

WISCONSIN REHABILITATION COUNCIL

May 12, 2022

WebEx Meeting

9:00 AM – 4:00 PM

A Statement of Mission

The Wisconsin Rehabilitation Council, working on behalf of Wisconsin residents with disabilities, will review, analyze, and advise the Division of Vocational Rehabilitation (DVR) regarding the performance of its responsibilities in providing quality services to persons with disabilities.

WRC MEMBERS ATTENDING: Steven Wheeler, Richard (Dick) Straub, Deb Henderson-Guenther, Becky Hebda, Julie Burish, Liz Kennedy, Ramsey Lee, Alan Kaltenberg, Lori Karcher, Norene Lueck, Alicia Reinhard, Joalyn Torgerson, Delora Newton, Gadeen Taylor-Duke, Natalia Graf, Kyle Kleist

WRC MEMBERS ABSENT: Megan Bisonette, Antrice Brown, Edward Kastern, Ann Zenk

DVR STAFF ATTENDING: Meredith Dressel, Allison Gordon, Anna Eggebrecht, Jessica Holton, Sarah Kuehn, Deanna Krell, Kathleen Enders, Andrzej Walz-Chojnacki, Kaylyn Schoone

GUESTS: Danita Jackson (Disability Rights Wisconsin/Client Assistance Program), Stephanie Drum (Employment Resources, Inc.), Jolene Wanek (ERI), Franky Newcomb (DRW/CAP), Renee Wiedmeyer (IBA Resources) Michael Jackson (Pathways Employment Services of Wisconsin)

Roll Call and Introductions

Announcements

- Request for people to announce their names before talking to assist in identification of speakers for persons joining via telephone.
- Steven shared that the last two items of, "committee updates and committee membership" items and review of "open items and suggested discussion topics" were cut off the publicly noticed agenda and therefore are unable to be reviewed unless tied back to a topic already addressed earlier in the meeting. Suggested that people can comment during Public Comment about Kyle Kleist's appointment to a committee.
 - Julie asked if she could still give a committee update/review topics that were already mentioned (i.e., technical specification fee updates). Steven felt that was appropriate.

Quorum Check

- Steven shared that Kyle will be here later. We have Quorum at 13.

Approval of Minutes – February 2022

- Motion to approve: Dick Straub, Julie Burish seconded. All in favor. No objections or abstentions.

Proposed Technical Specification Updates and Service Fee Increases

Kathleen Enders and Andrzej Walz-Chojnacki, DVR

- Document is organized alphabetically for statewide services and has hyperlinks at the top.
- Becky asked for clarification between statewide services (there are nine) and those that are not statewide. A service provider has to have a formal agreement with DVR, called a service agreement. Services identified as "Other" services are less frequently used and providers can provide them based on individual qualifications. Today's focus is statewide services.
- Deb clarified that statewide services does not mean a provider has to provide that service (i.e., customized employment) statewide.
- There are different services included in each statewide service.
- Customized Employment
 - Discovery Profile increased five percent and is an outcome payment.
 - Job preparation and development plan increased forty percent and is an outcome payment.
 - Job development and hire includes preferred placement outcome payments built in.
 - Job Task Analysis payment rate stayed the same.
 - Systematic Instruction monthly payment increased \$100/month.
 - Job Retention service added for consumers not needing to learn job tasks.
 - CE meeting, transition to long-term support was increased.
- Individualized Placement and Support (IPS)
 - Career profile increased five percent and is outcome-based.
 - Job development plan, outcome payment.
 - Job development and hire include options for preferred placement/hire payment; rate increased five percent.
 - Monthly Systematic Instruction increased ten percent.
 - Job Retention service added for consumers not needing to learn job tasks.
 - Transition to Long Term Support

