



Where your future begins

**STATE PLAN AMENDMENTS FOR
NEBRASKA VOCATIONAL REHABILITATION (VR) SERVICES
ORDER OF SELECTION PUBLIC MEETING**

Thursday, April 29, 2021
10:00 AM (CST)

Nebraska VR is conducting a public meeting on amendments to the Nebraska VR portion of the 2024 Workforce Innovation and Opportunity Act (WIOA) Combined State Plan. The amendments include justification for opening **Priority Group 1** which would eliminate the wait list for **individuals with the most significant disabilities**. The public meeting is an opportunity for members of the public, including individuals with disabilities, to comment on the policies and procedures of the Nebraska VR agency.

To attend by Zoom, register in advance for this meeting:

https://educationne.zoom.us/meeting/register/tJwkfuiqrjkrGtP49dcke3Sb_ACRDF_JHnu4

(A confirmation email containing information about joining the meeting will be sent after registration.)

Alternatively, you may attend in person at the Nebraska VR Lincoln Service Office located at 3901 N. 27th Street, Suite 6, Lincoln NE. Register in advance: <https://forms.gle/gXvUXqx BUP3ieNWL7>

(A confirmation email containing information about public health guidance will be sent after registering.)

If reasonable accommodations are needed for the public meeting, please contact Cinda Wacker by email (cinda.wacker@nebraska.gov) or by phone (402-405-2800) by April 25, 2021.

Interested parties may also submit written comments by completing the form:

<https://forms.gle/9PLnXzo9w3d4pMVVA>

Comments received by the close of the public meeting on Thursday, April 29, 2021, will be made part of the public meeting record.

(a) Input of State Rehabilitation Council

All agencies, except those agencies that are independent consumer-controlled commissions, must describe the following:

(1) Input provided by the State Rehabilitation Council, including input and recommendations on the VR services portion of the Unified or Combined State Plan, recommendations from Council's report, the review and analysis of consumer satisfaction, and other Council reports that may have been developed as part of the Council's functions.

The State Rehabilitation Council (SRC) is made up of individuals from across the state that have an interest in working with Nebraska VR to ensure the needs of Nebraskans who experience a disability are being met in the most effective and efficient manner possible. Council members review, analyze, and advise Nebraska VR regarding the agency's performance. They also help develop, agree to, and review the agency's goals and priorities. The Council meets quarterly and is composed of 3 subcommittees: Client Services, Employer, and Transition. Each SRC member selects a subcommittee to participate in based on their interests and background. These committees provide the Council members the opportunity to provide feedback on topics relevant to their individual group.

SRC annual events: (1) Entrepreneur of Distinction Awards: The SRC selected and recognized Nebraska VR clients who were successful in their self-employment ventures. (2) Annual outreach to the State Senators to provide information about Nebraska VR.

- **The Client Services Committee** reviewed and analyzed the Client Satisfaction Survey results. The Committee monitored the number of surveys completed, percentage still employed, reasons why clients are no longer employed, does the job meet their current needs, what service did VR provide that was most helpful, and are clients very likely or somewhat likely to recommend VR to a friend or family member. Some recommendations suggested for the survey are (1) contact with a VR Office Director and/or the Client Assistance Program when concerns are reported while the survey is being completed and (2) monitor the number of "Other" answers by adding additional choices on the survey, and (3) revise the client satisfaction surveys to get more detail as to why jobs ended. The Committee evaluated the year end survey report and identified any possible trends. The Committee also recommended to the Client Assistance Program the Consumer Input Committee be reactivated so Nebraska VR could use this format to obtain immediate feedback on any agency policy and procedures.
- **The Employer Services Committee** selected the Entrepreneur of Distinction Annual Award winners, discussed and provided feedback on VR job placement services, job seeking training, Certificate Programs and

