

**MINUTES OF THE MEETING OF THE  
SENATE COMMITTEE ON FINANCE  
AND  
ASSEMBLY COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEES ON HUMAN SERVICES**

**Eightieth Session  
February 28, 2019**

The joint meeting of the Subcommittees on Human Services of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair Moises Denis at 8:03 a.m. on Thursday, February 28, 2019, in Room 3137 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**SENATE SUBCOMMITTEE MEMBERS PRESENT:**

Senator Moises Denis, Chair  
Senator Joyce Woodhouse  
Senator Kelvin Atkinson  
Senator James A. Settlemeyer  
Senator Ben Kieckhefer

**ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:**

Assemblyman Michael C. Sprinkle, Chair  
Assemblywoman Maggie Carlton, Vice Chair  
Assemblyman Jason Frierson  
Assemblywoman Dina Neal  
Assemblywoman Ellen B. Spiegel  
Assemblyman Tyrone Thompson  
Assemblywoman Robin L. Titus

**COMMITTEE MEMBERS ABSENT:**

Assemblyman John Hambrick (Excused)

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**STAFF MEMBERS PRESENT:**

Alex Haartz, Principal Deputy Fiscal Analyst  
Sarah Coffman, Principal Deputy Fiscal Analyst  
John Kucera, Program Analyst  
Vicki Kemp, Committee Secretary

**OTHERS PRESENT:**

Tiffany G. Tyler-Garner, Ph.D., Director, Nevada Department of Employment,  
Training and Rehabilitation  
Shelley Hendren, Administrator, Rehabilitation Division, Nevada Department of  
Employment, Training and Rehabilitation  
Susan Brown, Director, Office of Finance, Office of the Governor  
Kara Jenkins, Administrator, Nevada Equal Rights Commission  
Kimberly Gaa, Administrator, Information, Development and Processing, Nevada  
Department of Employment, Training and Rehabilitation  
Ernest Hall

CHAIR DENIS:

We will start with the Nevada Department of Employment, Training and  
Rehabilitation (DETR):

TIFFANY G. TYLER-GARNER, PH.D., (Director, Nevada Department of Employment,  
Training and Rehabilitation):

We will present our agency budget with the commitment of ensuring all  
Nevadans have an opportunity to work, including those with special needs,  
while recognizing the unique climate and the availability of legal recourse for  
workplace discrimination.

SHELLEY HENDREN (Administrator, Rehabilitation Division, Nevada Department of  
Employment, Training and Rehabilitation):

The mission of the DETR is to remove barriers for people with disabilities by  
providing them an equal opportunity for competitive integrated employment and  
help them obtain self-sufficiency as shown on page 3 of the DETR presentation,  
([Exhibit C](#)). As shown on page 4, [Exhibit C](#), Randy, a veteran, received services  
through the Bureau of Vocational Rehabilitation (BVR) which helped him to

complete his degree at the University of Nevada, Las Vegas. He is the Director of K-9 for Warriors and fulfilling his dream of working with other veterans. The Rehabilitation Division has 5 budget accounts (B/A) as shown on page 5, [Exhibit C](#).

## HEALTH AND HUMAN SERVICES

### EMPLOYMENT, TRAINING AND REHABILITATION

DETR - Services To Blind Or Visually Impaired — Budget Page DETR-28 (Volume II)

Budget Account 101-3254

DETR - Vocational Rehabilitation — Budget Page DETR-18 (Volume II)

Budget Account 101-3265

DETR - Blind Business Enterprise Program — Budget Page DETR-34 (Volume II)

Budget Account 101-3253

DETR - Disability Adjudication — Budget Page DETR-11 (Volume II)

Budget Account 101-3269

DETR - Rehabilitation Administration — Budget Page DETR-7 (Volume II)

Budget Account 101-3268

The Rehabilitation Administration, B/A 101-3268, contains 12 full-time employees (FTE). The Bureau of Service to Persons Who Are Blind or Visually Impaired (BSB) and the BVR comprise the State's Vocational Rehabilitation (VR) program. The VR provides services and supports to either eliminate or mitigate employment barriers for people with disabilities. The Bureau of Disability Adjudication (BDA) is at the end of the disability spectrum and is for individuals who are unable to work due to their disability. These individuals apply for Social Security Administration (SSA) disability benefits. The BDA processes disability claims and makes medical determinations.

The Blind Business Enterprise of Nevada (BEN) provides entrepreneurial opportunities to blind or sight-impaired individuals to operate cafes, cafeterias,

gift shops and other various enterprises in government buildings. The pie charts on page 6, [Exhibit C](#), shows the amount of General Fund dollars requested versus other funding sources for the budget accounts. The Administration budget is cost allocated by the four budget accounts. The BVR is comprised of approximately 12 percent General Fund dollars and 88 percent federal funds. The BSB has the largest percentage of General Fund dollars with a smaller budget in comparison to the BVR at 15.4 percent General Fund. The BEN is 100 percent self-funded and the BDA is 100 percent federal funds through the SSA.

I will now provide highlights of the BDA B/A 101-3269 as shown on page 9, [Exhibit C](#). Our processing time frame of 123 days is down from 141 in 2015. There is a gap to where we should be with the SSA goal of 113 days. Every day an individual waits, is a day they are not working and awaiting a benefit decision. For those denied benefits, they are advised about the BVR program and they receive a letter with BVR contact information so they may choose to retrain for a different career. The 37 percent vacancy rate equates to 101,975 lost staff-time hours and 10,000 to 14,000 individual claims. We are hampered by the inability to fill vacancies as they occur. This brings us to enhancement unit E-225, which is an unusual request.

#### E-225 Efficient and Responsive State Government — Page DETR-13

We are asking to turn FTE positions into intermittent positions, a total of 11 disability adjudicator positions. Because this program is 100 percent funded by the SSA, they dole out hiring authority. We are unable to fill vacancies unless the SSA authorizes it. They decide how many and which positions will be filled. This hampers our ability to serve Nevadans and process claims. About three years ago, we added the intermittent technicians. These positions have kept the BDA on track even with vacancies because we, not the SSA, have the authority to fill intermittent and contract positions. We can fill technician vacancies immediately and provide a career pathway to adjudicator positions. We are requesting to do the same with the adjudicator positions. Seasoned intermittent adjudicators could be moved into FTE positions. We believe this will help keep staffing levels where we can better serve Nevadans who are awaiting a benefit determination.

