the concerns.

Ms. Curry reported that the Statewide Independent Living Council (SILC) has been working in the special legislative session to ensure access. Workshops are being held and updates to the new website [www.nvsilc.com](http://www.nvsilc.com).

During this portion of the meeting Ms. Hendren introduced the new DETR Director, Elisa Cafferata and provided a short biography on Ms. Cafferata who then spoke. Ms. Cafferata joined DETR in August 2020. Focusing her efforts on the current Unemployment backlog of claims. Will be focusing on other areas in the future on how to help people return to work. She is looking forward to working with everyone.

### 6. **NSRC ANNUAL REPORT DRAFT**

Rosa Mendez, DETR Public Information Officer began her review of the proposed NSRC 2020 Annual Report draft and solicited from the council their comments, suggestion, corrections to the draft. The report is in a more geometric format. There was a "Thank You" page added to all those who have been assisting

during this unprecedented time. Pages 12, 13, 14 collaborations with VR's 3<sup>rd</sup> party cooperative arrangements Vocational Opportunities for Inclusive Career Education (VOICE) and Career Connect. These contracts were terminated as of July 1, 2020. The council agreed to include in the report. Page 31 fonts on map to be adjusted. Suggestion to label the pictures to ensure usage and accessibility with a screen reader. A suggestion was made to change the current colors throughout the report to go in harmony with VR's current colors of green and blue.

Allison Stephens made a motion to approve the format and content that VR staff and council members have made as discussed. David Nuestro seconded the motion. All in favor, none opposed, non-abstained, motion carried and draft approved.

7. **PROPOSED CHANGES TO THE REHABILITATION DIVISION'S POLICY AND PROCEDURES MANUAL**

Faith Wilson, Rehabilitation Divisions, Quality Control Specialist II presented the following summarized changes:

**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. Changes were effective May 15, 2020 or earlier if specified in overview.

**Section 1: Authority, Mission, Equal Rights and Residency**

**Advocacy: Added:** The Division's interpretation of advocacy and advocate on behalf of individuals with disabilities as described in the Commission on Rehabilitation Counselor (CRC) Code of Ethics is to provide support, service coordination and empowerment. The Division's interpretation does not obligate the Division to represent individuals with disabilities in their relationships or dealings with third parties, whether the relationship or dealings are legal or otherwise. Note: Other references to advocacy, advocating, and advocate updated throughout the P&P to be in line with the Division's interpretation. Outcome for Mediation.

**Federal Common Performance Measures:** Added the six primary indicators of performance per Section 116 of Workforce Innovation and Opportunity Act (WIOA); including description and RSA TAC-17-01 for guidance on them:

- Employment Rate – 2nd Quarter After Exit
- Employment Rate – Fourth Quarter After Exit
- Median Earnings – 2nd Quarter After Exit
- Credential Attainment
- Measurable Skill Gain
- Effectiveness in serving employers

Workforce Innovation and Opportunity Act (WIOA)

**Mission, Vision, Core Values:** Rehabilitation Division updated Mission, Vision and Core Values

- Mission: Actively engaging with Nevada businesses to understand their employment needs; and 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.
- Core Values:
  - o Integrity Be fearless to do the right thing.
  - o Respect Treat others with dignity.

- o Commitment Show up with intention every day.
- o Accountability Do your best in your actions and decisions.
- o Transparency Be open, ethical and trustworthy.
- o Optimism Believe you can.

### **Section 8: Eligibility Determination for VR**

**Eligibility Extension:** Eligibility extensions are 30 days

- Eligibility extensions are to be completed for no longer than 30 days from the eligibility due date. However, in extenuating circumstances, additional 30-day extensions after the first 30-day extension may be completed with Rehabilitation Supervisor approval.

Ensures extensions are adequate and valid.

### **Section 10: Counseling and Guidance, Assessment of Vocational Rehabilitation Needs (AVRN) and Individualized Plan for Employment (IPE)**

**IPE extensions:** IPE development extensions are 30 days

- IPE development extensions are to be completed for no longer than 30 days from the IPE due date. However, in extenuating
- circumstances, additional 30-day extensions after the first 30-day extension may be completed with Rehabilitation Supervisor approval.
- Now processed in AWARE

Ensures extensions are adequate and valid.

**IPE Services:** Job Seeking Sills and Soft Skills references removed or changed to as applicable

\*\* Note: Other references to job seeking skills and soft skills updated throughout the P&P as necessary

Expand that IPE services are to remove barriers to enable participants to obtain and/or maintain employment. Job Seeking Sills and Soft Skills are no longer mandatory; however, still need to be addressed and provided if needed. Clarify the why behind services.

**References to removed forms:** Removed the references to forms being removed from policy

- Finalizing the IPE Goal: Factors to Consider Worksheet
- Determining IPE Services: Factors to Consider Worksheet

\*\*Note: Other references to the above worksheets updated throughout the P&P as necessary

Response to participants and counselor's thoughts that the forms are unconstructive and burdensome.

### **Section 12: Scope of Services Overview**

**One-time secondary service under \$200:** Remove one-time secondary service under \$200 waiver to not be included in the IPE. \*\*Note: Other references to the one-time secondary service under \$200 updated throughout the P&P as necessary. VR case management system will not allow this; if a good or service is not in the IPE after plan development an authorization can't be processed.

#### **Subsection 12.7: Vehicle or Home Modifications**

**Participant access to modified vehicle:** Reword vehicle modification checklist to stipulate the participant will have reasonable access to the vehicle for work related activities vs the duration of the IPE. Ensures participant has access to the modified vehicle.

#### **Subsection 12.8: Maintenance and Services to Family Members**

**Security Deposit:** Change security deposit to: Housing fees that are reasonable and within the law of the relocation area. Remove: "or charges for the initiation of utilities". Meet the needs of the individual based on the relocation area.

### **Section 15: Self-Employment**

**Business Enterprise of Nevada Program:** Changes to BEN. Added for VR to assist with business licensing fees, sales tax permit, health inspection fees and workman's compensation insurance fees for the operator, but not to exceed \$2,000. All other expenditures must adhere to procedures found in other sections of this manual, including Section 18. Decrease the financial burden on an operator.