- Project SEARCH. The committee recommended improvements that could be made to the Business Advisory Council by building awareness and meeting on a more regular basis. The Committee also reviewed the retention process/questions staff must follow when working with employers and offered suggestions, clarification and combination of some questions regarding accommodations, employer language and immediate risk of losing the job. Information was shared regarding the Project SEARCH Pre-Employment Transition Services Job Fair. The Committee provided feedback about partnerships with businesses and Project SEARCH sites. The Committee engaged in discussion about defining the award criteria and a nomination form for the Disability Employment and Inclusion Awards. The Committee offered recommendations for recruitment of additional business representatives for the SRC.
- **The Transition Committee** focused on policies and procedures relating to high school aged students and families including discussions on Pre-Employment Transition Services as defined in WIOA. The Committee reviewed feedback from the summer transition programs. Feedback from VR staff who were invited to attend Individualized Education Program (IEP) meetings was also addressed. Additionally, there were discussions regarding (1) current progress and challenges in transition services, (2) collaboration with Parent Training and Information Center, (3) strategies to improve transition assessments, (4) survey results with teachers and school staff, and (5) outreach and training for the schools. The SRC provided feedback and supported combining the VR Adult and Transition Workbooks that explore client interests, assets, work history, and employment needs used to develop the Individualized Plan for Employment. The SRC recommended adding Benefits Analysis to the booklet and provided feedback and suggestions to make the VR Transition pamphlets more user-friendly language by eliminating VR terminology.

Written reports are submitted at each meeting for the Council to review from the Nebraska Youth Leadership Council, Client Assistance Program, Assistive Technology Partnership, VR Ombudsman, Deaf and Hard of Hearing Committee, and the Nebraska Statewide Independent Living Council.

SRC members provided additional input on many issues including: entering into an Order of Selection (OOS), closing all priority groups, removal of individuals off the wait list in Priority Group 1, the importance of job retention services, support of the Needs Assessment Survey, suggestions for questions, and who should receive the survey and pros and cons of a potential e-newsletter for individuals on the wait list. The SRC suggested VR explore opportunities to increase the number of Native Americans with disabilities being served. With the only Vocational Rehabilitation Services Project for American Indians with Disabilities in Nebraska no longer being funded, VR will approach other eligible tribes and

organizations to apply for (American Indian Vocational Rehabilitation (AIVR) grants.

Nebraska VR went into an OOS on December 11, 2017. At that time, the VR Director summarized the funding of Nebraska VR and reviewed the OOS as discussed at prior Council meetings. The VR Director summarized the state/federal match that is utilized for VR funding and why Nebraska VR is now facing a situation where adequate resources are not available to meet the needs of all individuals requiring VR services. The VR Director discussed the four biggest costs of VR: case services, staff, indirect costs and rent costs and the impact of resource decisions for each area. The VR Director stated VR needs to go into an OOS to meet budget needs. Council members discussed the need to go into an OOS. The VR Director reviewed the three priority categories of an OOS. The VR Director shared the priority categories as follows: Priority Group 1 — individuals with severe physical or mental impairment resulting in a rating of very low in two or more functional areas. Functional areas include: mobility, communication, interpersonal skills, self-care, self-direction, work tolerance and work skills. Priority group 2 — an individual with severe physical or mental impairment resulting in a very low rating in one functional area. Priority group 3 — all eligible individuals. The VR Director then discussed the administration of the OOS. The VR Director shared they are currently gathering information to determine which priority groups will need to be closed. As part of the State Plan process, a VR agency can offer retention services, assist individuals who are in immediate risk of losing their job, and therefore, the individual can be considered a top priority and removed from the wait list. The VR Director suggested Nebraska VR choose that option as we do not want individuals losing jobs; sharing it is easier to keep individuals employed than to find new employment. The VR Director stated that in terms of administration they will monitor expenditures and revenue and every month a committee will review the agency's revenues and expenditures and determine how many individuals might be pulled off the wait list to receive services. Members discussed Council support of the necessity for an OOS. The VR Director reported the OOS will go into effect as soon as approval is received from RSA. VR has instated an immediate hiring freeze and will be eliminating as much discretionary spending as possible to maintain funds for case services. The VR Director shared that students in Pre-Employment Transition Services who are not currently receiving VR services will be placed on a wait list for VR services if they apply for and are determined eligible for VR services. They will continue to receive Pre-Employment Transition Services. The students who are currently receiving Pre-Employment Transition Services and are determined eligible for VR will continue to receive Pre-Employment Transition Services.