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ASSEMBLYWOMAN CARLTON:  
Are there 132 permanent positions?

Ms. HENDREN:  
Yes.

ASSEMBLYWOMAN CARLTON:  
How many of those are vacant?

Ms. HENDREN:  
There are 33 vacancies out of 77 adjudicators or 43 percent.

ASSEMBLYWOMAN CARLTON:  
The proposal is a work-around of the federal government. Will you hire people at 39 hours a week and call them part-time to deal with the adjudicator's caseloads? How many of the 11 positions are filled and how many will be converted?

Ms. HENDREN:  
All would be vacant positions. We will not eliminate someone currently in an adjudicator position. The SSA is aware of our staffing challenges, supports this enhancement and has provided a letter of support.

ASSEMBLYWOMAN CARLTON:  
The concern is one job classification, but there will be two classes of employees with varying rights. I would like to understand the difference between the two classes. Six vacancies were filled between November 2018 and December 2018.

Ms. HENDREN:  
By classifying the positions as intermittent and with over 32 hours per week, they will receive full benefits as State employees. The only difference is the one hour; working 39 hours as opposed to 40. The status of being intermittent allows the agency to not fill those or to decrease the hours. Given the manner in which the BDA operates, it is not anticipated this would occur. We have come to many Sessions with the same issue of hiring authority and not being able to fill all vacancies. Only once in my time with the Division have they told us we

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could fill all vacancies, and some of them turned over before we could fill them. Then you are not able to refill them. According to the SSA, the positions do not require hiring authority, therefore they are calling them part-time positions under their criteria.

ASSEMBLYWOMAN CARLTON:

Intermittent employees do not have some of the same personnel rights as FTE employees have. As far as bumping and transfers. They are considered FTEs to a certain level, but there are things different for them. I have a concern with people working next to each other being treated differently. We need to ensure the employees are protected and we do not open the door for this to be a permanent way of managing vacancies. Each year there could be increases in the number of positions filled in this manner.

SENATOR KIECKHEFER:

The employees will have full health care benefits and be enrolled in the Nevada Public Employees' Retirement System. From a compensation standpoint, the only issue is the one hour of pay.

Ms. HENDREN:

Yes. We have the ability to promote within the BDA without hiring authority. As we have vacancies in full-time adjudicator positions we can immediately move the intermittent staff into those positions.

SENATOR KIECKHEFER:

There are 44 current vacant positions?

Ms. HENDREN:

There are 33 current vacant adjudicator positions out of a total of 77 vacant positions.

SENATOR KIECKHEFER:

If we convert 11 of the 33 positions to intermittent positions, could intermittent staff be transferred up without a new vacancy being created?

Ms. HENDREN:

Yes.

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SENATOR KIECKHEFER:

Could you hire 11 people who work for a week and immediately move them up to back fill the vacant positions? Then there are more intermittent positions filled.

Ms. HENDREN:

I will verify if the process could be immediate. The idea is to move them up into FTE positions.

SENATOR KIECKHEFER:

Could you use this as a sliding position to staff all the way up without federal authority?

Ms. HENDREN:

Yes.

SENATOR KIECKHEFER:

I share Ms. Carlton's concerns and compliment the agency for trying to find a creative way to serve the mission.

ASSEMBLYWOMAN CARLTON:

By not declaring an open position vacant and moving someone into the position, the vacancy occurs at the hiring level with a domino effect. There needs to be caution to not put ourselves in a negative position with the SSA.

ASSEMBLYMAN SPRINKLE:

Does the letter in support from the SSA indicate their understanding of the work-around we are discussing?

Ms. HENDREN:

Yes. It is an ongoing topic of conversation with the SSA. Hawaii and Louisiana have implemented the same practice. The SSA approves of the BDA hiring intermittent disability adjudicator positions and understands this will allow the BDA to retain a minimum threshold of adjudicators. When SSA is unable to authorize full-time permanent hiring, this will ensure sufficient staffing levels.

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ASSEMBLYMAN SPRINKLE:

You indicated none of the current positions to become intermittent are filled. Our notes show one of the positions is filled. Why is there a discrepancy?

MS. HENDREN:

If one of the Position Control Number (PCN) numbers used has a person in it, then we would swap with a different PCN number. We will not eliminate anyone's permanent position.

ASSEMBLYMAN SPRINKLE:

In the past, you argued a full-time position, as opposed to an intermittent or part-time position, is more appealing to people. If we do this, will there be difficulty in filling the 11 positions?

MS. HENDREN:

Whenever we have had recruitments we have had a robust list of qualified applicants. Because they will receive the benefits of full-time State employees, I do not believe there will be difficulty filling the positions. We may never have the luxury of being fully staffed.

I will review the information on page 13, [Exhibit C](#). People with disabilities are the largest minority group in the Country. The poverty rate is much higher and the full-time employment rate is lower for persons with disabilities. Those who are full-time employed earn about ten percent less than their counterparts who do not have disabilities. The program funding is shown on page 14, [Exhibit C](#). The program is primarily federal grant funded through the Rehabilitation Act of 1973. It is a formula grant based on population and median wages. This is not a competitive grant; we receive funding each year. There is a State match requirement to pull down federal funds. It is almost a four to one match; for every State dollar we receive \$3.69 federal funds. Within DETR, we seek out match funding sources so we do not rely on General Fund dollars.

The General Fund is 12 percent of the overall budget. Other funding sources are shown on the top of page 14, [Exhibit C](#). Expenditures and effort within the BEN program are allowable match sources. We will discuss an enhancement when we review the request for a position under the BEN budget. The position costs will be applied towards the match requirement to draw federal funds into the



BVR program. In fiscal year (FY) 2018, \$1.3 million of match came from the BEN program.

The third party cooperative arrangements are unique contracts with other government entities allowing them to provide the match either in cash or certified staff time to draw down federal funds. The programs serve joint clients. Last year's match, for the third party cooperative, was \$874,000, which drew in \$3.2 million federal funds into the BVR program. A further breakdown of the match is shown on page 15, [Exhibit C](#).