**Agency/Outside Reviews of Self-Employment Plans:** Changes to the review requirements:

- Change that all self-employment plans will be reviewed by the Self-Employment Panel including those under \$2,000.
- Change Panel members to be Chief of Program Services, District Manager of the corresponding District, and Business Development Manager.
- If additional expenditures or services are required on the self-employment plan, it needs to be resubmitted to both the Self-Employment Panel and Committee for approval at the appropriate IPE Approval Limits (per section 18)  
Updates to the process for review:
- Documentation submitted 10 days prior to the panel meeting to the Administrative Assistant IV
- Panel convenes first Tuesday of the month
- RC, and as appropriate, participant and their representative will present the self-employment plan to the panel vs opportunity to participate
- The review panel will either approve it or not, if not, the plan will need to be re-submitted for reconsideration at a subsequent meeting
- After the Self-Employment Panel review and approval, the counselor will submit the case for Committee approval at the appropriate IPE Approval Limits (per section 18).

Ensures self-employment ventures are viable and plans are thorough. Streamline process, reduce timeframe, and increase participant and their representative participation.

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

**Goods \$4,999.99 or less:** Update: 3 quotes are required for goods \$4,999.99 and less. Required by State Administrative Manual (SAM) and Nevada Revised Statutes (NRS).

**Review of IPE's Prior to IPE Signatures:** Spending Authority and IPE Approval Limits

- Process tested and refined
- \*\*Note: Other references to Spending Authority and IPE Approval Limits updated throughout the P&P as necessary

Ensure expenditures and IPE services are appropriate and meet P&P requirements

Increase in spending authority levels effective 2/25/20 edits below:

**Spending Authority and IPE Approved Limits found in P&P Section 18 (pages 13-15).**

The following **two charts** delineates the requirements for a higher-level review of an IPE **before obtaining IPE signatures.**

| Job Title                     | Cumulative IPE (Costs to the Agency) Spending Limits |
|-------------------------------|--|
| New Rehab Counselor           | \$0*   |
| Rehab Counselor I, II and III | Up to \$19,999                                       |
| Rehab Supervisor              | Up to \$24,999                                       |
| District Manager              | Up to \$34,999                                       |
| Chief of Programs             | Up to \$39,999                                       |
| Deputy Administrator          | Up to \$49,999                                       |
| Administrator                 | \$50,000 and over                                    |

| Review Level   | IPE Approval Limits  |
|--|--|
| Committee<br>(Administrator, Program Deputy & Operations Deputy) | <ul style="list-style-type: none"> <li>Any plan \$40,000 or over</li> <li>Any graduate training seeking Master's Degree or any post-graduate training beyond a Master's Degree (doctorate level degrees)</li> <li>Any plan requiring a vehicle or residential modifications</li> <li>Any residential independent living programs, in or out-of-state</li> <li>Any Self-Employment Plan (after review and approval by Self-Employment Panel)</li> <li>Any plan including out-of-state travel</li> <li>Any 4-year <b>out-of-state college degree</b> plan which requests agency funds for tuition</li> <li>Any plan including assistance with initial costs to purchase a vehicle</li> </ul> |
| Bureau Chief<br>(if unavailable Program Deputy Admin)            | <ul style="list-style-type: none"> <li>Any plan \$35,000-39,999</li> <li>Any plan that includes purchase of a single good or service of \$8,000 or more</li> </ul>   |
| District Manager<br>(if unavailable Bureau Chief)                | <ul style="list-style-type: none"> <li>Any plan \$25,000-\$34,999</li> <li>Any 4-year college degree plan which requests agency funds for tuition</li> <li>Any plan that includes purchase of a single good or service over \$5000-\$7,999</li> <li>Any plan including long-distance in-state travel</li> <li>Any plan that includes a surgery</li> </ul>  |
| Rehabilitation Supervisor  | <ul style="list-style-type: none"> <li>Any plan \$20,000-\$24,999</li> <li>Any plan with vocational or academic training that is <b>not</b> included on the <i>Eligible Training Provider Listing (ETPL)</i> that is longer than 12</li> </ul>   |

|  |   |
|--|---|
| (if unavailable District Manager)  | <p>weeks and results in an industry recognized credential, (NOTE: ETPL trainings for certificates do not need to be approved unless they are for a 2-year AA college degree program) <a href="https://www.employnv.gov/vosnet/drills/program/ApprovedPrograms.aspx">https://www.employnv.gov/vosnet/drills/program/ApprovedPrograms.aspx</a></p> <ul style="list-style-type: none"> <li>• Any 2-year/AA degree college degree seeking plan which requests agency funds (tuition)</li> <li>• Any automobile repairs; (Exception for Tires – No approval required)</li> <li>• Any provision of maintenance services for food and shelter</li> </ul> |
| **Approval not required for trail semesters  |   |
| <p><b>Counselors:</b></p> <ul style="list-style-type: none"> <li>• Please email all IPE approval requests to AA IV, Javier Fernandez (j-fernandez@detr.nv.gov).</li> <li>• Provide the following documentation to Javier; Client name, Case #, IPE and amount, summary of case, disability and services requested, the level at which the IPE must be approved, any other relevant information you wish to provide.</li> <li>• Javier will forward it on to the appropriate approving authority and get it back to you.</li> <li>• When the Committee reviews a case, the counselor will be asked to be present during the meeting to provide a clear overview and answer Committee questions.</li> </ul>  |   |
| <p><b>Requests:</b></p> <ul style="list-style-type: none"> <li>• Will not follow the chain of command but go directly to the person responsible for approving the plan (i.e. if there is a plan involving a 4-year out-of-state college degree, counselor would send the request to Javier; Javier will send directly to the Bureau Chief).</li> <li>• In some instances, approvals will be by a committee of the Administrator and one program staff (either Bureau Chief or Deputy of Programs) and one operations staff (either Deputy Administrator or MA IV). The committee will meet weekly.</li> <li>• The approving authority will review the request within 8 business days, enter a case note, and notify the counselor of such. (For all IPE plans not going to the committee) All cases going to the committee will be reviewed on the designated committee meeting day.</li> <li>• All plans that are submitted to the committee will need to be submitted by COB the day before the meeting which are held on Tuesdays at 2:00pm. Otherwise they'll be reviewed at the following scheduled meeting.</li> </ul> |   |

*Note: VR has established a preference for in-state public institutions; all post-secondary, vocational and academic training must adhere to this policy as described in Subsection 12.5 Post-Secondary Education and Training at Vocational Training Facilities.*

**Federal regulations (34 CFR 361.56 and CFR 361.47):** Updates for cases closed with an employment outcome

- Supporting documentation for start date of employment in primary occupation and wage information. This documentation is required at the beginning of employment and at or near case closure. At closure need to verify employment status; still working. Examples are provided.
- Updates on communication and requirements by the counselor at or near 90 days prior to closure to ensure meeting federal regulations

\*\*Note: Other references to closures updated throughout the P&P as necessary.