Chris Gaspari moved to support VR's proposal to RSA for an OOS, Gayle Hahn seconded the motion. There were no objections to the motion. The motion carried by unanimous consent.

The VR Director continued to update the SRC on the implementation of the OOS. At the April 23, 2018 SRC Executive Committee meeting, discussion was held on current obligations and expenditures. Although it was anticipated that case service expenditures would decline after closing Priority Groups 2 and 3 that was not the case. Therefore, in consultation with the SRC, the decision was made to close Priority Group 1 resulting in 3 out of 3 Priority Groups closed. The SRC Executive Committee was in agreement and supportive of the decision to close Priority Group 1.

During the regularly scheduled May 8, 2018 meeting, the VR Director provided an OOS update. The VR Director reiterated the justification for closing the Priority Groups and the on-going efforts to monitor the VR budget as well as continuous communication and collaboration with VR partners in support of the information and referral process.

The VR Director shared a leadership team was created with a representative from each office in October, 2018. The leadership team worked together to discuss providing quality services. This leadership team determined three (3) priorities: 1) improving and maintaining outreach procedures; 2) developing and appreciating staff; 3) establishing, developing, and improving community rehabilitation programs. Nebraska VR Leadership Council continued to implement and monitor progress of these priorities in PY 2018-19.

At the August, 2019 SRC meeting, the VR Director updated the Council on the OOS reviewing the state funding increase that became available July 1st. 300 individuals were removed from the wait list.

In the October, 2019 SRC meeting, the VR Director provided an update. VR was awarded the full amount requested for federal reallocation. With the reallocation, 1,000 individuals were removed from the wait list in October. There was an overview of VR staffing. Nearly 50 vacancies since implementing the OOS necessitated a review of filling these positions by capacity in each office in order to continue to aggressively remove individuals from the wait list.

During the development of the WIOA State Plan, the SRC Executive Committee and Council were consulted and provided an opportunity to comment. A summary of the comments provided by the SRC include:

- Goal 1: There were no additions.
- Goal 2: An SRC member asked how this would be measured.
- Goal 3: There were no additions.
- Goal 4: The SRC members asked that SRC and educators be included.
- Goal 5: There were no additions.

- Strategy 1: The SRC members asked that SRC and educators be included. It was suggested to identify rural as a specific strategy for job development and job coaches in the rural areas of Nebraska.
- Strategy 2: It was suggested to add the VR/ATP monthly meetings and VR is a member of the ATP Advisory Council.
- Strategy 3: It was suggested to add SRC and educators to the first bullet. It was suggested to add sign language interpreting to the second bullet. It was suggested to consider Trans-Act as a resource to the third bullet.
- Strategy 4: It was suggested to add as a bullet point, continued training for VR staff related to IEP development and participation in meetings.
- Strategy 5: SRC offered Family Employment Awareness Training (FEAT) as an example of this strategy.
- Strategy 6: There were no comments.
- Strategy 7: There were no comments.

During the February 9, 2021 SRC meeting the VR Director presented to the Council supporting information for moving forward with opening Priority Group 1. The Director's Report included progress the agency had made hiring approximately 25 staff since the hiring freeze was lifted in September 2019. Additionally, the Director provided updates on the number of individuals in each priority group. As of February 2021, over 4,100 individuals had been removed from VR's wait list. In January, Nebraska VR began making weekly pulls from the wait list resulting in little to no wait time for individuals becoming eligible for services in Priority Group 1.

On April 9, 2021 the SRC Executive Committee convened and reviewed updated information for the WIOA State Plan related to the Order of Selection (Sections (k) and (m)). There was a formal vote in favor of Nebraska VR updating its applicable sections of the State Plan and hosting a public meeting on April 29, 2021 with the intent to open Priority Group 1 as soon as approval was received from RSA.

(2) the Designated State unit's response to the Council's input and recommendations; and

The agency agreed with all the recommendations and will take or has taken necessary action to implement.