A return of investment (ROI) is a difficult number to figure for VR programs. Our federal oversight agency commissioned several studies. Information was published on how states could determine a realistic ROI. Our new deputy of operations has read all the materials and has determined an ROI for Nevada as shown on page 16, [Exhibit C](#). For every \$1 invested in BVR there is a \$2.96 savings for taxpayers. We are creating taxpayers on one side of the spectrum, and on the other side we are helping to reduce reliance on public funds. Over the last biennium, 545 individuals receiving public assistance benefits such as the Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families, Supplemental Security Income and Social Security Disability Income at application reported not needing those benefits at case closure. Another 46 percent added private insurance as opposed to Medicare or Medicaid insurance. For every General Fund dollar, there is a \$16.73 savings over the life of a BVR participant.

As shown on page 17, [Exhibit C](#), Brittany received services through the BVR. She is a transition student within the ages of 16 to 22 who needed assistance transitioning from high school into postsecondary education and/or competitive integrated employment. The BVR has a relationship with the Starbucks roasting plant in Douglas County, Nevada. Brittany completed on-the-job training at Starbucks and was hired as a picker and packer. She moved up to a trainer position and is working full-time earning \$14.85 an hour.

Our next enhancement unit is E-225. There are 18,000 Nevada students with disabilities in Grades 9 through 12. The BVR has a team of 7 FTEs. A number of counseling staff carry partial caseloads which equals about 9 FTE counseling positions. There was a 20 percent growth in this population from FY 2016 to

FY 2018. The increase is driven by the Workforce Innovation and Opportunity Act (WIOA). Specific services can be provided to students with disabilities whether they have an open a case with the BVR or not. There is an additional 1,400 students the BVR served with preemployment transition services. The pool of these students is 18,000. Any student with a disability in need of the services should be receiving services. We had a nominal service delivery in 2016, as we started the program roll-out. There were over 1,000 students served in 2017 and 1,725 in 2018 or a 62 percent increase. Being a new program, it is difficult to estimate how much and how rapid the growth. We are asking for a rehabilitation counselor and rehabilitation technician to help serve this growing population of students with disabilities. Last year, we served 2,874 disabled students with preemployment transition services and regular caseload transition services.

E-225 Efficient and Responsive State Government — Page DETR-21

SENATOR KIECKHEFER:

There are community resources contracted to provide services, such as Opportunity Village. Is the mission of these positions to not only collaborate with schools but also with community organizations who already provide services?

MS. HENDREN:

Yes. We will partner with as many stakeholders as possible. Establishing partnerships is an important service delivery. We work with Opportunity Village, Easter Seals, school districts and the Nevada Department of Education (DOE).

SENATOR KIECKHEFER:

Is the 18,000 an estimate of potential eligible students?

MS. HENDREN:

Yes. The information was received from the DOE. The 18,000 represents students with an Individualized Education Plan (IEP).

SENATOR KIECKHEFER:

Is there a wide range in the types of services provided? An IEP may have speech training, versus someone with severe developmental disabilities, who

would have other services. Is this an entitlement? What happens if the students are not being served?

MS. HENDREN:

The law requires to reserve 15 percent of the federal grant for provision of preemployment transition services. We will reserve and spend the 15 percent. We have the ability to spend more if appropriate, but we are not required. There could be a problem if we do not continue to increase spending and serve more students up to the 15 percent reserve.

SENATOR KIECKHEFER:

What threshold are you at now? Are you at 15 percent?

MS. HENDREN:

Although we have increased spending, we are not at the 15 percent. We spent \$2.1 million in FY 2018 and the reserve tends to be about \$4.2 million.

As shown on page 19, [Exhibit C](#), Vincent is a person with a significant disability. He received orientation and mobility training so he could navigate the transit system for work and live independently. He received assistive technology and low-vision services which helped remove barriers to employment. After he received job development services and was hired at the Fosdick Fulfillment LLC, in Washoe County, he was provided a job coach. Vincent earns \$10 an hour and works 4 days a week. He is productive in folding 2,000 to 3,000 boxes a day.

The next enhancement unit E-229 is for a rehabilitation counselor and rehabilitation technician to serve people with the most significant disabilities. This is the second population with growth in the BVR program as driven by WIOA. There are certain mandates in WIOA requiring an individual to be served by VR before they can select sheltered employment. We are actively seeking and serving this population.

E-229 Efficient and Responsive State Government — Page DETR-22

We created a specialized internal team to serve these clients. The team is not large enough to exclusively serve all of this population. Someone with the most

significant disability is defined as having limits in their functional capacity in two or more major life activities. They require multiple services from VR over an extended period of time of more than six months. These cases are open longer because of the required services. They are open on average 604 days in FY 2018 versus VR cases open on average 420 days. They are open 45 percent longer due to the extent of service delivery required. The positions will join the specialized team to serve the specialized population.

A visual of average caseload size is shown on page 21, [Exhibit C](#). The total number of individuals being served in the program was fairly flat. The two populations discussed are increasing, and the length of time receiving services is increasing. These cases were open 6 to 7 percent longer in FY 2018 than in FY 2017. A portion of the increase is attributable to vacancies. The intent of WIOA has changed the focus from entry-level positions to careers; there is more training, certificate programs and education. There are peripheral mandates which do not show up in the caseload numbers.

As shown on page 22, [Exhibit C](#), Douglas had a long-term gap of employment of more than 10 years. He returned to school for technical training in computer skills and he qualified for positions on the State's 700-Hour program. The 700-Hour program is a recruitment process into State employment for people with disabilities. They must meet the job requirements to be certified on a recruitment list for the Nevada Division of Human Resource Management to add them to the 700-Hour list. When a State agency has an opening, the agency first receives the 700-Hour list to consider and hire. Douglas was hired at the University of Nevada, Reno in their mathematics and science department as an administrative assistant III. In the full-time position, Douglas earns \$16.61 an hour.

SENATOR KIECKHEFER:  
Why is it referred to as the 700-Hour list?