- Becky asked if there's been guidance created for the retention service yet. Kathleen shared it's included in draft technical specifications. Kathleen explained those tech specs were shared a few weeks ago with the Performance Review and Quality Assurance Committee. The DVR Supported Employment policy was not changed.
- Deb asked who requests the approval to work less than 15 hours/week. Kathleen shared the counselor would review it when submitted by the provider. DVR staff would verify IPE and job development plan to approve jobs under 15 hours/week. Deb wondered if this was a deterrent, and Kathleen shared that this policy has been in place for the past six years. She isn't aware of it being a deterrent.
- Deb asked if Job Task Analysis occurs for every supported employment case and Kathleen said yes. Deb shared that it's a huge undertaking. Previously, the rate was \$150, and increased this time. Rate is average time it takes to deliver the service. Equivalent to average of 5.5 hours. Data was collected via surveys sent to service providers in Fall 2021. Preferred outcome payments have been in place for past four sets of tech specs.
- Dick asked about job retention services and what it entails. Kathleen shared that everyone in Supported Employment (SE) will receive some form of supports. Kathleen also shared that it's a team decision when to transfer the case to long-term supports. Retention services for ages over 25 could be up to 24 months. For ages under age 25, could be up to 48 months.
- Julie asked how monthly payments work for systematic instruction (SI) and retention services. Who and how are those needs determined? Kathleen explained that SI is when someone requires instruction on the job to learn job tasks, it's commonly referred to as job coaching. Job Retention is a "lighter touch" that typically requires check-ins based on a schedule decided upon between the provider and consumer.
- Julie Burish thought job coaching was billed hourly. Kathleen shared under Supported Employment it's paid monthly. SI can also be delivered on an hourly basis when connected to short-term services such as Internship and Temporary Work (I/TW).
- Joalyn Torgerson asked if employers are included in decision to end retention services and Kathleen said yes.
- Internship/Temporary Work
 - One of the most widely used services because it has many benefits such as learning about a job they're interested in, and provides the opportunity to build recent work history, build skills, use as a steppingstone, etc.
 - Fee increased from \$625 to \$700 (12%).
 - Considered different rates for different kinds and other scenarios, but dropped that approach as it would be difficult to administer.
- Job and Task Analysis and Systematic Instruction Fees
 - Hourly SI increased 22% (from \$45/hour to \$55/hour).
 - Increase is due to feedback from providers and staff that it is challenging to hire staff to provide these services.

- Job Preparation and Development including Hire and Retention
 - Plan increased ten percent from \$500 to \$550.
 - Hire raised from \$1,500 at base to \$1,600 at base and includes opportunity for rapid hire incentive within 90 days of original purchase order or completion of job prep plan.
 - Preferred outcome base payments increased by \$100; seven percent increase of rates for preferred outcome payments.
- Student Work Based Learning Services
 - Plan increased from \$500 to \$600 and is a twenty percent increase.
 - Development payment is \$1,500 and is eleven percent increase.
 - Retention is \$500/month (did not increase).
- Supported Employment Fees
 - Career Profile increased five percent.
 - Job Prep and Dev Plan increased 40%.
 - Job Development increased five percent, including preferred outcome payments.
 - Task Analysis remained the same.
 - Monthly SI is \$1,100 amount.
 - Transition to Long-Term Support increased by five percent.
- Ramsey Lee asked where these details are included. Kathleen shared it will be posted online in the next few weeks and a copy was sent to the committee a few weeks ago. Becky shared she could scan a copy of the increases with this document and send it to Ramsey. Liz K. also requested it. Becky said she'd share it.
- Vocational Evaluation Fees
 - Assessment increased from \$500 to \$700 (30% increase).
 - Evaluation and Work Sample increased from \$700 to \$1,000 (20% increase).
 - These payments are one-time outcome fees.
 - In recognition that providers of this service in the private sector can make more.
- Work Incentive Benefits Consultation Fees
 - Changes meant to address issues of one-time meetings with large plans that can often be overwhelming for consumers.
 - Workgroup shared it's a challenge to secure release of information (ROIs) which became stumbling blocks.
 - Introductory meeting is \$200 – includes obtaining ROIs.
 - Portfolio is \$300 (information included could potentially impact consumer's choice of employment goal).
 - Plan is \$400.
 - Consultation is \$300 – providers can help consumer execute steps laid out in plan.
 - First three steps of process are intended to be delivered together (all four intended to be authorized for most consumers).