The SRC and Nebraska VR jointly agreed to the input and recommendations for the WIOA State Plan.

(3) the designated State unit's explanations for rejecting any of the Council's input or recommendations.

The agency did not reject any of the Council's input or recommendations.

(k) Annual Estimates

Describe:

1. The number of individuals in the State who are eligible for services;

The 2018 Annual Disability Statistics Compendium published by the Rehabilitation Research and Training Center on Disability Statistics and Demographics estimates the number of Nebraskans with a disability of any age in 2017 at 227,500. The total civilian population count for Nebraska was 1,891,453 (2017). Therefore, the disability count for the state is approximately 12.0 percent. In comparison with national data, people with disabilities comprised of 13.2 percent of the US population (Annual Report: 2018 Disability Statistics & Demographics).

When considering the number of individuals in Nebraska who are eligible for services, the number of students with disabilities was also analyzed. The number of students served under the Individuals with Disabilities Education Act, Part B and reported by age for Nebraska (Fall 2016 IDEA Part B Data) are:

Ages 12-17: 19,221

Ages 18-21: 1,798

The 2018 Annual Disability Statistics Compendium report estimates 55,391 (49.3%) Nebraskans with a disability in the 18 - 64-year age range are working in some capacity which is approximately 13.8 percent higher than the national employment percentage of 35.5% reported for individuals with disabilities.

2. The number of eligible individuals who will receive services under:

A. The VR Program

Title 1, Part B

Table 42. Service delivery

Status	FFY17	FFY18	FFY19	FFY20
Applications	4500	3147	2208	1595
Total Exited	5615	5261	3029	5305
Successful	1788	1596	690	389
Total Served	8272	4936	2444	2141
Success/served	21.6	32.3	28.2	18.1

While Nebraska VR has removed individuals from the wait list, it is realized a significant number of cases are not resulting in an Individualized Plan for Employment (IPE). As the agency reviews this data each month, it has become clear for those individuals who do not move forward with a plan, circumstances have changed for the client which has led him/her to make the informed decision to exit services after becoming eligible for services (and placed on a wait list) but exiting prior to the IPE.

Exit	FY2017 Individuals	FY2017	FY2018 Individuals	FY2018	FY2019 Individuals	FY2019	FY2020 Individuals	FY 2020
Exited after eligibility but prior to a signed IPE	1182	21.8%	240	7.0%	968	27.0%	1454	42.39%

Nebraska VR anticipates the number of these exits will decrease as the amount of time on the wait list shortens for each Priority Group.

In addition, Nebraska VR has reviewed the amount of individuals being added to the wait list on a monthly basis. Based on the analysis of eligibilities, the agency determines eligibility and assigns a Priority Group each month at the approximate rate of:

Priority Group 1: 74 eligibilities and priority group assignments

Priority Group 2: 18 eligibilities and priority group assignments

Priority Group 3: 2 eligibilities and priority group assignments

On a monthly basis, the agency monitors and determines how many individuals can be removed from the wait list. As of March 2021, Nebraska VR has removed 4,408 individuals from Priority Group 1 since implementing the OOS.

Studying the patterns of the wait list, positions the agency to evaluate closed Priority Groups. When analyzing the data to determine whether sufficient funds are available, the estimated number of eligibility individuals in the upcoming program years is reviewed.

Tables 43 through 46, http://vr.nebraska.gov/Tables43_46_2021.pdf, provide a breakdown of estimated expenditures by fiscal year and Priority Group.

In conclusion, by implementing the Order of Selection and due to the slowed spending experienced in 2020, Nebraska VR is now positioned to serve all Priority Group 1 individuals.

B. The Supported Employment Program; and

Title VI, Part B

Nebraska VR has mostly served individuals in Priority Group 1, those with the most significant disabilities, since implementing the OOS. This has resulted in an increased percentage of supported employment cases.