MS. HENDREN:  
The 700-Hour is a period of time where a State agency can try out the employee and the employee tries out the job. The BVR can continue to provide services during the 700 hours. If the employee becomes a FTE, the 700 hours counts toward their probationary period.

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ASSEMBLYWOMAN NEAL:

Last Session, there was a policy shift in the Nevada Attorney General's Bureau of Governmental Affairs with the 700-Hour program. How many individuals have retained employment? The goal was to have more people transition and actually retain employment for a longer period of time. Do you have data on this?

MS. HENDREN:

In the first full year of the program and being a mandatory step in the recruitment process, 75 individuals were hired, 28 were released within the 700-Hour time frame; 47 or 63 percent, remained employed.

As shown on page 23, [Exhibit C](#), enhancement unit E-230 requests a workforce services representative (WSR) IV. The five WSRs have oversight of the 700-Hour program and also assist in providing soft-skills and job matching. We are asking to add an additional member to the team and would like this position to have the specialized purpose of internal job development. The services are contracted and we have spent over \$1 million for job development. This is a best practice in other states. We would have more control over the quality of the work and outcomes of individuals with our own internal job developer (JD). We would pilot this in Las Vegas. The person would have a caseload similar to our JDs who tend to serve about 61 clients a year.

E-230 Efficient and Responsive State Government — Page DETR-22

Different from the team, the individualized one-to-one type of service will be provided as opposed to a team group setting. Not every individual can benefit from a group setting and some need more intensive one-to-one. For example, the team may provide someone a series of job leads. The job developer would sit with the participant and go over each lead, help them make determinations about the jobs and help them apply. The team may help someone tweak their resume, whereas a JD may help them to build a resume.

The business relationships are different. The team certainly establishes relationships but more so on behalf of the BVR. The JD relationship is more focused on the client they are serving. This is the model we prefer to pilot with this position to broaden career pathways with more customized employer

supports. An internal job developer versus contracting costs will save money as shown on page 23, [Exhibit C](#).

As shown on page 24, [Exhibit C](#), there are two enhancement requests for B/A 101-3265.

E-232 Efficient and Responsive State Government — Page DETR-23

E-233 Efficient and Responsive State Government — Page DETR-23

The quality control specialist would be an addition to the team of three and take over the responsibility of casefile reviews from the rehabilitation counselor III and the supervisors. This will provide quality and consistency in the reviews from someone trained in quality assurance and trained in using the evaluative tool. The review findings will be reported back to the individuals to use with the employees for mentoring, coaching and input for evaluations. This will free up the rehabilitation counselors to work with their clients and the supervisors to perform community outreach. This will not diminish supervisory duties but enhance them.

Enhancement unit E-233 is a request to continue with the Semi-Autonomous Research Assistant (SARA) project. The software sits on top of the case management system and is a virtual assistant. Communication will be through text and e-mail. Millennials and students are constantly on their phone. The SARA will send appointment reminders, ask how things are going and ask if the student has any needs. The communication is two-way and goes straight into case notes. Nevada is one of three states selected to pilot this program. The approval of the federal grant allowed for SARA to be rolled-out statewide with all the core programs within the WIOA. The local workforce board, service providers, adult education, literacy, the Employment Security Division, JobConnect and the BVR are SARA partners.

The Division of Welfare and Supportive Services (DWSS), Department of Health and Human Services will join in March 2019. The next step will be to develop data sharing agreements. When someone has a case with DWSS and they come to BVR, there is a notification and a DWSS contact listed. This will help to not duplicate services. We will complement each other with services. The pilot program has been ongoing for a year with 8,093 clients. There are 2,541

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engaged clients on behalf of the BVR with 74,000 actions performed. This is another means to free up staff time for higher level tasks.

We were unsure of the disposition of decision unit E-237 when creating this presentation. Enhancement unit E-237 is for a partnership between the BVR and the Southern Nevada Adult Mental Health Services (SNAMHS) for a training facility in their inpatient hospital facility to service joint clients who are receiving either psychological or behavioral therapy mental health services. There will be a cafeteria at the facility run by one of the BEN operators. We are providing another entrepreneurial opportunity and training coenrolled clients with mental health disabilities.

#### E-237 Efficient and Responsive State Government — Page DETR-24

It will be longer term and more intensive with six months on-the-job-training. They will learn multiple skills such as cashiering, barista, cook, precook, management, marketing and inventory control. The matching funds will be an interagency transfer from SNAMHS to pull down federal funds at almost the 4 to 1 rate to fund this program. There will be paid wages during training, two job developers for every four individuals, other necessary case service dollars and a stipend for BEN operators. As the site becomes profitable, there will be fewer services needed, and the remaining funds pulled from the federal dollars will stay in the BVR program.

SENATOR KIECKHEFER:

Have you cross referenced with SNAMHS on how many clients you share in common?

Ms. HENDREN:

I can provide the number to the Subcommittees. A third of the individuals we serve have mental health disabilities.

SENATOR KIECKHEFER:

Not all of them are being served by SNAMHS?

Ms. HENDREN:

You are correct.

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SENATOR KIECKHEFER:

I want to make sure there is enough of a client base to scale up and make this work.

Ms. HENDREN:

Through a comprehensive statewide-needs assessment, the DETR's Nevada State Rehabilitation Council determined this is an underserved population; their employment rates are not equal to other State disability groups.

The open client caseload timeline is shown on page 25, [Exhibit C](#). This includes open cases and students receiving preemployment transition services without open cases. You can see the trajectory when they are added in. The total number of students transitioned in FY 2018 was 2,874.

CHAIR DENIS:

For the adjusted caseload growth of the Agency's transition students and preemployment transition services, why are you not projecting out to FY 2020 and FY 2021?

Ms. HENDREN:

We are expecting a growth of 10 percent for transition student caseloads based on what we have been seeing in a year since the passage of WIOA. For preemployment transition services we estimate 10 percent, which is conservative, given it is a new program and the growth from FY 2018. We would expect 152 additional transition students by FY 2020 and 294 preemployment transition students. This is a total of 446 additional students by FY 2020. We have not projected out to FY 2021. In the short term, we would consider at least a ten percent growth.

