



Pennsylvania Rehabilitation Council (PaRC)

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OVR Impartial Hearing Officers (IHO)/Mediators Ad hoc Committee Meeting Minutes for February 28, 2024 2:30 PM to 3:30 PM

Members Present (P)

Not Present (NP)

Andrew Pennington (P)
Lynn Heitz (P)

Jessica Keogh (NP)
Susan Tomasic (P)

Michelle Paonessa (NP)
Paul Fogle (P)

Office of Vocational Rehabilitation (OVR) Staff Present: Ralph Roach, Chris Harbert

Guests Present: Rob Schramm, Esq., Office of Chief Counsel, PA Department of Labor and Industry

PaRC Staff Present: Chris Todd, Michelle Gerrick

CALL TO ORDER

This meeting was conducted through Zoom. Mr. Andrew Pennington called the meeting to order at 2:30 PM after quorum was established.

ADDITIONS TO THE AGENDA

There were no additions to the agenda.

MOTION was made by Ms. Lynn Heitz for approval of the agenda and past meeting minutes. Ms. Susan Tomasic seconded the motion. All were in favor.

DISCUSSION AND POSSIBLE ACTION ITEMS:

Scope of IHO/Mediators trainings provided by OCC:

Require that an observer and/or Committee member is present during trainings

Ensure training curriculum meets the standards set by RSA

Ensure objectivity and impartiality is part of the Due Process during initial training and revisited during tenure as IHO/Mediator

- Mr. Rob Schramm, Esq. reported there was initially a PowerPoint used in training for Impartial Hearing Officers (IHO)/Mediators that will need to be updated. This will need to include the basic provisions of the law, policies, and conducting a hearing.
- Members requested that any currently available training material be shared with the Committee, inquired when the last update to training materials was made, and how the legal and policy information was shared, whether it was written materials or provided verbally. Inquired what the timeline is for the development of current and up to date training. Members explained the importance of having an updated training in place and that it includes requirements regarding impartiality to ensure those selected for the positions can be trained appropriately and in a timely fashion. Members explained that over time laws and regulations often change and inquired if there has been a re-training for current IHO/Mediators. Inquired what is provided by the Office of Chief Counsel (OCC) to an IHO in preparation to a hearing taking place regarding updated / applicable policies or policy changes. Member inquired if an updated training could be prepared by June 30, 2024
- Mr. Schramm, Esq. reported that he did not see any reason the training materials could not be shared, is unsure when the last updates were made to training materials and is unsure how legal and policy information was previously shared during the training. Agreed that the training needs to include information about impartiality and needs to be in place prior to selecting qualified applicants. Agreed it would be reasonable to have a training prepared by June 30, 2024. Explained that updated or current policies related to the particulars of a specific hearing is submitted to the IHOs. Agreed to attend a future Committee meeting to inform members of the training after it has been updated and to follow up after the meeting with what training materials are currently available.
- Mr. Ralph Roach reported that the last training was provided to IHO/Mediators prior to 2009 and the enactment of the Workforce Innovation and Opportunity Act (WIOA). Rehabilitation Services Administration (RSA) provided Mr. Roach with the opportunity to attend a Technical Assistance Circular (TAC) related training from Council of State Administrators of Vocational Rehabilitation (CSAVR) on the IHO/Mediators which contains links to WIOA updates. These materials will be provided to the Committee. The training provides IHO/Mediators the reference to what The Act says, including parameters, impartiality, Rehab Act requirements, due process, and how to conduct the hearings. Reported there are approximately 4 remaining IHO/Mediators. There have not been many hearings within the last few years. Agreed that there should be re-training taking place and explained that one of the current IHO/Mediators requested a re-training in 2023. IHOs are given a standard document that includes guidelines for the appeals, release of information, decisions based on the merits of The Act, and if anyone suspects the final decision was not up to par with the law, the OCC will review the finding and will begin a review of the recommendation if errors are found. The customer always has the right to civil litigation.

Confirm if OVR moving forward with a candidate requires PaRC approval

- Mr. Chris Harbert reported that if PaRC were to present strong evidence against an

individual becoming an IHO that is something that would be taken into consideration within the practices for the Executive Director. There was no confirmation provided on whether an individual that the PaRC does not support becoming an IHO would be appointed in spite of PaRC's concerns. However, OVR's practices and procedures strongly lean on PaRC's word.

Formalize process / involvement between PaRC and OVR in written policy or procedure

- Mr. Andrew Pennington explained that a change in OVR's Executive Director could result in a change within OVR's practices and/ or procedures and inquired if this current practice is in writing.
- Members inquired if this information could be provided by CSAVR.
- Mr. Harbert reported they were unable to find anything in writing on this matter, will look into gathering more information, and will request more guidance from RSA, TAC, and CSAVR.

Adjourn

MOTION was made by Ms. Lynn Heitz to adjourn. Ms. Susan Tomasic seconded the motion. The meeting was adjourned.