- Previously, was \$900 for service, but this break-out is same amount that also adds a follow-along (i.e., \$300 consultation) which was available previously, but didn't happen frequently.
- Julie Burish shared she didn't understand the structure. She shared that if things came up after the benefits analysis with her family, they'd call up the person who did it to ask questions. She asked the instance of if someone asks questions six months later. Andrzej shared that this example doesn't always happen where providers can/will assist someone later on down the road. Now, all these services will typically be authorized together and then providers can bill against them.
- Becky Hebda thanked Andrzej for leading the group. She feels DVR should have done quality assurance for those providers who weren't doing what was required under prior tech specs for benefits analyses. Becky felt that cutting fees from \$2,800 to \$1,200 is a "kick in the teeth" for providers because there were best practices in some areas of the state and now things won't be as expedited. Also said that if DVR's expecting all Vocational Rehabilitation Counselors (VRC) to authorize all four, it needs to be communicated to them. Also noticed in draft tech specs that there's mention of going back to Benefits Summary and Analysis (BSNA) via Virginia Commonwealth University (VCU) or Cornell University and wonders why we'd return to them.
- Kathleen shared these are drafts and not finalized and we anticipate we'd make tweaks to qualifications. We don't have a final draft of qualifications language. DVR intends to provide instructions to staff as to how things should be authorized and paid out.
- Becky asked about the Plan to Achieve Self-Support (PASS) plan, Consult, and Work Incentive Plan (WIP)? Andrzej asked about \$2,800 amount Becky referenced. Andrzej mentioned that it's a hard issue to tackle related to consistency with qualifications/credentials statewide and for uniform quality. Andrzej shared he felt what we're asking for here is closer to a work incentive analysis and plan. The plans weren't being used enough and we're trying to move towards it.
- Becky feels language is inconsistent because there's mention of details being a "snapshot" of information in time, but later mentions it being "fluid" and able to be updated in the future. Becky feels we need more conversation about this and need more service providers and advocates to have input. She feels credentialing vs. training is different. Becky is concerned that this change will confuse DVR staff and service providers.
- Julie wonders if we can pilot this first with a few vendors to see how it works? She feels the demand for benefit analysis is high right now due to increased wages and employers needing more workers now. If moving forward with implementation, advises it gets monitored closely.
- Gadeen shared, "I like that idea; however, I think piloting it with certain providers, it will be confusing as we have vendors that cover multiple WDA's. So, I think it would confuse staff as well."
- Dick felt this discussion was helpful and worth the time.

DVR Administrator Update

Delora Newton, DVR Administrator

- Becky asked if numbers are improving related to SE as far as wages or hours. Delora shared hours are not going up, but wages are starting to go up a little bit.
- Ramsey shared that he felt, "just because someone's case is closed successfully, it doesn't mean they're happy".
- Delora shared there are many reasons why consumers close their cases and said DVR is looking at ways to improve services and streamline things.
- Deb asked for clarification what happens when that 15% requirement for Pre-Employment Transition Services (Pre-ETS) isn't spent. Delora explained that the unspent funds carry to the next year and increases the amount that needs to get spent the next year. Unspent funds continue to add to the following year and can escalate. Meredith also added that it decreases the amount of funds that can be spent on non-students and can lead to waitlist situations. Deb gave, "kudos" to Wisconsin on these benchmarks/statistics.
- Delora shared Wisconsin's minimum wage is \$7.25 per hour and other states have higher minimum wages. Numbers shared on slide were pre-pandemic (Federal Program Year (FPY) 2020).
- Julie asked if Project SEARCH qualifies as a credential. Sarah shared that Project SEARCH completion is not a credential anywhere in the U.S. for DVR purposes. However, it can qualify for two measurable skills gains.
- Ramsey asked why it isn't counted as a credential. Sarah explained that the Rehabilitation Services Administration (RSA) decided it didn't count as a credential, even when Project SEARCH asked them to review it. Ramsey thought maybe we could ask the Biden Administration to review it again.
- Steven asked why some 2022 funds are spent before 2021 funds? Delora explained that funds must be obligated via Purchase Orders in the year the grant was issued, and funds spent in the second year must be related to funds incumbered during year one.
- We don't anticipate issues with obligating Pre-ETS expenditures, especially since many occur during summer programming.
- So far in Federal Fiscal Year (FFY) 2022, we have had 17 referrals for persons employed in 14(c). Last year, there were 39 and, in the year prior, the number was 58. Since there are fewer people currently employed in subminimum wage employment, it is not surprising that the number of referrals has dropped.
- Becky asked if State of Wisconsin is still a 14(c) holder? Kathleen clarified that State of Wisconsin does NOT hold that certificate.
 - Sarah also shared that DHS previously held a 14(c).
 - Steven shared this link too - <https://www.dol.gov/agencies/whd/workers-with-disabilities/section-14c/certificate-holders>