ASSEMBLYMAN SPRINKLE:

Along the lines of caseload growth, it appears the ratio in FY 2017 was 1 to 75 and 1 to 84 in FY 2018. What led to the decision to request one new position? You could have up to ten staff to have a decent ratio. Was there a formula used?



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MS. HENDREN:

The seven positions in the BVR budgets would go a long way to helping us meet the demands of Nevadans with disabilities. We support the Governor's recommended budget and the decisions made on the priorities. No administrator would indicate they have all the resources they need.

ASSEMBLYWOMAN NEAL:  
What is the methodology?

MS. HENDREN:

In looking at average caseload sizes, we are at 84 currently. The optimal caseload size for a transition counselor would be 75, as each counselor is assigned 11 to 15 schools with a lot of travel time involved. If we took the transition counselor and got them to the 75 optimal caseload, it would leave 81 cases for the new position. There is no consideration for growth.

CHAIR DENIS:

Can you explain why the request is for an additional rehabilitation technician as opposed to an additional counselor position?

MS. HENDREN:

The two positions work in partnership. The counselors are able to carry the caseload they have with the assistance of the rehabilitation technicians. Technicians are responsible for scheduling appointments, liaison services with providers, orientations for new clients and data entry. The federal government requires Nevada to report on almost 400 data elements every quarter. There is a great amount of data gathered and reported.

MS. TYLER-GARNER:

I want to affirm the Governor's, mine and the team's commitment to respond to the needs of this population. We recognize there is learning which comes with any transition, and as a part of this process there are priorities to be supported. We hope to partner with the Committees and others in responding to the needs of this population. We are willing to look at what the needs suggest and partner in identifying additional resources.

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CHAIR DENIS:

How would the functions of the recommended workforce services representative position relate to the services provided by the five existing workforce services representative positions and the services currently contracted out by the agency?

MS. HENDREN:

The difference is the one-to-one individualized service to the client with an internal JD versus the team who deliver similar services to groups. They do not liaison directly with businesses with job leads; they do not sit individually with clients to create resumes. The JDs and service providers represent clients and advocate to help them become employed. We prefer someone to focus more specifically on the agreed upon goal in the IEP.

ASSEMBLYMAN THOMPSON:

If the Agency is able to provide higher quality job development services at a lower cost with State personnel, why are the job development services contracted? A pilot program usually starts out slow and builds. Why are we going all out?

MS. HENDREN:

What is being piloted is taking one position and turning it into an internal JD. The workforce services team has existed for several years; they are delivering group services such as soft-skills training, job search assistance and providing job leads. This is something occurring in other states and is a best practice. We will not be able to supplant all service providers unless there is a whole team doing job development. This will cover 61 individuals.

ASSEMBLYMAN THOMPSON:

Is this reinventing positions, giving additional training and exposure to create current staff to be what you want them to be?

MS. HENDREN:

There is no intention to change what the current staff are doing, as they fulfill a need. We have created a new system for job development. This team is the gate-keeper before we automatically place someone with a JD. The team will provide services to someone who needs little assistance and refer them to a JD.

More extensive services are needed by those who have expertise; for example, job development for individuals with significant disabilities or supported employment job development. Customized job developing is matching a job with a business to meet the specific needs and skill set of the person with a disability. There is a continued need to contract these extensive services.

ASSEMBLYWOMAN NEAL:

You indicated quality is an issue with the contractor position. You will get the JD and still have contracted positions. How will the quality be fixed with the contracted positions? Why have the contracts not been amended to get the quality services? How has the lack of quality affected service delivery?

MS. HENDREN:

Quality is being addressed in several ways. It is not the entire group of service providers who provide job development services. Some are excellent. There has been a wide range of quality level. The new internal job development system is to be the gate keeper, will provide basic services and more individualized services. There is an annual casefile review on JDs. The review will consist of quality control, meet with the JD to discuss deficiencies and determine an action plan as needed. We are implementing a new case management (CM) system with a vendor rating piece. We will receive immediate feedback from staff, clients and providers. It is important the client's needs are met and they receive help and services needed to achieve their employment goal.

ASSEMBLYWOMAN NEAL:

How long will it take to get to the point where the wide array of deficiencies are eliminated?

MS. HENDREN:

We go live with the CM system on April 22, 2019. The new process launched November 1, 2018. We do not have a wide array of deficiencies. We have some service providers who are not providing the level of desired service and we are rectifying the situation.

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ASSEMBLYMAN SPRINKLE:

How much time would be devoted to case reviews and what other activities would the quality control specialist position support?

Ms. HENDREN:

About 75 percent of their time will be expended with the 500 case file reviews each year. We added technical assistance to our team of counselors and rehabilitation technicians. There are case file reviews performed on the team; as patterns immerge, the team is provided technical assistance. We would like to expand this effort by determining trends, identifying resources and training needs. We received a new internal trainer FTE last Session who will assist with the effort.

ASSEMBLYMAN SPRINKLE:

It makes sense to identify issues early in the process and spending time to rectify problems. How would VR clients benefit from a centralized case review position?

Ms. HENDREN:

With the additional 1,200 hours available to the rehabilitation counselor III and the supervisors, we anticipate 60 to 130 additional consumers to be served. It would allow more individuals to be served and provide them with more intensive services. The supervisors will have more time to work with their teams, provide coaching, mentoring and outreach to community businesses and stakeholders.

CHAIR DENIS:

How does the Agency intend to provide the 21.3 percent match for the proposed WIOA funds?

Ms. HENDREN:

The original concept was for SNAMHS to transfer \$80,000 match funds to BVR. Because they are nonfederal funds, they serve as match and allow us to pull down federal funds. The Governor's Finance Office may need to address questions regarding the match funds.

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SUSAN BROWN (Director, Office of Finance, Office of the Governor):  
We are working through the request to include the match in the SNAMHS services budget.

ASSEMBLYWOMAN TITUS:

In SARA, there is a virtual program with automation for dialing and texting. How many clients receive messages? We are spending \$80,000 a year for SARA and there is \$80,000 budgeted for a person. How efficient is the SARA program?