The following represents the proportion of eligible individuals who receive supported employment services:

FY18

- 1280 Total IPEs Written
- 402 Supported Employment
- 31.4% Supported Employment

FY19

- 259 Total IPEs Written
- 111 Supported Employment
- 43% Supported Employment

FY20

- 887 Total IPEs Written
- 494 Supported Employment
- 56% Supported Employment

Nebraska VR receives a separate supported employment grant award to deliver supported employment services (\$250,000). Should the amount spent exceed the SE grant amount, the agency will use Title 1, Part B funds.

By implementing the Order of Selection and due to the slowed spending experienced in FFY20, Nebraska VR is positioned to serve all Priority Group 1 individuals including those receiving supported employment.

C. each priority category, if under an order of selection;

FFY20

For Priority Groups 1-3 there were 1,595 new cases. This was significantly below the original estimates. The reason for the lower number of cases can be attributed to the unprecedented situations created by COVID-19. Of these cases, 885 clients have been served. Combined with existing clients, the total number of Priority Group 1 clients in FFY20 is approximately 1,222.

FFY21

For Priority Group 1, there will be 1,092 new cases. Of those 1,092 cases, the estimated number of clients served will be 411. Combined with existing clients, the total number of Priority Group 1 clients in FFY21 will be approximately 1,020.

For Priority Group 2, there will be 324 new cases. Of those 324 cases, the estimated number of clients served will be 123. Combined with existing clients, the total number of Priority Group 2 clients in FFY21 will be approximately 375.

For Priority Group 3, there will be 120 new cases. Of those 120 cases, the estimated number of clients served will be 40. Combined with existing clients, the total number of Priority Group 3 clients in FFY21 will be approximately 172.

3. The number of individuals who are eligible for VR services, but are not receiving such services due to an order of selection; and

With strategies in place to eliminate the wait list for Priority Group 1, it is not anticipated Nebraska VR will have sufficient staffing, in PY20 and PY21, to serve all individuals assigned to Priority Groups 2 and 3. As a result, the number of individuals who are eligible for VR services but will not receive such services due to the OOS are:

FFY20

Priority Group 2: 934 individuals
Priority Group 3: 477 individuals

FFY21

Priority Group 2: 324 individuals
Priority Group 3: 120 individuals

4. The cost of services for the number of individuals estimated to be eligible for services. If under an order of selection, identify the cost of services for each category.

Tables 43 through 46, http://vr.nebraska.gov/Tables43_46_2021.pdf, depict the number of new cases for FFY 2013 through FFY 2023 for Priority Groups 1, 2, and 3. The table reflects the number of cases expected to have an expenditure in the year of eligibility and subsequent years of service. Less than half of new cases have an expenditure the first year and even fewer the second year and substantially less after that. The table is used to formulate the projections for the number of eligibilities and the projected cost of services for FFY 2020-23.

The cost of services for the number of individuals estimated to be served by each priority group is as follows:

FFY20

Priority Group 1 Cost of Services: \$2,013,267.16
Priority Group 2 Cost of Services: \$526,564.32
Priority Group 3 Cost of Services: \$265,057.97
Total for FFY 20: \$2,804,889.45

FFY21

Priority Group 1 Cost of Services: \$1,904,687.01
Priority Group 2 Cost of Services: \$525,134.61
Priority Group 3 Cost of Services: \$231,380.08
Total for FFY 21: \$2,661,201.70

(m) Order of Selection

Describe:

1. Whether the designated State unit will implement an order of selection. If so, describe:

A. The order to be followed in selecting eligible individuals to be provided VR services.

The order to be served

Nebraska VR remains in an Order of Selection (OOS). The agency received approval from RSA to implement OOS in December, 2017. As of April, 2018, all three (3) Priority Groups were closed. In April 2021 Nebraska VR followed necessary processes in order to open Priority Group 1. As a result, Nebraska VR is implementing the following:

Priority Group 1: Open- no wait list

Priority Group 2: Closed- wait list

Priority Group 3: Closed- wait list

Individuals who have applied for services in PY 2018, 2019 and 2020 were assessed and eligibility was determined and a Priority Group was assigned. Eligible client's names have been placed on a wait list and the VR agency has continued to have monthly meetings to determine when and how many individuals on the wait list can be removed. When removing individuals from the wait list, first priority is given to clients who are determined most significantly disabled (Priority Group 1), second priority to those determined significantly disabled (Priority Group 2), and third priority to those determined non-significantly disabled (Priority Group 3). Rationale for Priority Group assignment will appear in the client's case file.