- Delora shared that there was a \$10,000 difference in the amount of Assistive Technology (AT) Fee Schedule Exception Requests versus the approved amounts for farm cases. The full amount requested was approved. The difference is due to confusion about how a counselor reported the numbers.
- After the PowerPoint was finalized, Becky shared with Delora that she saw a form related to SVRI's eligibility process that included a note asking the consumer to schedule a phone call with SVRI. The note said that, "due to influx of recent applicants, SVRI is booked out 3-5 weeks." However, DVR's Dashboard shows that eligibility determinations are completed in an average of 28 days. DVR leadership spoke with SVRI leadership to address this issue. SVRI's Director apologized and instructed staff to remove that comment immediately. He said SVRI is typically booked out about 2 weeks or so and recently hired more staff. Our contract requires SVRI to contact the consumer within 3 days of receiving information from DVR. SVRI typically sends a packet that includes instructions of things consumers could start working on (i.e., obtaining medical records).
 - Danita asked in the chat, "Has the phone number changed for SVRI or how would the potential consumer know who is calling?"
 - Liz responded with, "Usually a 715-area code."
 - DVR staff shared that consumers are told to expect a call from SVRI and it will be from a 715-area code.
- DVR is currently creating a new Business Services section under Bureau of Management Services. BSCs currently report to a local WDA Director as their supervisor. This has created some inconsistent practices across WDAs and confused employers who have locations in more than one area of the state. There will be a new Section Chief that will supervise all BSCs.
 - Becky shared that they were ready to prepare a motion recommending centralized supervision this past Monday at the Services to Business Committee and is excited about this development.
- WRC will have opportunity to see and provide input on the Retention of Services under Order of Selection policies which has been held up until after Administrative Codes get updated.
- As a result of the DEI Needs Assessment, DVR has a series of seven meetings come up where we'll tackle one area in each meeting.
- Ramsey asked about inclusion of consumers related to the DEI Needs Assessment, and Delora shared that the DEI consulting firm used the Comprehensive Statewide Needs Assessment's consumer feedback.
 - Deanna also said the consumer feedback in the Milwaukee Equity Action plan was also incorporated.
 - Julie asked if WRC members could be included as representatives as part of the workgroup related to policies. There is not a planning meeting specific to DVR policy. The areas are broader. Deanna thinks that after the initial meeting for each

area of focus there will be further items developed. It might make sense at that time to pull in WRC members as needed. We can also consult with the entity we are contracting with on how best to bring in others as we continue to plan and move our DEI efforts forward.

- Deb felt in the future, it would be helpful to share what Statewide teams and committees do in addition to a slide that shares statewide staff vacancies. Delora shared that the council asked Delora to share the vacancy slide once a year.
- Dick shared his review of the hands-on farm AT training for DVR staff.
 - Anna shared her pleasant experience with it too.
 - Lori shared, "What an AWESOME experience for participants!"
 - Lori asked if AgrAbility has a presence at the State Fair and Dick said he wasn't sure, but presence is elsewhere.

Federal Grant Opportunity – Subminimum Wage To Competitive Integrated Employment (SWTCIE)

Delora Newton, DVR Administrator

- Delora shared a PowerPoint presentation providing an overview of SWTCIE and the outreach DVR has done. The individual receiving services must be a DVR consumer.
- Steven asked if the employer had to hold a 14c or had to have individuals employed under the 14c?
 - Meredith clarified that to have a successful application we need to work closely with a 14c to develop a toolkit to assist other 14c's to move away from their model to competitive integrated employment (CIE). Currently, we do not have an employer interested in partnering with us. The reason is that most of the entities that have transitioned from 14c to community employment have already done that. The employers that have a 14c have large number of employees and are not interested or they have very few individuals working under 14c.
 - Deanna shared that there are things we can do in our current system, outside of the grant, to move the needle on moving individuals from 14c to CIE.
 - Julie asked how we can get to 14c employers that pay minimum wage?
 - Delora clarified that the 14c must be paying sub-minimum wage for this grant.
 - Meredith shared that we have been consulting with Ellie Hartman through this research process. Ellie currently works for the Department of Workforce Development's Division of Employment and Training. She has expertise in grant writing and wrote the PROMISE grant and Career Pathways Grant.
 - Deb shared that DVR should not pursue this grant in her opinion. She did like that DVR did outreach to see what other services DVR may provide to move individuals to CIE. She appreciates that DVR did outreach to 14c entities.

- Steven asked for clarification, does this grant allow an agency to do something it can't usually do? Is that what RSA said? No, RSA said, the services currently allowable under DVR services are the same that will be available under SWTCIE.
 - Meredith said there are some opportunities for Innovation and Expansion Grants under RSA. These are more demonstration type grants. SWTCIE is not an Innovation and Expansion Grant.