Updates in response to RSA corrective action to ensure VR meets federal regulation requirements for cases closed with an employment outcome

Page 3-4....addition

- The participant's file contains supporting documentation for start date of employment in primary occupation and wage information. This documentation is required at the beginning of employment and at or near case closure. At closure need to verify employment status; still working. Examples of supporting documentation:

- Verification of Employment (VOE) and VOE Job Retention forms signed by the employer and participant that includes the participant's start date and hourly wage rate or annual salary.
- Pay Stub identifying the participant's start date and hourly wage rate or -annual salary.
- Copy of participant's bank statement verifying electronic payroll deposit from employer and a detailed case notes by the counselor in the case service record that includes the employment start date, hourly wage rate or annual salary and justification for the participant not providing Pay Stub.
- Detailed case notes by the counselor in the case service record that includes the employment start date, hourly wage rate or annual salary, the date verification was received and justification for the participant not providing formal documentation.
- Self- employment worksheets indicating the participant's start date and earnings.
- Verification received from employer (as appropriate) that documents the employment start date and wage information is placed in the case service record; including date of verification or copy of email, fax, or letter.

Page 4.... reworded

The above criteria must be documented in the case file before the case can be closed. Division staff must communicate directly with the participant to obtain accurate information prior to closure. The counselor must personally verify the participant is satisfied with and performing well in employment at or near 90 days prior to closure. A job developer's verification of employment is not a substitute for the counselor having direct contact with the participant. The criteria as indicated above are recorded in the AWARE Closure page and the conversation with the participant will be documented in case notes. Effective 3/5/20.

9. **RSA MONITORING REPORT**

Ms. Hendren began her report on the findings on the responses of the monitoring report for Nevada Bureau of Vocational Rehabilitation and Supported Employment Programs. Two quarterly responses have been submitted thus far. There was a total of 6 findings. Each finding is broken down into sections.

**Corrective Action Plan Responses for Nevada Rehabilitation Division**

**Finding 1 - Untimely Development of the IPE**

*Finding:* NBVR did not develop IPEs within 90 days from the date of eligibility determination for each individual.

*Mandated Corrective Action:* NBVR must assure that it will meet the requirements of 34 C.F.R. §§ 361.45 and 361.46 for the development and approval of IPEs in a timely manner for each individual determined to be eligible for VR services, but not later than 90 days after the date of eligibility determination, unless the VR counselor and the eligible individual agree to the extension of that deadline to a specific date by which the IPE must be completed.

**Agency Planned Corrective Action Steps**

**Corrective action 1.1**

*Action:* Assess and evaluate current procedures for tracking and monitoring counselor performance and efficient practices used by high performing VR counselors and supervisors to ensure timely IPE development, including the use of case management tools for, and supervisory review of, timely IPE development.

*Standard to be met and method of evaluation:* NBVR needs a report to track compliance of 90 days for IPEs. This can be accomplished with the Aware VR Aging Report. Supervisors and Managers will review

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all cases in eligible status from the Aging Report each week to determine compliance with IPE timeframes. Aware allows staff to track due dates of IPEs & prompts for due dates.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 06/30/2020

Actual completion date: 04/30/2020

Quarterly updates:

- April 30, 2020 - Supervisors are utilizing Aging Reports within the AWARE case management system weekly to ensure that IPEs are developed within 90 days. In addition, supervisors are acting through directive communication with staff when IPEs are not yet developed by the 80th day.
- July 31, 2020 – Resolved on April 30, 2020.

**Corrective action 1.2**

*Action:* Develop goals and strategies to improve VR counselor performance specific to timely IPE development.

*Standard to be met and method of evaluation:* NBVR will require new counselors to take training on e-Rehab related to IPEs. All counselors will take this training annually as a refresher. Supervisors & Managers will review the Aging report. They will notify counselors to act on cases without an IPE at 80 days, including completion of the IPE or an extension. Based upon QA case reviews, Supervisors & Managers will develop goals and strategies on common issues noted in the reviews & utilize high performing counselors as part of training & mentoring to others.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 10/31/2020

Actual completion date:

Quarterly updates:

- April 30, 2020 - Please see attached "Training Tracker Updated 3-30-20" which is illustrated in columns "O" and "P" staff who have taken e-Rehab training. Nevada VR has contracted to update our e-Rehab training series, due to be completed by 7/13/20. Therefore, staff have not had access to e-Rehab while it's been under construction. The attached list called "Staff needing e-Rehab" lists all new hires since January 1, 2019 who need to take the new e-Rehab training, as well as existing staff that still need to take it as an annual refresher.
- July 31, 2020 – The e-Rehab updates were initially completed on July 16, 2020. Small issues were noticed, and revisions were then made with the final product completed on July 27, 2020. On July 23, 2020 the Deputy Administrator sent an email to statewide managers informing them that e-Rehab was complete and reminding them of the requirement of all new staff, upon hire, and all staff annually, to complete e-Rehab. Administration is tracking e-Rehab completion for all staff along with all other training requirements and will submit the list of staff completers to RSA in NBVR's next quarter's response.

**Corrective action 1.3**

*Action:* Comply with 34 C.F.R. §§ 361.45(a)(1) and (e) to ensure IPEs are developed within the statutory 90-day time frame from the date of eligibility determination. Standard to be met and method of evaluation:

NBVR will achieve 90 percent compliance for the 90-day timeline to develop IPEs, illustrated by a quarterly report showing two consecutive quarters meeting or exceeding this standard.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 06/30/2020

Actual completion date: 03/31/2020

Quarterly updates:

- April 30, 2020 - As illustrated in the attached spreadsheet called, "Days-Eligible-To-Plan\_20200402\_FINAL," Nevada reviewed IPE development for all staff for the 2nd and 3rd quarters of PY2019 for compliance of plans developed within 90 days of the eligibility date or with approved, timely extensions. Nevada achieved 90% compliance in the 2nd quarter and 91% in the 3rd quarter.
- July 31, 2020 – Resolved on March 31, 2020.