Each client is notified in writing of all the Priority Groups, his/her assignment to a Priority Group, and if the Priority Group is open or closed. The written notification also includes an individual's priority assignment can be re-evaluated if new or additional information becomes available which affects the individual's functional limitations. Additionally, the written notification indicates his/her right to appeal the Priority Group assignment through informal or formal review and of the availability of assistance from the Client Assistance Program.

Clients who do not meet the OOS criteria for receiving VR services will be provided:

- a. VR information and guidance (which may include counseling and referral for job placement) using appropriate modes of communication to assist them in preparing for, securing, retaining/regaining or advancing in employment.
- b. Referral to other appropriate Federal and State programs, including programs carried out by other components of the statewide workforce development system best suited to address the specific employment needs of the individual along with information identifying a specific point of contact within the agency.

All funding arrangements for providing services shall be consistent with the OOS. If any funding arrangements are inconsistent with the OOS, Nebraska VR shall renegotiate these funding arrangements so they are consistent with the OOS.

The following outlines Nebraska VR policy and process for implementing the OOS:

Procedure for processing applications:

1. Upon receipt of referral, the Specialist meets with the applicant to complete the application and inform them about OOS (Priority Group open and Priority Groups 2 and 3 closed).
2. The Specialist will input data and application date and determine eligibility within 60 days from the date of application.
3. After eligibility determinations are made the client will be assigned to an OOS group based on their functional limitations and need for VR services over an extended period of time.
4. The client's name will be put on a wait list if placed in a closed Priority Group. The eligibility/ Priority Group letter will be sent to all new clients.

Procedure for putting clients on the wait list:

1. For each closed Priority Group, clients will be put on the wait list based upon application date.
2. The Administrative Office will be responsible to maintain the wait list.

Procedure for taking clients off the wait list:

1. The Administrative Office will determine when to open or close a Priority Group based upon Nebraska VR's financial and personnel resources. One Priority Group will be opened at a time to clear the wait list for that Priority Group before opening the next Priority Group.
2. The wait list will be evaluated each month and based on the availability of resources, the Administrative Office will determine approximately how many clients will be taken off the wait list based on the date the individual applied for services.
3. The clients will be notified by letter from the Administrative Office their name is coming off the wait list with a copy of the letter being sent to their Specialist.
4. The Specialist will contact the client.
5. The Specialist will complete the IPE within 90 days from the date the client was taken off the wait list.

Pre-Employment Transition Services

- Students who are considered "potentially eligible" for VR services will receive Pre-Employment Transition Services regardless of the OOS and are served when a signed Pre-Employment Transition Consent and Release is in place.
- Students with disabilities who apply for VR services and who began receiving Pre-Employment Transition Services prior to applying for and being determined eligible, will continue to have access to Pre-Employment Transition Services even if their priority group is closed. (Cannot receive any individualized VR services until priority group is being served and they come off the wait list)
- Any student with a disability that has applied for VR services who is not yet participating in Pre-Employment Transition Services when the eligibility determination is made and who is placed in a closed Priority Group will be served when funding is sufficient by the date the application is signed by the client. (Cannot receive Pre-Employment Transition Services)
- Any student with a disability who is determined eligible for VR services and placed in an open Priority Group can receive the full range of services offered through VR including Pre-Employment Transition Services and individualized VR services.

Under the OOS, Nebraska VR will continue to provide services to all individuals who were already receiving services under an approved Individualized Plan for Employment (IPE) prior to final approval of the OOS by RSA and implementation by Nebraska VR. Nebraska VR was approved by RSA and began implementing the OOS in December of 2017. The agency has removed approximately 4,408 people from the wait list since October of 2018.