Wisconsin Career Pathways Advancement Grant Update

Meredith Dressel, DVR Deputy Administrator

- Meredith provided a grant overview. Purpose of the grant is to increase the number of DVR consumers in four Career Pathways: healthcare, information technology, manufacturing, and construction
 - Enroll 500 people over the next four years.
 - Four project staff have been hired and trained.
 - Enrollment will begin May 23, 2022.
 - Providing training grant to DVR staff at each of the WDA's.
 - Meredith will provide an enrollment update at the August meeting
 - Equal Rights Division has created videos that talk about providing job accommodations and DEI. The videos will be shared with WRC and will be available on Cornerstone.
 - Career Pathways website is being developed and hope to go live later this summer. The website will be a central deposit for Career Pathways information. The Department of Public Instruction (DPI) and the Wisconsin Technical College System (WTCS) have good websites on Career Pathways and will be linked to the DVR Career Pathways site.
 - Grant Mapping is being done to make connections on Career Pathways. Trying to make the grant information searchable and located centrally.
 - DPI has done a great job in Career Pathways Mapping. We are asking our grant staff to research non-traditional trainings for Career Pathways.
 - The grant requires creating and mapping information on financial literacy so are asking grant staff to do some financial literacy program mapping to provide to DVR staff. If there is a need identified, we will look at providing that service.
 - Julie shared that it sounds exciting.
 - Liz asked if a consumer gets enrolled in the grant, what is provided?
 - Allowable DVR services and key services include soft skills training, benefits counseling, financial literacy, and up to an additional \$5,000 added to the DVR training grant.
 - Becky shared that DPI offers great financial literacy training and is hoping that adults can access the curriculum. If it could be tweaked to the adult world that would be great. What about the other 12 career pathways? Is there intention to add more pathways?

- Can't add new pathways to the grant. We checked with DET to identify the four career pathways as they were identified as the highest demand in Wisconsin. There is also a focus on apprenticeship, and we have partnered with DET to increase the use of apprenticeship through the grant.
- Deb shared that Cayte Anderson shared an article on financial literacy for people with disabilities. She encouraged DVR to use current programs and not reinvent the wheel. There are good community action programs that have programs too.
 - Meredith shared that is why we are doing the mapping. Cayte shared the training with Meredith as well. We may be able to make the training available like STPTB.
- Deb shared another training from IBM that is IT related but has been determined that it is not credential eligible. Is that something that could be used for enrolled consumers?
 - DVR is measuring if credentials are attained as well, maybe this training could be used. It would be determined on a case-by-case basis. We can have consumers do trainings that are not credential eligible.
- Ramsey asked is DVR will be doing a presentation on the grant at the Self-Determination Conference? He also asked if we have a grant staff assigned to the Milwaukee area?
 - Meredith shared that we have staff regionally based, Milwaukee has a grant staff assigned.
 - Ramsey asked for presentation at a People First meeting. Meredith just asked him to send information and we would be happy to do a presentation.
- Steven thought this was a great presentation and that DVR is doing great work in this area. It is not a light lift to get the grant awarded and then carry out all the work.
 - Meredith said thank you.
 - Steven asked about the Equal Rights training and training to employers on providing accommodations. CAP is trying to focus on these types of training as well. If there are ways to collaborate with DRW/CAP on employer training that would be great.

Public Comment

- Written Comment from David Pinno: DVR is in the process of updating IRIS infrastructure. I suggest that DVR allow for a portal to submit mileage reimbursement. The return on investment could make the process easier for all and assist the agency to work more efficiently.
 - Spoken comment – Thank you for allowing me the opportunity to express my concerns. Any questions? There was some clarification that he was referring to DVR IRIS not DHS IRIS.

- Steven Wheeler: I think it would be great to have Ramsey on the Council Engagement Committee and Kyle Kliet on Performance Measures and Quality Assurance Committee. Dick agreed.
- Lawrence Brown: DVR Consumer from South Milwaukee. I am interested in joining the Career Pathways Program. DVR should allocate more funds to this initiative and other DVR services. Some consumers have been put on hold with DVR – more money budgeted to DVR for services would be great!
 - Steven clarified: Are you referring to an Order of Selection (OOS) for consumers or are you talking about a particular service people are being told not available?
 - Lawrence assumed OOS.
 - Delora clarified that DVR has Category 1 and 2 open for immediate activation. Category 3 currently has a waitlist; however, they are being activated monthly due to the low number of applications to DVR. We have been doing that since December 2020. We activate three to six consumers a month depending on who is in Category 3. Some service providers have a waitlist, that is not DVR OOS. We have been working with Service Providers to increase fees so there is not an internal waitlist. We also have been working on creating a system for consumers to be made aware if a service provider has a waitlist for a particular service.