MS. HENDREN:

The BVR has been utilizing SARA for a year. It is currently engaged with 2,541 clients. In over a year's time it has performed 74,000 actions to include multiple contacts. We set a system parameter to contact clients up to four times when they are unresponsive. We believe the program offers an efficient manner to reach out to clients, saving staff time. There are reminders or status checks. This could potentially be a common registration with all the WIOA program partners. A common registration would ensure better service, more efficiency and less duplication of services. The next step is common registration.

ASSEMBLYWOMAN TITUS:

The two-way communication reverts directly back into the client's case notes. Are the clients informed their comments are put into permanent records?

MS. HENDREN:

Yes. We inform clients of the process at orientation and through written information. It is voluntary, so they have the option to decline.

ASSEMBLYWOMAN SPIEGEL:

Of the 8,093 clients enrolled, 2,541 have used SARA, and there have been 74,000 actions. What is the long-term impact of staffing requirements relative to the caseload?

MS. HENDREN:

In the first year of the pilot program, there were several items to work through. People were being contacted often. There has been improvements and product developments as SARA is a pilot for the company. The 8,093 is over the course of a year and currently SARA is actively communicating with 2,500. We need

to look at this as things iron out to see how much staff time is being saved. When someone becomes employed they can send a copy of their paycheck through SARA.

MS. TYLER-GARNER:

I come to this project as an educational psychologist who has been in workforce development for over a decade. The enhancement requests recognize the reauthorization and requirements of WIOA to provide targeted support to the most vulnerable population. There is a strong commitment to quality assurance. Beyond the group support, individuals are provided many more supports to assist them in entering into the workforce and provide for themselves. High school students with a disability are disproportionately higher than it is for any other population. These individuals should have the benefit of transition support into the workforce. Many of the budget requests respond to the very context we are managing.

I am encouraged the BVR has a commitment to quality assurance, is willing to provide technical assistance, and is looking at how workforce is changing over time. The target is for millennials entering the workforce who have special needs and will automatically respond to a text rather than a phone call. Recognizing these areas provides encouragement and a business model changing with the times. We are taking a step back and looking at the individuals to be served to ensure quality. There is a segment of the population who are not benefiting from group activities, such as role playing and coaching.

Having lived this work for over a decade with Nevada Partners, I support the requests keeping with the overall quality, determining best practices and a commitment to ensuring disproportionately younger adults are working towards employment or postsecondary education. I encourage the Subcommittees' review of all I have mentioned. Students' journeys vary and for some the federal policy has requirements of whom must be served. There is a wish list, but there are any number of priorities to juggle. Any commitment the Subcommittees could make to a first step, and the next step with a project like SARA, is appreciated. We welcome the opportunity to work with the Subcommittees. As a part of our work, we are committed to an ROI. We will address the ROI with the Subcommittees as we undertake the work.

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MS. HENDREN:

I will now review B/A 101-3253 as shown on page 27, [Exhibit C](#). The 29 statewide sites are for cafes, cafeterias and gift shops in government buildings. The *Randolph-Sheppard Act*, 20 U.S.C. 107 et seq. provides a priority of rights in federal buildings for the BEN programs. The *Nevada Revised Statutes* (NRS) 426.630-426.720 mirrors the federal priority of rights. The 193 statewide vending sites with 505 vending machines all contribute to the earnings of the operators and the set-aside fund. I will continue to review the information on page 27, and the information regarding Raymond as shown on page 28, [Exhibit C](#).

As shown on page 29, [Exhibit C](#), enhancement unit E-232 is a request for a business enterprise officer II. There are a total of 3 positions to serve 29 sites, 17 operators, vending routes and to serve as a liaison with businesses. The desire is to expand the program to create additional microenterprises, employ more people and serve more blind individuals. The position would be responsible to grow the program in trainees, create new government building sites and will be responsible for statewide training. The goal is to provide quality training to operators, so they will become successful entrepreneurs. They can provide quality goods and services to Nevadans with excellent customer service. Federal law requires upward mobility training.

#### E-232 Efficient and Responsive State Government — Page DETR-37

The licensed operators have the opportunity to expand. For example, moving from vending machines to a larger site or to a cafeteria. They would have the opportunity to increase products or expand service delivery. Training for trainees would ensure they have a solid background relative to the U.S. Department of Occupational Safety and Health Administration requirements, safety, budgeting, accounting, performing payroll duties and inventory control, management and marketing practices. There is potential for nine more sites with the additional position and to increase set-aside funding.

Enhancements E-710 and E-720, are shown on page 29, [Exhibit C](#). The requests are noted as an addition to the typical computer replacements such as industrial machines for cafes and cafeterias.

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E-710 Equipment Replacement — Page DETR-37  
E-720 New Equipment — Page DETR-38

ASSEMBLYMAN SPRINKLE:

According to the *Nevada Administrative Code* 426.065 the BVR is required to expand operations when feasible. For what reasons did the Agency not accept new trainees into the program in FY 2018?

Ms. HENDREN:

One year we were zealous, by taking on eight trainees, and learned the importance of balancing trainees with developing sites. We were not able to provide appropriate training to the eight individuals at the same time. We have had a moratorium on trainees to allow us to catch up.

ASSEMBLYMAN SPRINKLE:

How many operators have completed training but have not been assigned a work site?

Ms. HENDREN:

There are seven trainees. The steps of the training include classroom instruction, on-the-job training and interim operator training. When they qualify and are licensed by the DETR's Rehabilitation Division, Bureau of Services to Persons Who Are Blind or Visually Impaired, they can bid on a site. Of the seven current trainees, four are individuals in the process of obtaining their interim training sites. They are the closest to completion.

ASSEMBLYMAN SPRINKLE:

Is the justification for the operator position to help with future trainees as well as current trainees who have not made it to work sites?

Ms. HENDREN:

Yes.

ASSEMBLYMAN THOMPSON:

Are there opportunities for collaboration of the business enterprise officer? How does the business enterprise office work with the nonprofit? Is there an



opportunity for this to be a shared position: responsibility, resource and funding?

MS. HENDREN:

The position would not work directly with nonprofits to provide services. Because they are owners of their sites, we are unable to dictate to them who they partner with. We provide supports and some operators do partner with nonprofits. Operators provide on-the-job training and work assessments for clients going through the BVR programs.