Nebraska VR's projections for FFY 2020-23 are specified in Tables 47 through 50, http://vr.nebraska.gov/Tables47_50_2021.pdf. Nebraska VR will implement an OOS in FFY 2020 and FFY 2021. The agency will open Priority Group 1 in FFY 2021 and individuals in Priority Group 2 will be pulled from the wait list as staffing capacity allows.

As outlined in Tables 47 through 50, the order to be followed in selecting eligible individuals to be provided VR services is as follows:

FFY20

For Priority Groups 1-3 there were 1,595 new cases. This was significantly below the original estimates. The reason for the lower number of cases can be attributed to the unprecedented situations created by COVID-19. Of these cases, 885 clients have been served. Combined with existing clients, the total number of Priority Group 1 clients in FFY20 is approximately 1,222.

FFY21

For Priority Group 1, there will be 1,092 new cases. Of those 1,092 cases, the estimated number of clients served will be 411. Combined with existing clients, the total number of Priority Group 1 clients in FFY21 will be approximately 1,020.

For Priority Group 2, there will be 324 new cases. Of those 324 cases, the estimated number of clients served will be 123. Combined with existing clients, the total number of Priority Group 2 clients in FFY21 will be approximately 375.

For Priority Group 3, there will be 120 new cases. Of those 120 cases, the estimated number of clients served will be 40. Combined with existing clients, the total number of Priority Group 3 clients in FFY21 will be approximately 172.

B. The justification for the order.

Reduction in VR staff

Since entering into the OOS and closing all three (3) Priority Groups, Nebraska VR reduced its personnel costs through instituting a hiring freeze. It took approximately two (2) years for the agency to realize the necessary savings of \$2,261,067 as a result of the hiring freeze. Now that the VR agency has met the savings projections while under an OOS, efforts have been underway to refill vacancies so VR field offices are at a staffing capacity which will support its plan for removing individuals from the wait list. Since September 2019, Nebraska VR has filled or is in the process of filling 35 positions. Nebraska VR has 25 remaining vacancies for Service Specialists to fill statewide.

Even with the unprecedented challenges in 2020, Nebraska VR implemented an aggressive plan for hiring and on-boarding new staff to support the removal of individuals from the wait list. The continued efforts to fill vacancies and retain staff supports the agency's move to opening Priority Group 1 and beginning to remove individuals from the wait list in Priority Group 2. Nebraska VR does offer retention services under the OOS so it is possible for the agency to serve individuals in any of its Priority Groups should the criteria be met as outlined below.

Managing the VR Wait List

As of March 30, 2021: There are 1,289 individuals on Nebraska VR's wait list. This includes:

- Priority 1: 20
- Priority 2: 894
- Priority 3: 375

C. The service and outcome goals.

Tables 47 through 50, http://vr.nebraska.gov/Tables47_50_2021.pdf, depict the number of new cases for FFY 2013 through FFY 2023 for Priority Groups 1, 2, and 3. The table reflects the number of cases expected to have an expenditure in the year of eligibility and subsequent years of service. Less than half of new cases have an expenditure the first year and even fewer the second year and substantially less after that. The table is used to formulate the service and outcome goals for the number of individuals to be served and the projected case service expenditures for FFY 2020-23.

D. The time within which these goals may be achieved for individuals in each priority category within the order.

Timeline to achieve goals

Table 51. Application to close successful (days)

Application to close successful (days)	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23
Priority Group 1	441	453	475	480	490	450	400	400
Priority Group 2	463	557	1,287	1,287	1,287	700	420	420
Priority Group 3	619	655	1,380	1,745	1,745	900	530	530

Table 52. Application to close unsuccessful (days)

Application to close unsuccessful (days)	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23
Priority Group 1	341	416	475	480	490	410	370	370
Priority Group 2	368	417	1,287	1,287	1,287	700	670	670
Priority Group 3	495	600	1,138	1,745	1,745	900	900	900

Table 53. Plan to close successful (days)

Plan to close successful (days)	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23
Priority Group 1	356	362	400	686	400	380	360	350
Priority Group 2	390	470	1,276	1,197	1,197	1000	600	450
Priority Group 3	476	522	1,138	1,655	1,655	1400	550	480

