

Date: September 1, 2012

NOTICE OF INTENT TO RE-DESIGNATE THE CLIENT ASSISTANCE PROGRAM

Notice of Hearing to Receive Public Comment on the Proposal to Re-designate the Organization Responsible for the Administration of the Client Assistance Program (CAP) from the Current Designated Agency, which is the Nevada Department of Employment, Training and Rehabilitation, to the Nevada Disability Advocacy and Law Center

The Office of the Governor, through the Nevada Department of Employment, Training, and Rehabilitation, will hold a public hearing at **2:00 p.m. PST**, on **Monday, September 24, 2012**, located at the Legislative Council Bureau, 401 S. Carson St., Carson City, NV 89701; room 2135.

The hearing will also be available to the public via video conference at the following locations:

Grant Sawyer Building - 555 E. Washington Ave. Las Vegas, NV 89101; room 4401
Great Basin College - 1500 College Parkway, Elko NV 89801; room TBD

The purpose of the hearing is to receive comments from all interested persons regarding the re-designation of the Client Assistance Program (CAP) from the Department of Employment, Training and Rehabilitation (DETR) to the Nevada Disability Advocacy and Law Center (NDALC)

Governor Brian Sandoval has made the decision to re-designate the statewide agency which administers and operates the State of Nevada Client Assistance Program (CAP) services to individuals with disabilities. There are numerous CAP systems in the United States and its territories, and each should be independent of any agency that provides treatment, services, or rehabilitation to individuals with disabilities. The Client Assistance Program is a 100% Federally Funded program utilizing Grant funds from the Rehabilitation Services Administration. The Nevada Department of Employment, Training and Rehabilitation (DETR) currently administers the Nevada CAP through its Rehabilitation Division.

The following information is provided pursuant to the requirements of 34 CFR 370.11

The Client Assistance Program was established in Section 112 of the Rehabilitation Act of 1973 to

...provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client

applicants, to assist and advocate for such clients or applicants in their relationships with projects, programs, and services provided under this Act, including assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act and to facilitate access to the services funded under this Act through individual and systemic advocacy. The client assistance program shall provide information on the available services and benefits under this Act and title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 *et seq.*) to individuals with disabilities in the State, especially with regard to individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs. In providing assistance and advocacy under this subsection with respect to services under this title, a client assistance program may provide the assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.

As a unit of the Rehabilitation Division which was subsequently incorporated into the Department of Employment, Training and Rehabilitation (DETR) when that agency was formed in 1993, CAP has served Vocational Rehabilitation and Independent Living participants and applicants well over the years to accomplish its mission and goals to promote better communication with program staff and to effectively resolve questions, concerns and complaints through advocacy, mediation and conciliation. Currently, the Nevada CAP consists of a two person unit that operates within the Rehabilitation Division under the supervision of the Division's Deputy Administrator for Operations. Located in Las Vegas, CAP staff must travel to interact with participants and applicants in northern and rural Nevada or must conduct business via telephone, video or written correspondence. The ability of CAP staff to conduct community outreach in northern and rural Nevada is reduced by its size and location in southern Nevada. The CAP contracts for legal services with a state agency that is outside of the Attorney General's office because the Attorney General is charged with defending the Rehabilitation Division in any legal proceedings initiated by the CAP. CAP has its own budget account and receives dedicated federal funds in the form of an annual federal grant. The Division Administrator approves the annual performance appraisals of CAP staff and has the authority to propose the program's biennial budget. The DETR Director and CFO have final approval of CAP's budget and spending authority.

In recent times, the Federal government has come to see that the close alignment of CAP and Vocational Rehabilitation programs can potentially compromise CAP's independence and autonomy. Anecdotal evidence indicates that individuals who turn to CAP for assistance may feel constrained by the fact that the CAP is part of the very agency against which they wish to lodge a complaint. Therefore, new law and regulations were written to require that any new CAPs and any CAPs being re-designated must be located in "an agency which is independent of any agency which provides treatment, services or rehabilitation to individuals under this Act." While there is no reason to believe that the Rehabilitation staff has ever attempted to direct or curtail the work of the CAP, the fact that Nevada's CAP is located within the Rehabilitation

Division which administers the statewide Vocational Rehabilitation program establishes good cause for the CAP's re-designation.

The Governor believes that even the potential for impropriety must be avoided whenever possible and practical.