Impartial Hearing Officer Joint Identification, Qualifications, and Training

Jennifer Wakerhauser (DWD Legal)

- Steven shared that there is a section of the Rehabilitation Act that provides consumers the opportunity to ask for a review of a decision under a specific process completed by an impartial hearing officer (IHO). The Rehabilitation Act specifies that WRC, in cooperation with DVR, make joint decision on choosing the IHO's. Currently WRC is not involved in selection of the IHO. This agenda item is to discuss the depth of the involvement of WRC in selecting IHO's.
- Delora indicated that the DVR contract with the Division of Hearing and Appeals (DHA) provides consumers with well-trained individuals who know how to conduct administrative hearings and have been trained on Vocational Rehabilitation law and DVR policies. The trainings were done by DVR in cooperation with WRC member Deb Henderson-Guenther (former CAP Director) and a former WRC member employed by DRW. IHO's are state employees and therefore guaranteed employment regardless of the case decision they make. Before the contract with DHA, the impartial hearing officers (IHO) were not state employees and some could view that if they decided in favor of the consumer, DVR may not use them for this service in the future.
- Deb Henderson-Guenther shared that she worked for CAP and worked with IHO and ALJ's. Her experience was that the IHO were more inclined to research the law as it applied to a particular case. As she understands it, ALJ's cannot research previous cases

or regulations if they were not brought up under that particular case. This was not helpful because consumers generally do not have that information. The IHO can provide research to ensure they are ruling in favor of the law, regulation, or policy. Deb feels that the ALJ's do a poor job and would like to go back to using non-state employee IHOs. She feels the DHA ALJs have a bias for the agency.

- Delora asked Jennifer to clarify if ALJ's can look at applicable law. Jennifer responded that an ALJ can research and consider laws and regulations as long as they apply to the basis of the appeal. For example, if a consumer asks for DVR to attend law school, ALJ's can't look outside of laws that do not pertain to that request.
- Steven feels that ALJ's are not knowledgeable on what type of decision they are making. 722 of the Rehabilitation Act requires DVR to have a system of impartial hearings. That is not the same standards under 227 hearing requirements. Judges did not conduct the law the hearing was being held under. There was no analysis of 722 so they may not comprehend that there are two separate processes.
- Jennifer shared that there are not two processes. They are incorporated together and work hand in hand.
 - Steven feels they are separate and disagrees with Jennifer.
- Deb asked can we work together to establish how the WRC will "vet" whoever is selected to conduct the Impartial Hearing process?
- Steven expanded on the bias issue Delora mentioned regarding an individual's selection because they made decisions in DVR's favor in the past. The Rehabilitation Act requires that each hearing be assigned on a randomized basis so bias should be reduced. There have been inconsistencies in the state following through on that random assignment process.
- Steven shared that there are eight judges that been trained by DVR. Is it the case that these are the only judges hearing DVR cases?
 - Meredith shared that is accurate.
- Steven does not think there has been any assessment from WRC of the qualifications of those eight people. He doesn't feel that DVR is in compliance with the Rehabilitation Act if WRC has not signed off that the judges are qualified.
 - Delora shared the qualifications of the judges in Wisconsin Administrative Code DWD 75.12. The qualifications there mirror the qualifications required in the Rehab Act. The current judges meet those qualifications because DVR trained them on DVR program and policies.
- Steven asked if others outside of the ALJ's Department of Justice (DOJ) contract can be chosen to complete the Impartial Hearing process?
 - The Memorandum of Understanding (MOU) is with the Department of Administration (DOA) Hearing and Appeals. Only staff hired by DOA can be part of the process.

- Steven shared that if we have joint agreement, individuals outside of DOA could be selected to do hearings. This could be discussed before the next renewal of the MOU.
 - Delora shared that we don't have a reason to change the current process. We hand off the process to DOA, so we are not involved in the process of assigning a specific ALJ to a case or determining if the hearing request is in compliance with DVR policies. This helps to remove any DVR bias.
 - Jennifer shared that there is not an alternative for DVR to select judges outside of DOA in the current MOU.
 - Steven said that it could be worded differently in the future that would allow an outside person to participate.
- Steven wants to know if the WRC wants to review the training materials. He feels they are not well trained because their decisions show they don't know the law or the process.
 - Meredith shared that some of the confusion in the who goes first in the hearing process has been corrected in DWD 75. There should not be confusion on process going forward.
- Steven shared that the language submitted to the Legislature for the Administrative Rule change didn't make it clear that the burden of proof goes to the agency. Becky shared that this was not a good use of time for the WRC on this topic because there are only about eight to ten consumer appeals filed annually. There are other topics WRC should discuss that would impact more consumers.
- Deb Henderson-Guenther motioned, seconded by Julie: WRC should form an Ad hoc committee with the blessing of DVR to work with them to create a training for the eight current ALJ's that emphasizes DVR services, state plan, and state and federal regulations that govern the hearing process and emphasizes VR.
- Deb added that VR is so gray it takes a lot of training to understand it.
 - Discussion: Delora welcomes input from WRC to train the ALJ's. We have always done that.
 - Steven feels that this is not enough because we don't have joint identification of judges. We need to do more before there is another hearing.
 - Deb suggested a pre-training and a post-training test for the current ALJ's. If they pass the post test, then they are qualified.
 - Liz Kennedy suggested that the decision for process be identified in the committee and make recommendation to the WRC.
 - Lori Karcher made a motion to amend the motion: The Ad hoc committee is formed with an intention of making recommendations for creating the training process for the ALJ's and determining if the ALJ's are qualified. No second was received.
 - Deb Henderson-Guenther modified her motion, seconded by Lia: Create an Ad hoc Committee to work with DVR to establish a way to determine