## **Finding 2 - Internal Controls for Case File Documentation**

*Finding:* NBVR's internal controls did not ensure that case files adhere to the record of service requirements at 34 C.F.R. § 361.47. Specifically, the internal controls did not ensure that NBVR adheres to the requirements for closing the record of services of an individual who has achieved an employment outcome pursuant to 34 C.F.R. § 361.56.

*Mandated Corrective Action:* NBVR must develop and implement internal controls to ensure the service record requirements at 34 C.F.R. § 361.47 are being met. Specifically, the internal controls must ensure the following requirements are met: the development and amendment of the IPE pursuant to 34 C.F.R. § 361.45; and the requirements for closing the record of services of an individual who has achieved an employment outcome pursuant to 34 C.F.R. § 361.56.

## **Agency Planned Corrective Action Steps**

### **Corrective action 2.1**

*Action:* Develop internal control policies and procedures to ensure that the provisions of 34 C.F.R. § 361.47 have been met and through service record documentation, the requirements at 34 C.F.R. §§ 361.56 are met.

*Standard to be met and method of evaluation:* NBVR will develop procedures to ensure the documentation requirements of CFR 361.47 and 361.56 are met before a case closes. NBVR will provide these procedures to RSA for review and approval.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 06/30/2020

Actual completion date: 03/05/2020

Quarterly updates:

- April 30, 2020 - Nevada has updated its Participant Services Policy and Procedures Manual for Section 19 "Closures" to ensure the provisions of CFR 361.47 and 361.56 are met before a case closes. See attached new procedures document called, "19\_Closures (effective date 03-05-2020) highlighted." The changes to Section 19 to satisfy this finding are highlighted green.
- July 31, 2020 – Resolved on March 5, 2020

### **Corrective action 2.2**

*Action:* Review current internal control mechanisms for effectiveness and adjust the internal controls as necessary.

*Standard to be met and method of evaluation:* NBVR Supervisors & Managers will review 2 open cases in employed status per counselor to review closure documents each month to ensure NBVR procedures are followed in compliance with CFR 361.47 & 361.56 & address with staff as needed. NBVR will achieve 90% compliance for meeting case closure and documentation requirements, illustrated by spreadsheets kept of the monthly reviews, showing 6 months meeting all case closure and documentation requirements.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 10/31/2020

Actual completion date:

Quarterly updates:

- April 30, 2020 - Nevada has developed two tools which were just shared with program staff on 3/09/20. Please see attached "Case Closure- case review 3-2020," which is the matrix supervisors will use to review two cases per month, per counselor across the nine mandatory requirements that must be met for successful case closure, and "Closure Case Review Monitoring 3-2020" which explains the federal requirements. These tools are now being used to monitor for appropriate case closure documentation. We will have data to report next quarter.
- July 31, 2020 – Using the tools identified in the April 30, 2020 update, Nevada reviewed 2 cases per month from all cases that had a closure in that month for the quarter ending June 30, 2020. The standard to be met in compliance with CFR 361.47 & 361.56 was that NBVR would achieve 90% compliance for meeting case closure and documentation requirements for 6 months. NBVR achieved 90.32% compliance statewide for the first three months of tracking this metric. (See attached "RSA Monitoring Summary for 2.2").

### **Corrective action 2.3**

*Action:* Review current mechanisms used to collect and aggregate the results of these reviews and use the results to inform the training and evaluation of staff.

*Standard to be met and method of evaluation:* NBVR will use the results of the case reviews/spreadsheets to inform one or more trainings and for the evaluation of counseling staff and provide training sign-in sheets to RSA. NBVR will also provide the case review instrument from the statewide case reviews in May 2020, illustrating improvement in closure documentation.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 10/31/2020

Actual completion date:

Quarterly updates:

- April 30, 2020 - Unfortunately, due to the COVID-19 pandemic, Nevada closed all non-essential agencies on March 16, 2020 and these remain closed. Nevada VR was considered non-essential. Thus, there is insufficient data currently available to inform future trainings. Additionally, the statewide case review was not scheduled to be conducted this quarter. It is slated for May 2020.
- July 31, 2020 – Although NBVR met the 90% compliance requirement, in order to reinforce the practice with our new and existing staff, NBVR Administration is working

with their Statewide Trainer to develop a formal training on the aspects of CFR 361.47 & 361.56 which define expectations for quality case closures. This training will be recorded and archived to ensure the ability to reinforce this training and closure expectations into the future.

### **Finding 3 - Prior Approval Not Obtained**

*Finding:* NBVR must obtain prior written approval from RSA before purchasing items requiring prior approval in accordance with 2 C.F.R. §§ 200.407 and 200.439.

*Mandated Corrective Action:* NBVR must demonstrate it meets the prior approval requirements pursuant to the Uniform Guidance (2 C.F.R. § 200.407) and develop and implement written procedures for determining the allowability of costs in accordance with Subpart E — Cost Principles within Uniform Guidance (2 C.F.R. § 200.302(b)(7)).

### **Agency Planned Corrective Action Steps**

#### **Corrective action 3.1**

*Action:* Develop and implement policies and procedures, as well as a written internal control process, including a monitoring component, to ensure ongoing compliance with the prior approval requirements, including those in RSA Technical Assistance Circular (TAC) - 18-02.

*Standard to be met and method of evaluation:* NBVR contracted with Strategic Progress, LLC, an entity that provides grant development & management. They are developing a Prior Approval policy, guidelines, and internal controls document for NBVR, as per federal laws, regulations and the recent FAQ. • A draft version of the Prior Approval policy/internal controls document with some of the elements completed will be provided to RSA for review and feedback. A final policy/internal controls document will be provided to RSA for review and approval.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 10/31/2020

Actual completion date:

Quarterly updates:

- April 30, 2020 - Please see attached draft Prior Approval policy, guidelines, and internal controls document called, "Policy Implementation Tool-kit - 06 March 2020." This document is still in development.
- July 31, 2020 – Due to the nationwide pandemic and Nevada's declaration of emergency, work on the Prior Approval policy, guidelines and internal controls document by Strategic Progress, LLC was paused. It has since restarted, but a final Prior Approval document is not yet complete. NBVR should be able to provide the complete document in its next quarter's response to RSA.

### **Finding 4 - Obligations and Expenditures Not Properly Assigned**

*Finding:* NBVR did not meet the obligation and expenditure requirements in 2 C.F.R. § 200.71 and 34 C.F.R. § 76.707. NBVR did not assign obligations and expenditures to the correct Federal award in accordance with 34 C.F.R. § 361.12, 2 C.F.R. §§ 200.77, 200.302, 200.303(a), 200.309, and 34 C.F.R. § 76.702.

