

U.S. Department of Labor

ADVISORY COMMITTEE CHARTER **Advisory Committee on Increasing Competitive** **Integrated Employment for Individuals with Disabilities**

Purpose

The Workforce Innovation and Opportunity Act (WIOA) makes significant improvements for individuals with disabilities, including youth with disabilities as they transition from education to employment, by helping to ensure these individuals have opportunities to acquire the skills and training they need to maximize their potential and enter competitive, integrated employment. Among the many new provisions designed to strengthen and improve employment for all individuals with disabilities is the establishment of an Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.

Committee's Official Designation (Title)

Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee).

Authority

The Committee is authorized under section 609 of the Rehabilitation Act of 1973, as amended by section 461 of WIOA. It is established in accordance with the provision of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The Committee will act in accordance with FACA and its implementing regulations.

Objectives and Scope of Activities

The Committee shall study and prepare findings, conclusions, and recommendations for the Secretary of Labor on:

- (1) Ways to increase the employment opportunities for individuals with intellectual or developmental disabilities or other individuals with significant disabilities in competitive integrated employment;
- (2) The use of the certificate program carried out under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) for the employment of individuals with intellectual or developmental disabilities, or other individuals with significant disabilities; and
- (3) Ways to improve oversight of the use of such certificates.

Description of Duties

The Committee advises the Secretary of Labor on the development and implementation of coordinated policies and job-driven strategies across federal agencies to improve opportunities for competitive integrated employment and economic advancement for individuals with intellectual, developmental or other significant disabilities, including both youth and adults. The Committee will evaluate the use of subminimum wages under section 14(c) of the Fair Labor Standards Act (FLSA) in light of the goals outlined for competitive, integrated employment and advise the Secretary of Labor on policies and practices that will lead to a significant and

systematic reduction in the misuse of the 14(c) certification program and the dependence on subminimum wages and segregated service placements. In doing this, the Committee will:

- (1) review existing Federal policies to identify and recommend strategies and changes to break down barriers that impede pathways to competitive integrated employment outcomes for youth and adults with intellectual, developmental or other significant disabilities, including recommendations related to employment services, and long-term services and supports, family support and transportation as they relate to competitive, integrated employment;
- (2) provide recommendations for modernizing the service delivery system and expanding the implementation of job-driven strategies and practices to promote partnerships among education, workforce and rehabilitation entities, providers of employment-related long-term services and support, employers, and others that increase the marketable skills and competitive integrated employment outcomes of youth and adults with intellectual, developmental or other significant disabilities leading to economic self-sufficiency. This includes improving the knowledge, skills, and abilities of youth and adults with intellectual, developmental or other significant disabilities, educators, service professionals and families, building leadership and organizational capacity, increasing employer engagement, offering work-based learning, and strengthening accountability and making better use of data;
- (3) recommend systems-change strategies needed to ensure that competitive integrated employment is the first option for people with intellectual, developmental or other significant disabilities. This includes aligning policy, practice and funding across Federal agencies to support competitive integrated employment and economic advancement as the preferred outcomes of job-driven training and related employment services through regional collaborations among a variety of public and private partners, data sharing, leveraging resources, and employment and earnings outcome measurement and evaluation; and
- (4) review the use of the certificate program under section 14(c) and recommend ways to improve oversight of the use of these certificates and reduce the reliance on such certificates.

Agency or Official to Whom the Committee Reports

The Committee makes recommendations and reports to the Secretary of Labor. The Committee will prepare and submit an interim report to the Secretary of Labor, summarizing its progress, along with any interim findings, conclusions, and recommendations not later than one year after the date which the Committee is established. The Committee will prepare and submit a final report, with findings, conclusions, and recommendations to the Secretary of Labor not later than two years after the date on which the Committee is established.

The Committee will provide interim and final reports to the Senate Committee on Health, Education, Labor, and Pensions, and the House Committee on Education and the Workforce.

Support

The Department of Labor's Office of Disability Employment Policy (ODEP) will provide support to the Committee to enable it to carry out its duties. Other Department of Labor

agencies, including the Wage and Hour Division (WHD) and the Employment and Training Administration (ETA), will contribute resources to support the Committee.

Estimated Annual Operating Costs and Staff Years

\$400,000; 2.5 staff years

Designated Federal Officer (DFO)

The Deputy Assistant Secretary of ODEP, a permanent employee, appointed in accordance with agency procedures, will serve as the DFO. The DFO will approve or call all advisory committee and subcommittee meetings, prepare and approve all meeting agendas, attend all committee meetings, and adjourn any meeting when the DFO determines adjournment to be in the public interest.

Estimated Number and Frequency of Committee Meetings

The Committee is required to meet at the call of the Chairperson, but not less than eight times.

Duration

The Committee shall terminate one day after the date on which it submits its final report. The final report is to be prepared and submitted not later than two years after the date on which the Committee is established.

Termination

As specified in Section 609, the Committee shall terminate one day after the date on which it submits its final report. The final report is to be prepared and submitted not later than two years after the date on which the Committee is established.

Membership and Designation

Membership shall consist of seven ex officio members: the Assistant Secretary of Disability Employment Policy, the Assistant Secretary for Employment and Training Administration, and the Administrator of the Wage and Hour Division of the Department of Labor; the Commissioner of the Administration on Intellectual and Developmental Disabilities, or the Commissioner's designee; the Director of the Centers for Medicare and Medicaid Services, or the Director's designee; the Commissioner of Social Security, or the Commissioner's designee; the Commissioner of the Rehabilitation Services Administration, or the Commissioner's designee.

It shall further consist of approximately 15-17 representatives, appointed by the Secretary, with at least one from each of the following constituencies consisting of:

- Self-advocates for individuals with intellectual or developmental disabilities;
- Providers of employment services, including those that employ individuals with intellectual or developmental disabilities in competitive integrated employment;
- Representatives of national disability advocacy organizations for adults with intellectual or developmental disabilities;

- Experts with a background in academia or research and expertise in employment and wage policy issues for individuals with intellectual or developmental disabilities;
- Representatives from the employer community or national employer organizations; and
- Other individuals or representatives of organizations with expertise on increasing opportunities for competitive integrated employment for individuals with disabilities.

The Committee shall elect a Chairperson of the Committee from among the appointed members of the Committee.

Except as otherwise required by Section 609, the Committee’s membership will be consistent with the applicable FACA regulations. Membership on the Committee will be fairly balanced, and members will come from a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of the Committee. The composition of the Committee will depend upon several factors, including: (i) the Committee’s objectives; (ii) potential geographic, ethnic, social and environmental impact of the Committee’s recommendations; (iii) the types of specific perspectives required, as previously outlined; (iv) the need to obtain divergent points of view on the issues before the Committee; and (v) the relevance of state, local or tribal governments to the development of the Committee’s recommendations.

To the extent permitted by FACA and other laws, Committee membership also should be consistent with achieving the greatest impact, scope and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, race, gender, disability, sexual orientation and gender identity.

Subcommittees

The Secretary, through ODEP, may create subcommittees which must report back to the Committee. Subcommittees must not provide advice or work products directly to the Secretary or to Congress.

Recordkeeping

The records of the Committee, formally and informally established subcommittees, shall be handled in accordance with General Records Schedule 26, Item 2, “Records Created by Advisory Commissions, Committee, Councils, Boards and Other Groups Established under the FACA.” These records shall be available for public inspection and copying subject to the Freedom of Information Act (5 U.S.C. 552).

Filing Date

This charter is established on the date this charter is filed on as indicated below.

 THOMAS E. PEREZ
 Secretary of Labor

 Date