whether the ALJ's are qualified to preside over a DVR hearing and to also create appropriate training for the ALJ's to ensure they have the knowledge needed to make decisions that are steeped in vocational rehabilitation.

- Ramsey asked what are we getting involved in? If a judge is qualified, they are qualified.
 - Steven clarified that WRC has to jointly determine what the qualifications are for ALJ's with DVR.
- Vote on amendment: Passed, Ramsey abstained.
- Vote on creation of the committee: Passed unanimously.
 - Steven added that because there are no ALJ's that have been jointly identified by WRC and DVR, we need a process for approving ALJ's now for compliance reasons.
 - Dick is struggling with this process. He will not vote on this.
 - Julie, Deb, and Ramsey also agree, do not want to vote on this.
 - Delora clarified that ALJ's are qualified under DWD 75.12. She read the qualifications, the current ALJ's meet this standard as they were trained jointly by DVR and the WRC (Deb from CAP and Cathy Steffke from DRW).
 - Steven contested Delora's comment, he said they must meet two criteria including being jointly identified by WRC/DVR. He feels that WRC and DVR have not jointly identified the ALJ's. He said he had a discussion with RSA and they agree with him that WI DVR is out of compliance.
 - Delora shared that RSA has not told DVR that our process is out of compliance. If that is true, we need that in writing as it conflicts with what RSA has told DVR in the past.
 - If anyone is interested in participating on the Ad-hoc committee contact the Executive Committee.

Streamlining Process for Systematic Instruction - Providers and Other Service Providers to Also Provide Transportation

Meredith Dressel, DVR Deputy Administrator

- Steven shared that currently a DVR provider must have a separate contract for Transportation. Transportation can't be provided by a service provider without that separate contract. This creates an issue with trying to find transportation providers.
- DVR has shared that this decision was made based on information from current and past DWD legal staff. There are liabilities and safety reasons for this. DVR wants to ensure that those providing transportation for consumers have a valid driver's license, possess a clean driving record, and have adequate insurance coverage if employees of a service provider are transporting consumers in private vehicles. Who would monitor this? DVR does not have staff capacity to do so.

- Some WRC members feel there would be efficiency to having a single provider do transportation in conjunction with the service they are providing.
- Delora shared that if a provider has the license to drive an SMV then they are being regulated by the Department of Transportation (DOT).
 - MCO's are regulated by DHS, and their contracts includes compliance criteria for the providers.
 - DPI does not regulate transportation at the state level. They leave the decision to local school districts.
- If DVR were to change their contracts to include transportation, we will have to add language that requires the provider to ensure that the safety, liability, and insurance are reviewed.
- DVR can research what requirements would need to be added to service provider agreements if they wish to transport consumers. However, DVR won't have time to begin that before Fall 2022.
- Julie asked the providers on WRC if they have the regulations in place to check liability, safety, and insurance currently? DVR could include the language on compliance in their provider contracts if they chose. DVR could help train providers on how to comply. Why can't DVR streamline the process.
 - Kyle shared his Independent Living Center (ILC) organization utilizes volunteer drivers. They must do background checks and vehicles must meet certain standards. There are separate DOT requirements. He feels that language could be built into contracts. His ILC is a transportation provider for DVR and the Department of Health Services (DHS).
 - Becky asked Kyle if they receive 8521 funding?
 - No, he said they use 5310 funding. We sub-contact with counties that utilize 8521 funds.
 - Becky feels that is creative but haven't heard of that happening anywhere else because the counties are using the money for taxis.
 - Ramsey asked if people that wanted to drive could partner with the volunteer driver programs and then DVR could use them?
 - Becky shared that maybe an option for providers to sub-contact with ILC's for transportation.
 - Kyle clarified that his ILC is the only ILC that participates in a volunteer driver program. If there are other providers that have staff with a vehicle, if they check DOT requirements, they could do it themselves.
 - Becky clarified that ILC is using their 5310 funding and volunteer drivers drive their own vehicles. ILC does driver training and checks DOT requirements and insurance. A provider would sub-contract with an entity like an ILC to access their 5310 funding.
- Delora was asked if DVR can allow a sub-contact to access the volunteer driver program through ILC's. She responded that she could not provide an answer at this time. She said

that the committee could address that if they chose, and DVR will participate in that discussion.