*Mandated Corrective Action:* NBVR must be in compliance with the Federal requirements in 34 C.F.R. §

361.12, 34 C.F.R. § 76.702, and 2 C.F.R. § 200.302 to accurately account for and report non-Federal and Federal obligations and ensure expenditures are paid from the correct Federal award for the VR award. Additionally, the agency must develop sufficient internal controls to ensure that: 1) obligations and expenditures assigned to a FFY are only for allowable costs under the DSU's approved State plan during the period of performance of the award; 2) all obligation dates are correctly recorded in the agency's accounting system and assigned to non-Federal and Federal sources; and 3) all non-Federal and Federal obligations and expenditures are accurately reported on the appropriate Federal Financial Reports for the appropriate awards.

**Agency Planned Corrective Action Steps**  
**Corrective action 4.1**

*Action:* Make requisite revisions to its financial data collection and analysis process to bring it into compliance so that NBVR can— • Ensure all Federal and non-Federal obligations (TPCA contracts, VR services purchased through authorizations, and personal services by NBVR employees) are properly accounted for and obligated to the correct funding source and FFY award in the agency's financial management system; • Account for and accurately liquidate all expenditures from the correct FFY award, commensurate with the period of performance for the corresponding obligations based on when they were assigned; and • Accurately report non-Federal and Federal obligations and liquidations on the SF-425 report for the corresponding period of performance for Federal awards.

*Standard to be met and method of evaluation:* NBVR's new Management Analyst IV is now a fiscal back up for the Operations Deputy and is responsible for fiscal oversight of NBVR's TPCAs, including monitoring. The position was filled on October 7, 2019. • NBVR will develop and submit to RSA for review and approval, written policies, internal controls documents and training materials that it will use to assist our TPCA partners.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 06/30/2020

Actual completion date: 07/31/2020

Quarterly updates:

- April 30, 2020 - In Nevada's new case management system, AWARE, new obligations, called "authorization" are assigned to the FFY based on the date the agency made the commitment to obtain the services. For payments made outside of the AWARE system, Nevada accounting staff are trained to code the obligations to the appropriate job number based on the date of service. All payments go through two levels of audit before processing for payment; one in our accounting unit and another one in our financial management (FM) office. Nevada now records refunds to the appropriate FFY, effective 07/01/2019. See attached "DETR-FM-VR Grant Refund Procedure," which includes DETR's internal refund process, the G5 refund draw process, and updating the appropriate SF-425 report.
- July 31, 2020 – The NBVR new case management system, AWARE, was designed to follow 34 CFR 76.707(c)(EDGAR). In the AWARE system, new obligations are assigned to the FFY based on the date the agency made the commitment to obtain the services. (See attached "AWARE-NV payment," pg. 10-11). For payments made outside of the AWARE system: Internal procedures have been implemented to identify the appropriate steps in determining the period of performance and which job number to code an expense to ensure the correct funding source and FFY are being used. (See attached "Job number – Determining the FFY of Obligation" Word document). DETR now records refunds to the appropriate FFY to comply with 2 CFR 200.406(a). DETR has contacted

both RSA and the State of Nevada's Controller's Office for guidance on processing the returns to the appropriate awards. (See attached "RE Refund \$396.06").

#### **Corrective action 4.2**

*Action:* Update and implement policies and procedures to accurately account for and report all obligations and expenditures to the correct FFY award period of performance, ensuring the policies address— • The assignment of non-Federal and Federal obligations to the appropriate FFY award period of performance and the liquidation of such funds based upon the assignment of the obligation; and • The obligation of contract services and bulk authorizations in the financial management system to ensure liquidations are based upon the FFY in which the contracts were obligated, or in the case of TPCAs, when the cooperating agency staff time was worked.

*Standard to be met and method of evaluation:* NBVR will develop & submit to RSA for review and approval, written policies & procedures including: Methods to track non-Federal & Federal activities; ensure expenditures are from the appropriate grant period of performance & the liquidation of such funds is based upon the assignment of the obligation; auditing & processing invoices for payment, and ensuring the accurate obligation of contract services& bulk authorization happens.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 06/30/2020

Actual completion date: 07/31/2020

Quarterly updates:

- April 30, 2020 - In Nevada's new "AWARE" case management system, new obligations are assigned to the FFY based on the date the agency made the commitment to obtain the services. See attached "NV payment" policy, procedure, internal controls draft document. For payments made outside of the AWARE system, a procedures document is currently being updated. Nevada has corrected its SF-425 reporting to ensure the value of TPCA certified staff time is not counted as obligated until they have worked the time. This correction took place starting on the 09/30/19 SF-425 report. Internal SF-425 reporting procedures are in the process of being drafted.
- July 31, 2020 - The NV VR new case management system, AWARE, was designed to follow 34 CFR 76.707(c)(EDGAR). In the AWARE system, new obligations are assigned to the FFY based on the date the agency made the commitment to obtain the services. (See attached "AWARE-NV payment," pg. 10-11). For payments made outside of the AWARE system: Internal procedures have been implemented to identify the appropriate steps in determining the period of performance and which job number to code an expense to ensure the correct funding source and FFY are being used. (See attached "Job number – Determining the FFY of Obligation" Word document). NBVR has made the correction to reporting TPCA contract balances as unliquidated obligations until the cooperating staff time worked can be verified. Correction took place starting on the 09/30/19 SF-425 reports.

#### **Corrective action 4.3**

*Action:* Develop and implement a written internal control process, including a monitoring component, to ensure ongoing compliance with Federal requirements for the areas mentioned in corrective actions 5.2.1 and 5.2.2.

*Standard to be met and method of evaluation:* NBVR will demonstrate to RSA its new policies,

procedures, internal controls and trainings are working to bring NBVR into compliance by monitoring the same twice annually. NBVR will provide the first monitoring report to RSA to demonstrate compliance, which will be illustrated in the SF-425 report as well.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 12/31/2020

Actual completion date:

Quarterly updates:

- April 30, 2020 - Nevada is in the process of completing the corrective actions for findings 4.1 and 4.2. A full Internal Monitoring will begin after a total resolution is reached for 4.1 and 4.2. RSA will be provided a report to demonstrate compliance.
- July 31, 2020 – NBVR has resolved the corrective actions of 4.1 and 4.2 as of this reporting. NBVR will begin coordinating for a full internal monitoring with an anticipated completion date of December 31, 2020. RSA will be provided the monitoring report to demonstrate compliance.