Table 54. Plan to close unsuccessful (days)

Plan to close unsuccessful (days)	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23
Priority Group 1	432	501	450	815	450	450	450	450
Priority Group 2	502	487	1,304	1,304	1,304	800	650	600
Priority Group 3	487	607	1,223	1,223	1,223	850	680	575

Reference

450 days= 1 year, 3 months; 1200 days= 3 years, 3 months; 1600 days= 4 years, 5 months

The average number of days for each of the above categories have been drastically impacted by the implementation of the OOS. Nebraska VR projects individuals from the wait list in Priority Groups 2 and 3 will be served in FFY 21. Nebraska VR has provided significant technical assistance to staff and implemented internal controls in the agency's case management system to address timely services. Therefore, it is anticipated once an individual is removed from the wait list there will continue to be improved timelines for achieving these goals.

E. How individuals with the most significant disabilities are selected for services before all other individuals with disabilities; and

Nebraska VR has determined it is necessary to continue to implement the OOS as it continues to fill vacancies and appropriately train staff. Therefore maintaining a wait list for Priority Groups 2 and 3.

Each client will be notified in writing of all the priority groups, his/her assignment to a priority group, and if the priority group is open or closed. The written notification also includes an individual's priority assignment can be re-evaluated if new or additional information becomes available which affects the individual's functional limitations. Additionally, the written notification indicates his/her right to appeal the priority group assignment through informal or formal review and of the availability of assistance from the Client Assistance Program.

Nebraska VR serves individuals with the most significant disabilities (Priority Group 1) before all other individuals with disabilities.

Priority Group 1 (Individuals with Most Significant Disabilities) will be served first;
Priority Group 2 (Individuals with Significant Disabilities) will be served second; and
Priority Group 3 (Individuals with Non-Significant Disabilities) will be served third.

Descriptions of Priority Groups:

- Priority Group 1: Clients determined to have a most significant disability. These are clients with severe physical or mental impairments that seriously limit two (2) or more functional capacities and who require multiple services over an extended period of time.
- Priority Group 2: Clients determined to have a significant disability. These are clients with severe physical or mental impairments that seriously limit one (1) or more functional capacities and who require multiple VR services over an extended period of time.
- Priority Group 3: Clients determined to have a non-significant disability. All other VR eligible clients.

Significance of disability and Priority Group are determined after reviewing the client's medical records, assessment reports, and determining the client's ability to complete work related tasks. These work-related tasks are categorized into 7 functional capacity areas:

- Communication
- Mobility
- Self-direction
- Work tolerance
- Interpersonal skills
- Self-care
- Work skills

The OOS shall not be based on any other factors, including:

- Any duration of residency requirement, provided the individual is present in the State;
- Type of disability;
- Age, gender, race, color or national origin;
- Source of referral;
- Type of expected employment outcome;
- The need for specific services or anticipated cost of services required by an individual; or
- The income level of an individual or an individual's family.

2. If the designated State unit has elected to serve eligible individuals, regardless of any established order of selection, who require specific services or equipment to maintain employment.

Exceptions to Policy on OOS:

Nebraska VR elects to serve individuals who require specific services or equipment to maintain employment regardless of their priority group. Priority will be given to individuals currently working but would almost certainly lose his or her current job if not provided specific services or equipment in the very near future that would enable him or her to retain that employment.

- a. An IPE can be developed and the services required can be provided immediately.
- b. VR services can only be provided to maintain the current employment.
- c. The client is not eligible for post-employment services.
- d. The case record must document communication from the employer stating the employee is at immediate risk of losing their job.
- e. The client is not required to disclose the disability to the employer.
- f. The client requires only specific services or equipment that will keep the client in his/her current job.

Note 1: This exemption does not apply to those losing jobs because the employer is going out of business, eliminating the job, or for other business-related decisions. **Note 2:** This exemption does not apply to clients who are underemployed or seeking to maximize their employment. **Note 3:** This exemption does not apply to those who are seeking to change employer.