CHAIR DENIS:

Are there concerns in funding the new business enterprise officer with associated program fee revenue, as opposed to agency reserves?

MS. HENDREN:

No.

CHAIR DENIS:

We will move on to the Nevada Equal Rights Commission (NERC).

KARA JENKINS (Administrator, Nevada Equal Rights Commission):

I will review the NERC B/A 101-2580 as shown on pages 33 and 34, [Exhibit C](#). Persons such as Brittany and Vincent are protected under the Americans with Disabilities Act (ADA). Nevada mirrors the ADA and will protect them in their jobs if they face discrimination or are not reasonably accommodated due to their disability. We are funded at \$1.8 million each year; 2/3 percent is from General Fund dollars and the other 33.33 percent is funded from our contract with the Equal Employment Opportunity Commission (EEOC).

DETR - Equal Rights Commission — Budget Page DETR-92 (Volume II)  
Budget Account 101-2580

Because of our partnership with the EEOC, funding is received for every employment discrimination case we settle and resolve. The amount averages about \$450,000 yearly for closing employment discrimination cases in Nevada. The ROI is seen in the NERC settlement figures which is in the NERC's biennial report. I will share the report with the Subcommittees. We are anticipating to

yield back to Nevadans close to \$2 million in settlement funds for allegations of discrimination. The majority are from employment discrimination complaints and affording complainants or charging parties not to go to litigation. If we are unable to settle an employment discrimination complaint at the State level, the EEOC will allow the complainant to take their case to federal court, under Title VII of the Civil Rights Act of 1964. This extends the amount of time a case is being investigated, expenses are incurred and is emotional for the complainant.

Enhancement unit E-248 is a request for a management analyst position as shown on page 35, [Exhibit C](#). The person will assist with program outreach. There is increased requests for outreach, particularly in sexual harassment prevention training. We have a chief compliance investigator serving a dual role of being the outreach specialist. This position will help the outreach specialist train in rural areas and also provide supervision and structure to the northern office.

#### E-248 Efficient and Responsive State Government — Page DETR-94

During the Great Recession, NERC faced challenging times and closed business. During the time NERC was not operating, the 23 FTE were reduced to 17. The Legislature decided to reopen NERC and slowly NERC is trying to regain the prior FTE status. A request for technology investment of the CM software is shown on page 36, [Exhibit C](#). The NERC has never had CM software. There is a tracking device we share with the EEOC for employment cases. It is used as a federal reporting mechanism to notify the EEOC when we accept cases. A complainant may not file with the EEOC after they file with NERC. The software shared with the EEOC does not help with CM to the needed level. We conducted a request for information (RFI) last April to determine potential software products.

FY 2019 One-Shot, Department of Employment, Training and Rehabilitation  
(Equal Rights Commission)—Page BUDGET OVERVIEW-24—New  
Automation Solution to Streamline Intake Process

I will continue to review the information on page 36, [Exhibit C](#). Intake and in depth process to ensure proper jurisdiction is imperative. Numerous questions are asked of the complainant and once the case is signed off by a chief

compliance investigator a NERC number is assigned. The software will streamline the process by taking the complainant through a series of questions and identifying where to triage them. They may be settled through the NERC process or they may be referred to legal aid or the labor commissioner's office because of a prevailing wage issue and not an employment discrimination issue. The goal is to relieve at least 20 percent of each investigator's time. The NERC would like to provide information and program data. The current tools NERC utilizes are Microsoft Outlook and Excel.

Requests for specific program information such as trends, number of complaints, under reporting and discrimination type is difficult to collect through a manual counting process. Another goal is to track the lifespan of a complaint to determine the length of time and if there were any delays. There are numerous factors that go into the process of settling a case. There is a legal review with the Nevada Attorney General's office. Waiting for employer information can be a lengthy time. There are instances when an employer is subpoenaed for the employee's records. With the management software, we can track the lifespan of a case, further assess needs, and provide detailed reporting.

The timeline for acquiring the software is shown on page 37, [Exhibit C](#). The EEOC's software schedules intake appointments; the function is performing well. In the Las Vegas EEOC office, approximately 60 percent of the EEOC's cases are now filed online and are scheduled to meet with an investigator. Approximately 20 percent to 40 percent of complaints are from persons who come into an office. We assume the majority of complaints will be filed online.

I will now review NERC's backlog of complaints, as shown on page 38, [Exhibit C](#). When we discuss backlog, we refer to the persons and not casefiles. Backlog is someone's mother, brother, sister, cousin, family member or friend who in their mind has faced some type of employment, housing or public accommodation hurdle. Maybe they were not allowed to access a public restroom due to their gender identity. In FY 2017, we were contracted with the EEOC for 650 credits. We were able to obtain an upward modification and settled the 673 credits as shown. We were able to contribute to the overall operation budget and not rely as heavily on General Fund dollars, which is not guaranteed every year.

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I will go over the data as shown for FY 2018. A goal was to increase outreach, particularly in rural Nevada. It is important for people to be familiar with the NERC services and employee and housing rights. We believe there will be a continued increase in complaints filed with NERC. It is important to address the needs of those who believe they have been discriminated against. Providing closure and peace of mind could be settling a case for money, helping them move on and obtain a neutral job reference, helping them to understand their rights or providing employer training. Within 22 days of a complaint filed, jurisdiction must be determined; if appropriate, the case will be assigned to an investigator. We are not currently meeting this requirement. Intakes will be done online through the software which should correct this issue. About 20 percent of an investigator's time would be freed up to eliminate the backup. An investigator will have four intakes a week. There are 9.5 FTE investigators dedicated to intakes and investigations. The other FTEs are management positions.

As shown on page 39, [Exhibit C](#), Senate Bill (S.B.) 28 allows the NERC to contact other licensing entities when they are not able to settle a case based on discrimination.

**SENATE BILL 28**: Revises provisions governing confidentiality of information gathered by Nevada Equal Rights Commission. (BDR 18-231)

CHAIR DENIS:  
Will S.B. 28 impact the budget?

Ms. JENKINS:  
No.