### **Finding 5 - Third-Party Cooperative Arrangements – Unallowable**

*Finding:* NBVR did not meet TPCA requirements in 34 C.F.R. § 361.28, including match requirements for the VR program in 34 C.F.R. § 361.60.

*Mandated Corrective Action:* NBVR must ensure it meets the VR requirements in 34 C.F.R. §§ 361.28 or 34 C.F.R. 361.60 related to non-Federal share reported as match for the VR program, to properly implement internal controls to ensure cooperating agency staff time spent working on the TPCA is only for the direct provision of VR services to applicants and recipients of the VR program.

### **Agency Planned Corrective Action Steps** **Corrective action 5.1**

*Action:* Cease reporting as match for the VR program any non-Federal funds that do not meet the requirements of 34 C.F.R. §§ 361.28 and 361.60.

*Standard to be met and method of evaluation:* NBVR has ceased reporting any non-federal funds as match, other than certified staff time of TPCA partner entities providing direct client services. This is evident in our new TPCA agreements effective July 1, 2019. All TPCA contracts will be submitted to RSA for review.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 01/02/2020

Actual completion date: 01/02/2020

Quarterly updates:

- April 30, 2020 - Nevada has ceased reporting any non-federal funds as match, other than certified staff time of TPCA partner entities providing direct client services. This is evident in our new TPCA contracts, which were effective 7/01/19. Please see these attached contracts: "WNC Career Connect," "Clark County School District JEEP," "WCSD VOICE," and "TMCC TPCA."
- July 31, 2020 – Resolved on January 2, 2020.

### **Finding 6 - Internal Control Deficiencies**

*Finding:* NBVR did not maintain effective internal control over the Federal award to provide reasonable assurance that the agency is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award.

*Mandated Corrective Action:* NBVR must develop and maintain effective internal controls over the Federal awards necessary to provide reasonable assurances that it is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award, as required by 34 C.F.R. §§ 361.3(a) and 361.12, and 2 C.F.R. §§ 200.302 and 200.303. Specifically, NBVR must develop sufficient mechanisms to monitor and reconcile the value of TPCA cooperating agency staff time, including those certified as match for the VR program or reimbursed with Federal funds, to ensure that expenditures reported are accurate, allocable and allowable, in accordance with 2 C.F.R. § 200.405, or to track, account and report program and fiscal data for service provision accurately on the RSA-2 or RSA-911 reports.

**Agency Planned Corrective Action Steps**  
**Corrective action 6.1**

*Action:* Develop and implement written policies and procedures governing the oversight of grant-supported activities, as required by 2 C.F.R. § 200.328(a), particularly with respect to— • Requiring uniform requirements and tools TPCA cooperating agencies can use to submit certified expenditures and supporting documentation that accurately tracks non-Federal and Federal activities, and reflects costs and services provided under pre-employment transition services and VR services; • Staff members' review of TPCA invoices prior to and during payment processing; and • Ensuring certified expenditures of cooperating agency staff time spent providing services under TPCAs with NBVR are verified before reporting the non-Federal portion as match for the VR program, or reimbursing the cooperating agency with Federal VR funds.

*Standard to be met and method of evaluation:* NBVR will: develop a web-portal for TPCA vendors to submit invoices, review & revise current methods to track the non-Federal and Federal activities, develop policies & implement written procedures for accounting staff to follow when auditing and processing TPCA invoices for payment, & to ensure that cooperating agency staff time is verified prior to reporting the non-Federal portion as match. • NBVR will submit to RSA for review and approval, written policies & procedures & internal controls documents.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 10/31/2020

Actual completion date:

Quarterly updates:

- April 30, 2020 - The development of the web-portal is currently in the contracting process. See attached "TPCA Portal Proposal - Flow Chart" and "Attachment AA.1 - Web Page Portal Construction Hosting." Nevada has begun development of uniform tools to provide to its TPCA partners. See attached "TPCA Match Tracker," "TPCA-Personnel Hourly Rate Calculations," and "TPCA New PAR - Concept Example." TPCA partners will begin using these tools on 7/01/2020. The Mgmt. Analyst III has taken over the responsibility of reviewing and reconciling the TPCA invoices and provides guidance to partners. Nevada will verify the accuracy of the certified expenditures being reported. See attached procedures draft called, "TPCA Invoice Processing."
- July 31, 2020 – Due to the nationwide pandemic and Nevada's emergency declaration, three out of NBVR's four TPCAs have had their contracts cancelled. NBVR's only

remaining TPCA partner is the Clark County School District (CCSD), JEEP program. For this reason, NBVR will not go forward with creating an online portal for TPCA document submission. NBVR has developed uniform tools and has provided them to its TPCA partner, specifically, in relation to personnel hourly rate calculations, PAR forms and expense tracking, which were submitted to RSA in its prior quarter's response. These tools will aid in more efficient monitoring and validation of TPCA billed activities. Meetings have taken place with CCSD to review and discuss the implementation of these new processes. CCSD has officially started using the new forms and processes as of July 1, 2020. NBVR will provide to RSA in its next quarter's response, a live example demonstrating the implementation of the new forms and processes. The Management Analyst III (MA III) has taken over the responsibility of reviewing and reconciling the TPCA invoices. The MA III is in frequent contact with our TPCA partner as the invoice is being reviewed. The MA III provides guidance as it relates to 34 CFR 361.28 and 361.60. MA III will not approve reimbursement of an invoice or report non-Federal portions as match until all inquiries are answered and she can verify the accuracy of the certified expenditures being reported by the cooperating agency. (See attached "TPCA Invoice Processing").

### **Corrective action 6.2**

*Action:* Develop and implement a mechanism to ensure costs for all pre-employment transition services required activities provided through TPCAs and VR services are allocable and allowable in accordance with 2 C.F.R. § 200.405 and Sections 110(d)(1) and 113 of the Rehabilitation Act.