- Meredith shared that DVR pays for the service of transportation, so we don't need to access county dollars. We are more concerned with the liability to the State.
- Dick wants DVR to research this and find a way to make it allowable. This can be discussed outside of this meeting. We are wasting our time if DVR is not willing to do the research.
 - Julie Burish made a Motion, seconded by Dick Straub: WRC directs DVR to research requirements for an agency in terms of liability to provide transportation to DVR consumers to remove a barrier to employment without having to become a DVR transportation vendor.
 - Discussion: Deb asked if we have a timeline? Delora clarified that we won't be able to provide information until Nov. 2022 WRC.
 - Friendly amendment to motion: Add, "and report on research at the November 2022 meeting." Julie agreed to friendly amendment.
 - Discussion: Ramsey feels that we shouldn't put undo expectations on DVR, they work hard. Maybe not specify November, but the meeting in February 2023. If everyone else agrees, he is ok with the November date.
 - Steven shared that the view of the committee was that there would be intensive process to see if DVR would be willing to do it? There was discussion to survey vendors. This motion signifies that DVR won't have to survey providers to see if this is an issue.
 - Delora clarified that DVR should reach out to providers to see if they are willing to have their staff drive their private vehicles to transport consumers. If only 10 to 20 percent want to do this, then we would prioritize this initiative differently.
 - Becky agreed that checking with providers is a good idea. Does the WRC have a best practice mechanism for provider feedback? In the past, providers have not been good at providing feedback to DVR. She asked if WRC should do the survey?
 - Delora shared that we can collaboratively discuss the best way to do outreach.
 - Julie thinks we stick to the November report out and then decide if we survey providers. This keeps coming up and WRC should get the information we need to move forward and then we discuss implementation.
 - Dick agrees with Julie.
 - Vote: Unanimously passes

Client Assistance Program (CAP) Report

Franky Newcomb, Danita Jackson and Steven Wheeler

- Franky had to leave at 3 p.m., so he will have to introduce himself at the next WRC meeting.
- Shared data on contacts with consumers.
 - 45 requests for assistance from 41 consumers.
 - 16 were Information and Referral. (Lighter touch calls).
 - 23 were broader and required more substantive guidance needed.
 - Six are still being processed to decide if they will require more assistance and have not concluded service yet.
 - Staffing update: Steven will be switching from managing the CAP program to a half-time role working as an attorney. This will not interfere with CAP services because we are hoping to hire a new CAP Supervisor soon.
 - Danita and Steven shared a few examples of calls to CAP.

Committee Updates and Committee Membership:

Executive Committee

Services to Business Committee

Council Engagement Committee

Performance Measures and Quality Assurance Committee

Note: Since this agenda item was accidentally omitted from the publicly notice meeting agenda, committee updates could not be provided. There was additional discussion about the DVR Tech Specs and Fee Schedule as this information is related to an agenda item included on the public meeting notice.

- Job and Task Analysis, ITW, Job Shadows were reviewed in depth. We will work through Committee work.
- WIBA will be addressed as well. Feel that the changes in this Tech Spec, Fee schedule should be put on hold at this time.
- Julie Burish made a motion, seconded by Dick Straub: WRC Recommends that DVR Implement all edits to Tech Spec and Fee Schedules for 2022-2024, with the exception of WIBA. This service would continue under the current fee schedule. Allow WRC to lead listening sessions or focus groups with participation from service providers, DVR staff, consumer, advocates to be held between now and the end of 2022. The results and proposals from the committee would be brought back to WRC at meeting in Feb. 2023 with implementation in June 2023.
- Discussion:
 - Steven thought he heard Kathleen and Andrzej are making more changes.

- Julie wants a meeting on ITW, Job Shadows and Job and Task Analysis with Kathleen and Andrzej to discuss further so the committee can understand the edits.
- Deb Henderson-Guenther offered a substitute, seconded by Dick Straub. Motion: Ask DVR to delay WIBA changes for now until WRC can discuss further.
- Vote on amending the original motion: Passed. Becky, Alicia, and Al abstained.
- Vote on the Substitute motion: Passed. Becky and Alicia abstained

Policy Review and Administration Committee

Annual Report Workgroup

Review of Open Items and Suggested Discussion Topics for Future Meeting

- Did not discuss. Agenda item not included in publicly noticed agenda.

Adjourn

Dick Straub moved to adjourn; Becky Hebda seconded. Vote: Passed.