ASSEMBLYMAN THOMPSON:  
If the intake and CM system is not approved, how would the recommended management analyst position impact the 22-calendar-day intake measure and the 180-day case resolution measure?

Ms. JENKINS:  
We are searching for grant opportunities for the software. We have only found opportunities for nongovernment organizations or nonprofits. The case

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management system would allow us to close more cases and receive additional EEOC money which would allow for less General Fund money. Without the software and based on the management analyst position specifications, they will be required to perform manual data collection and reporting through Microsoft Excel. They would provide outreach and structure to the northern office. They would provide public record, media and training requests. We have a 22-day internal requirement to bring cases into NERC and determine jurisdiction to investigate a case. We must close a case within 180-days. We only reach this goal about 35 percent of the time.

ASSEMBLYMAN THOMPSON:

What are the consequences or penalties if we do not meet the 22-day requirement?

Ms. JENKINS:

The requirement is not in the NRS. We would experience witnesses becoming stale, more apathy towards the Commission and the State, people frustrated as their complaints are not being processed and complainants could go to federal court. There would not be a penalty or financial cost. There would be an emotional sentiment or disdain toward the system. Discrimination cases tend to be personal to the individual. The longer it takes to close a complaint the more apathy the complainant may feel towards the NERC. The complainant may contact the NERC director, the Governor's office or their Legislator. The consequence is the complainant does not receive their justice.

SENATOR SETTELMAYER:

The EEOC credit is a \$700 federal payment of credit. Has this number increased or decreased in recent history? Is there any expectation it may go up or down?

Ms. JENKINS:

When I began working at NERC 6 years ago, it was \$650 a case. The credit per case was increased the last two or three years to \$700 per case. Every case we settled for employment discrimination in FY 2017 and FY 2018 we received \$700 per case.

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ASSEMBLYMAN SPRINKLE:

What is the impact of transferring an existing supervisory position from Las Vegas to Reno, instead of requesting a new position?

MS. JENKINS:

There would be a risk of losing staff as they are settled in their community with their families. Although staff are committed to our mission, there are other job opportunities elsewhere for higher pay. If we do not get a management analyst position it would be business as usual with video conferencing. A supervisor located in the north would be able to get out to the rural areas. It is more difficult for me to fly up north on a quarterly basis. It is important to have a presence in the north.

MS. TYLER-GARNER:

I would like to underscore the notion of someone grounded in their local community. It is possible to transfer an individual, but what does not transfer is the relationships and understanding of the local context. There is benefit to replacing the FTE lost during the Recession by identifying a person with strong roots in the community due to the emphasis on outreach.

CHAIR DENIS:

Will the CM system be an off-the-shelf product?

MS. JENKINS:

I believe it will be.

KIMBERLY GAA (Administrator, Information, Development and Processing, Nevada Department of Employment, Training and Rehabilitation):

The plan is to select a cloud-based off-the-self CM system similar to other agency CM systems.

CHAIR DENIS:

With a cloud-based system, is there a need to store it on a server?

MS. GAA:

There will not be a need to bring on servers and other expensive equipment.

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CHAIR DENIS:  
Is there an ongoing expense?

Ms. GAA:  
Yes.

CHAIR DENIS:  
How will a new system help to alleviate the backlog of 450 cases?

Ms. JENKINS:  
An investigator conducts 4 intakes a week, approximately 20 percent of their time. Relieving an investigator's time would allow them to work the backlog of cases.

CHAIR DENIS:  
Did the RFI determine the cost of a new management system?

Ms. GAA:  
Yes.

CHAIR DENIS:  
Do you think it will take 18 months to implement the new system?

Ms. GAA:  
Yes. There are specific requirements. We must ensure the online availability. Specific data will populate into reports and create an accurate interface with the EEOC. As the NERC has never had a CM system, there will be requirement gathering. With the EEOC system, there was a period for vendor negotiation.

CHAIR DENIS:  
Will the system be compliant with the EEOC requirements?

Ms. GAA:  
Yes. There is no conversion period for this system, as there is no current system to pull data from.

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ASSEMBLYWOMAN SPIEGEL:

Will the new management system only help with web-based or online based input?

Ms. GAA:

Those filing online would go directly into the system and the staff would work the case and frame the charge. This will not eliminate direct interaction with investigators. The system would allow staff to manage their caseload and for reporting and tracking support.

ASSEMBLYWOMAN SPIEGEL:

Are the majority of complaints filed online?

Ms. JENKINS:

The majority of complaints are paper filed.

CHAIR DENIS:

Will there be the option to file online or by paper?

Ms. JENKINS:

Yes.

ERNEST HALL:

I have 18 years of experience working with the BRV as a community advocate for persons with disabilities. I have served on the Nevada State Rehabilitation Council for six years and completed my final meeting as a council member and council chair. I am here to support the commitment Ms. Hendren and staff show for continuous improvement in the processes they administer. They do not always receive the requested resources, but they do make the best with available resources. The Council believes BVR has a need for more counselors. The budget request does not provide enough BVR counselors and technicians to meet the growing needs through the passage of WIOA. Every position in the budget request is important. The additional counselors not represented in the Executive Budget are going to be more and more important as WIOA requires a focus on individuals with significant disabilities who need customized employment. More expertise and time is needed for counselors. Persons in need of supported employment are underserved and counselors are overwhelmed.



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There is always a vacant counselor position and transition of BVR staff is high. Continuous changes and the implementation of WIOA has been challenging. The BVR staff have risen to the challenge. Additional counselors would help them feel respected and rewarded. They should have manageable caseloads in order to dedicate time for more successful outcomes.

Remainder of page intentionally left blank; signature page to follow.

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CHAIR DENIS:

Having no more business on the agenda, I adjourn the subcommittees meeting  
at 10:20 a.m.

RESPECTFULLY SUBMITTED:

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Vicki Kemp,  
Committee Secretary

APPROVED BY:

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Senator Moises Denis, Chair

DATE: \_\_\_\_\_

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Assemblywoman Maggie Carlton, Vice Chair

DATE: \_\_\_\_\_

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
	C	41	Shelley Hendren / Department of Employment, Training and Rehabilitation	Testimony