*Standard to be met and method of evaluation:* NBVR to monitor web portal & review Tech Manual for Fiscal Processes: Pre-ETS & ensure costs for Pre-ETS in TPCAs are allocable & allowable. "Group" authorization payment type will be created in AWARE. Management will review & approve authorizations in AWARE. • NBVR will submit written policies & procedures including process for use of & monitoring the portal & for approval of authorizations & any revisions to NBVR's Tech Manual for Pre-ETS. NBVR will provide a monitoring report demonstrating the new process is working.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 10/31/2020

Actual completion date:

Quarterly updates:

- April 30, 2020 - A work group will update our Pre-ETS fiscal manual "Pre-ETS procedures - Final 07.01.2019." Nevada's Transition Coordinator team work closely with our vendors to verify the Pre-ETS services being provided prior to approval. Group authorization payment types are now used in our case mgmt. system, and include Pre-ETS clients, services, and payments. Specific account coding has been created to use at time of payment to identify & track required Pre-ETS activities ("Pre-ETS Activities Coding").
- July 31, 2020 – NBVR will begin coordinating for a full internal monitoring with an anticipated completion date of October 1, 2020. RSA will be provided the monitoring report to demonstrate compliance.

### **Corrective action 6.3**

*Action:* Develop and implement policies and procedures to accurately collect and report program and fiscal data on Federal performance reports, including the RSA-2 and RSA-911 reports, which reflect the

actual costs per service(s) provided to students receiving required pre-employment transition services activities and other VR services.

*Standard to be met and method of evaluation:* NBVR implemented state accounting coding solutions to track & collect expenditures for Pre-ETS activities to accurately collect & report data on Federal reports. We now have coding solutions to track staff hrs. spent on Pre-ETS activities. NBVR developed a Tech Fiscal Guide that explains processes in detail. AWARE includes these new coding solutions. • NBVR will submit written policies & procedures including any revisions to NBVR's Tech Manual for Pre-ETS & screen shots of AWARE upgrade for RSA review.

Planned start date: 01/02/2020

Actual start date: 01/02/2020

Projected completion date: 06/30/2020

Actual completion date: 07/31/2020

Quarterly updates:

- April 30, 2020 - See attached "Pre-ETS procedures - Final 07.01.2019." The guide will be continuously reviewed and updated to ensure compliance with both Federal and State guidelines and laws.
- July 31, 2020 – See attached "Sample data for Pre-ETS Tracking & Coding." This file provides a sampling of real transactions showing the implementation of the procedures from the "Pre-ETS procedures Final" document submitted in NBVR's last quarter's response. Additionally, it shows the reserving of the required 15% Pre-ETS funds from a sample taken from our Federal Draw workbook. See attached "AWARE Adding Pre-ETS Clients and Authorizations," a necessary process in our AWARE case management system to collect the correct information and to be able to determine the actual costs per service per student. See attached "Sample Pre-ETS Students." This data is a sampling of from our AWARE case management system which shows the cost per service per student and what Pre-ETS activity they received.

10. **OPEN MEETING LAW TRAINING**

Justin Taruc, Deputy Attorney General presented the Open Meeting Law Training. The Open Meeting Law (OML) applies to meetings of public bodies. NRS 241.016(1).

A "**public body**" is defined as "Any administrative, advisory, executive or legislative body of a State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue..." NRS 241.015(4). It includes subcommittees created by public bodies.

The OML is found in NRS Chapter 241. 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.

NRS 241.015(3) defines "**a meeting**" as. The gathering of members of a public body at which quorum is present to deliberate toward a decision or act on any matter over which the public body has supervision, control, jurisdiction or advisory power.

A **Quorum** is a simple majority of the membership of a public body. **Deliberation** is defined as collectively examine, weigh, and reflect upon the reasons for or against an action. NRS 241.015(2). **Action** is a decision, commitment, or promise made by most of the members present during a meeting. NRS 241.015(1).

A meeting also includes serial communications – NRS 241.015(3). A series of gatherings of members of a

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public body; at which less than a quorum is present at any individual gathering; the members of the public body attend one or more of the gatherings collectively constitute a quorum; and the series of gatherings was held with the specific intent to avoid the provisions of the OML.

The definition of a meeting does **not** include: Social Functions if the members do not deliberate or take action on any matter over which the public body has supervision, control, jurisdiction, or advisory power; Attorney-Client Litigation Sessions, to receive information from the body's attorney regarding potential or existing litigation matters over which the public body has supervision, control, jurisdiction, or advisory power; training regarding legal obligations of the public body.

Written notice must be given at least 3 working days before the meeting, which requires: Time, place, and location of the meeting; list of the locations where the notice was posted; the name and contact information for the person from whom a member of the public may request supporting material and a list of the locations where the supporting materials is available to the public; and an agenda. NRS 241.020.

Meeting notice and agenda requirements: Agenda must consists of a clear and complete statement of the topics scheduled to be considered; action items must be clearly denoted as "for possible action"; public comment, to be taken at the beginning/end of meeting or before any action item; 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.

What does it mean to be "**Clear and Complete**"? Agenda items must be clear and complete. NRS 241.020(2)(d)(1); a higher degree of specificity is necessary for topics of substantial public interest. Factors to consider: Does the topic generate public comment? Does the topic generate debate among the members of the body? Does the topic generate media interest/coverage? Purpose of a clear and complete agenda is to give the public notice of what its government is doing, has done, or may do.

Minimum Public Notice NRS 241.020(4). Must post a copy of the notice at least: The principal office of the public body, or if no principal office, at the building in which the meeting is to be held PLUS three (3) other separate, prominent places within the jurisdiction of the public body. The public body's official website. Provide a copy to any person who has requested notice of the meetings. Notice must be posted no later than 9 a.m. of the third working day before the meeting. Additional notice requirements for consideration of character, misconduct, competence, or physical or mental health; 5 days personal service or 21 days certified mail. NRS 241.033.

*Additional Requirements:* Must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. NRS 241.020; must make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend. NRS 241.020(1); at least one copy of the notice, agenda, and supplemental materials must be made available to the public at the meeting. NRS 241.020(7); an emergency meeting may be only be called where the need to act upon a matter is truly unforeseen and circumstances dictate that immediate action is required. NRS 241.020(9).

*Exceptions:* Closed sessions may be held by any public body to consider character, alleged misconduct, professional competence, or the 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 any appeal by a person of the results of an examination administered on behalf of the public body. NRS 241.030. Closed sessions may **not** be held to: Discuss the appointment of any person to public office or as a member of a public body or to consider the character, alleged misconduct, or professional competence of any 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. NRS 241.030(4)(d) and NRS 241.031(1).