The Nevada Disability Advocacy and Law Center (NDALC) has been providing legal and non-legal advocacy to individuals with disabilities statewide since 1995. With offices and staff in Las Vegas, Reno and Elko, NDALC has the ability to more effectively serve VR and IL participants and applicants statewide. As a private non-profit protection and advocacy organization, NDALC can operate the CAP in a truly independent and autonomous manner in conformance with the spirit and the letter of federal law. Located in more communities, NDALC has greater ability to integrate the mission of the CAP into its outreach and education programs statewide. With trained investigators and mediators available in each office, NDALC can provide backup for the designated CAP director which will result in more effective and efficient service to individuals who seek CAP assistance. Existing NDALC staff has attended training on the Client Assistance Program and would be able to immediately implement the grant. NDALC has staff attorneys who can provide legal services when necessary at a lower cost than the current contract arrangement. NDALC's private non-profit organizational structure and lower overhead will result in better utilization of the federal grant to support the CAP. NDALC will continue to work closely with DETR's Rehabilitation Division to ensure that VR and IL participants and applicants are aware of their rights to utilize CAP and receive accurate contact information. NDALC will administer the CAP to achieve fair and impartial dispute resolution between participants and applicants, program staff and service providers. If NDALC is selected for re-designation, Nevada will join a majority of states in having the CAP located within the designated protection and advocacy system

Persons wishing to comment upon the proposed action of the Governor's Office may appear at the scheduled public hearing. Persons wishing to address their comments, data, views, or arguments, in written or oral form, may also do so via phone/fax, email, or direct mail routed to the Department of Department of Employment, Training and Rehabilitation, Rehabilitation Division at:

1370 S. Curry Street
Carson City, NV 89703
Attn: Maureen Cole, Rehabilitation Division Administrator
e-mail: mkcole@nvdetr.org
Ph: (775) 684-4040
Fax: (775) 684-4184

Written or oral submissions must be received by the Rehabilitation Division Administrator on or before September 29, 2012.

The Nevada Department of Employment, Training and Rehabilitation must submit any response to the proposed re-designation in writing to the Governor's Office at the address above on or before September 29, 2012.

The Governor intends to fully consider all public comment before issuing a written decision regarding re-designation. If there is no opposition to the re-designation or if comments against re-designation are insufficient to overcome the need to re-designate, the Governor will issue a written decision to re-designate to the Nevada Disability Advocacy and Law Center effective on or after November 2, 2012.

Copies of this notice will also be mailed to members of the public upon request.

Notice: *People with disabilities who require special accommodations or assistance at the hearing should notify Beth Talcott, Support Staff, in writing, at the DETR, Rehabilitation Division, 1370 S. Curry St., Carson City, NV 89703-5146, or call 775-684-3200 (for individuals who are deaf or have hearing disabilities dial 711 for Relay Nevada), or send a fax to 775-684-4040 on or before the close of business, on September 11, 2012.*

This notice of hearing has been posted at the following locations:

DETR, Rehabilitation Division, 1370 S. Curry St., Carson City, NV 89703; DETR Administrative Office, 500 E. Third St., Carson City, NV 89713; DETR Administrative Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104; Employment Security Division, 500 East Third St., Carson City, NV 89713; Nevada State Library, 100 N. Stewart St., Carson City, NV 89701; Office of Disability Services, 3656 Research Way, #32, Carson City, NV 89706; Carson City Library, 900 Roop St., Carson City, NV 89701; Southern Nevada Center for Independent Living, 6039 Eldora Ave., Suite F, Las Vegas, NV 89146; Northern Nevada Center for Independent Living, 999 Pyramid Way, Sparks, NV 89431; Nevada Disability Advocacy & Law Center, 1311 N. McCarran, Sparks, NV 89431; Nevada Disability Advocacy & Law Center, 6039 Eldora Ave., Suite C-Box 3, Las Vegas, NV 89146; Nevada Disability Advocacy & Law Center, 1250 Lamoille Highway, Suite 944, Elko, NV 89801; Easter Seals Southern Nevada, 6200 W. Oakey Blvd., Las Vegas, NV 89107; Nevada JobConnect, 121 S. Water St., Henderson, NV 89015; DETR Bureau of Vocational Rehabilitation and Bureau of Services to the Blind and Visually Impaired, 3016 W. Charleston Blvd., Ste. 200, Las Vegas, NV 89102; Fallon JobConnect Office, 121 Industrial Way, Fallon NV 89406; Ely JobConnect Office, 1500 Avenue F # 1, Ely, NV 89301; Elko JobConnect Office, 172 6th Street, Elko, NV 89801; Winnemucca JobConnect Office, 475 W. Haskell St. # 2, Winnemucca, NV 89445; NV PEP, 2101 S. Jones Blvd, Las Vegas, NV 89146. Nevada State Legislature Building, Carson City, NV, Grant Sawyer Building, 555 E. Washington St., Las Vegas, NV.

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Notice of this meeting was also posted on the Internet under public notices/meetings on DETR's Web site at: www.nvdetr.org.