*Public Comment:* Restrictions must be reasonable “time, place, and manner” restrictions. NRS 241.020(d)(7). 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. But, presiding officer may halt comments that become unduly repetitive or the 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 removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. NRS 241.030(4)(a).

*Teleconferencing and Videoconferencing:* Public body may conduct a meeting via teleconference or videoconference if: There is a quorum present either in person or by electronic means; and there is a physical location where the public is permitted to attend and participate. Chair of the public body must make reasonable efforts to ensure that the members and the public can hear and observe each other. NRS 241.023.

*Meeting Records:* The public body shall keep written minutes of each meeting: Date, time, and place of the meeting; roll call of members; substance of all matters proposed, discussed, or decided; substance of remarks made by the public if request is made that minutes reflect the remarks, or if written remarks are prepared, a copy of the remarks if submitted for inclusion in the minutes. Public body shall approve the meeting minutes within 45 days after the meeting or at the next meeting. Meeting minutes are public records. NRS 241.035.

*Violations:* Action taken in violation of the OML is void. NRS 241.036. The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039, NRS 241.040. 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. NRS 241.0365. Although it may not 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. NRS 241.0365(4). 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 at a meeting by placing the term “for possible corrective action” next to the appropriate agenda item. NRS 241.020(2)(d)(2). If the OAG finds a violation, public body must include an item on its next agenda which acknowledge the OAG’s findings, and the OAG’s opinion must be treated as supporting material for the item. NRS 241.0395.

*Violations – Criminal and Civil Penalties:* Each member of a public body who attends a meeting where any violation of the OML occurs, has knowledge of the violation, and participates in the violation, is guilty of a misdemeanor. NRS 241.040. In addition to any criminal penalty, members may be subject to administrative fines: \$500 for first offence; \$1000 for second offence; \$2500 for third offence. No criminal or civil penalty may be imposed against a member if reliance on legal advice provided by an attorney of the public body.

*Governor’s Emergency Directive 006:* Requirements suspended: Physical location for meeting, NRS 241.0231(1)(b); Agendas posted at physical locations, NRS 241.020(4)(a); Physical location where public can receive supporting material, NRS 241.020(3)(c); personal notice requirements for actions necessary to enforce Emergency Directives regarding business operations. NRS 241.033 & 241.034. Additional requirements (only apply if virtual meeting): Electronic means for public comment; electronic means for public to obtain agenda and supporting material; ensure that any party entitled or required to appear can do so remotely. Currently extended “for the duration of the current state of emergency, unless terminated prior to that date” per Governor’s Directive 029.

Additional Points: Parliamentary procedure is not addressed in the OML – Duties of the presiding officer, recognizing speakers, motions and voting, making a clear record. Disclosure and abstention prior to consideration of a topic in conference with Ethics in Government Law (NRS Chapter 281A). 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. NRS 281A.420.

11. **ADMINISTRATORS**

Ms. Hendren reported on the following topics:

**VR Staffing** – VR had 3 counselor vacancies in the North and 8 counselor vacancies in the South and 1 Technician vacancy in the North. Other counselor positions are being held vacant to help the state salary savings. These were part of the 19% budget reduction and will be held vacant between 6 months to a year. For those positions being held 6 months or longer, VR has 2 Rehab. counselor two's, 3 Rehab. counselor three's and 1 Rehab. Tech. VR has 1 Rehab. counselor two and 7 Rehab. counselor three's being held vacant for 1 year through January 30, 2021.

**Legislative Update:** Assembly Bill (AB) 3 was passed in the legislative special session and pertains to budget cuts related to the pandemic. Section 40 has the Rehabilitation Division General Fund cuts and totals. Section 123.5 makes allowances for state employees to carryover annual leave. The days were changed from 30 days to 40 days annually. Section 131 pertains to unpaid furloughs for state employees. The agreement by the legislature was 6 furloughs, 1 day per month equating to a 2.3% salary reduction beginning January 1, 2021 through June 30, 2021. Section 131.4 VR has 2 programs that do not receive any general fund monies. Bureau of Disability Adjudication (BDA) which is funded the federal government and the Blind Business Enterprise of Nevada (BEN) which is self-funded. The salary savings from the furloughed employees stay within the program to be spent. Further clarification is pending on how the funds can be spent. Section 131.6 if the state were to receive federal COVID-19 funds, order of accounts will be offset. All state agencies had to make a 19% general reduction to their budgets for the current state fiscal year. Overall cut between both programs Vocational Rehabilitation and Services to the Blind was estimated to be \$612,000 with a loss of \$2.2 in federal funds draw down. All training and travel have been eliminated.

***NSRC Performance Indicators for the first 3 quarters of FFY20: Many of the totals reflected below are lower than anticipated due to the ongoing pandemic.***

**Goal # 1 Increase the Number of Successful Employment Outcomes.** The current 2020 totals discussed are for 3 federal fiscal year quarters only. VR had 380 clients that closed with a successful employment outcome. VR is projecting to have 500 or so clients that closed with a successful employment outcome. The goal was 822.

**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 320, the goal was 1,014.

**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 49 and Transition Students with Postsecondary Education is 97 for a total of 146, the goal was 400.

**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 741, Transition Students with a VR Case that received Pre-ETS services were 371 for a total of 1,112. The goal was 1,898.

**Goal # 3a Increase Participation and Successful Outcomes of Supported Employment Consumers in a Competitive Integrated Setting – Participation.** Total Open Supported Employment Consumers was 531. The goal was 786.

**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 66. The goal was 166.

**Goal # 3c Increase Successful Outcomes for Students with a Disability who are also Supported Employment Consumers in a Competitive, Integrated Setting – Outcomes.** Total was 17. 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 128. The goal was 330.

**Goal # 5 Work with Eligible Government and Community Partners to Maximize Utilization of Resources and Federal Funds.** Amounts will be provided on the 4<sup>th</sup> quarter report.

**Fair Hearing Requests received:** VR received 3 fair hearings. The first one was received in February and that hearing was dismissed. The second one was received in March and is currently scheduled to be heard in October. The third one was received in June and is currently being scheduled.

12. **COMMENTS BY THE COUNCIL**

Ms. Curry asked if there were any comments by the council. Ms. Curry thanked everyone for their presentations and comments.

13. **SECOND PUBLIC COMMENT**

None

14. **ADJOURNMENT**

Meeting adjourned at 2:05 p.m.

**Edited By:**

Javier Fernandez

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

**Approved By:**

Kacy Curry, Chair