

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

Minutes from Ninth Meeting
July 20 - 21, 2016

The ninth meeting of the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (“ACICIEID” or “the Committee”) was called to order by ACICIEID Chairman David Mank at 9:30 a.m. on Wednesday, July 20, 2016.

The meeting took place at the United States Access Board, 1331 F St N.W., Suite 800, Washington, DC 20004-1111.

The following members were present:

Self-advocates for individuals with intellectual or developmental disabilities:

- Patrick Hendry, Mental Health America
- Karen McCulloh, McCulloh and Associates
- Santa Perez, People First of Nevada

Providers of employment services, including those who employ individuals with intellectual or developmental disabilities in competitive integrated employment:

- Christine McMahon, Fedcap

Representatives of national disability advocacy organizations for adults with intellectual or developmental disabilities:

- Ruby Moore, National Disability Rights Network
- Ari Ne’eman, Autistic Self Advocacy Network
- Alison Barkoff, the Center for Public Representation (by phone the afternoon of Day 1, in-person Day 2)

Experts with a background in academia or research and expertise in employment and wage policy issues for individuals with intellectual or developmental disabilities:

- David Mank, Indiana Institute on Disability

Community representatives from the employer community or national employer organizations:

- Oswald (Oz) Mondejar, Partners Continuing Care
- Jim Brett, The New England Council (in-person Day 1)
- Steve Pemberton, Walgreens

Other individuals or representatives of organizations with expertise on increasing opportunities for competitive integrated employment for individuals with disabilities:

- Cesilee Coulson, Washington Initiative for Supported Employment
- Sharyn Hancock, Workforce Essentials, Inc.
- Rita Landgraf, Delaware State Department of Health and Social Services (in-person Day 1, by phone Day 2)
- Lisa Pugh, Disability Rights Wisconsin
- Fredric Schroeder, Interwork Institute at San Diego State University

In addition, the following Federal officials were present:

- Jennifer Sheehy, Acting Assistant Secretary of the Office of Disability Employment Policy, DOL.
- Portia Wu, Assistant Secretary of the Employment and Training Administration, DOL.
- David Weil, Administrator of the Wage and Hour Division, DOL
- Laura Fortman (Proxy for David Weil), U.S. Department of Health and Human Services
- Helen Applewhaite (Proxy for David Weil), U.S. Department of Health and Human Services
- Mike Smith (Proxy for John O'Brien), Medicare and Medicaid Services (by Phone Day 1)
- Bob Williams, U.S. Department of Health and Human Services
- Serena Lowe (Proxy for Bob Williams), U.S. Department of Health and Human Services
- Robert Pfaff, Deputy Associate Commissioner, Office of Research, Demonstration and Employment Support, U.S. Social Security Administration
- Janet LaBreck, Commissioner of the Rehabilitation Services Administration (RSA) at the U.S. Department of Education

Day One: Wednesday, July 20, 2016

Welcome and Introductions/Administrative Updates/David Mank, Chair

At 9:30 a.m. Chairman Mank called the meeting to order and asked each Committee member to introduce themselves. He noted that two members, Alison Barkoff and Mike Smith, would join by phone.

Chairman Mank reviewed the mission and charge of the Advisory Committee and provided an overview of the day's agenda. He then recalled how the Committee had reached consensus on the draft recommendations in the last in-person meeting in April. The Committee has spent the last two months making adjustments and fine-tuning their recommendations and will devote this meeting to reviewing these changes.

Overview of Structure of Final Report – Dr. David Mank and Rich Luecking

Rich Luecking summarized the structure of the draft final report:

- With the exception of the AbilityOne Chapter, each chapter focuses on capacity building.
- The introduction provides the context of the Committee's work and draws from the interim report.
- Chapter One: Increasing Competitive Integrated Employment will require Capacity Building represents the work done by the Complexity and Capacity Subcommittees.
- Chapter Two: Capacity Building for Youth represents the work done by the Transition to Careers subcommittee.
- Chapter Three: Capacity Building through Changes in the Use and Oversight of 14(c) certificates represents work done by the 14 (c) work group.
- Chapter Four: Capacity Building in the Marketplace represents work done by the Marketplace Subcommittee.
- Chapter Five: Capacity Building in Specific Federal Agencies represents the work done by the Complexity Subcommittee.
- Chapter Six: Increasing Competitive Integrated Employment in the AbilityOne® Program represents work done by the AbilityOne work group.

The draft final report may be accessed on the meeting agenda webpage at:

https://www.dol.gov/odep/topics/date/ACICIEID_Draft_Final_Report_7-13-16_Accessible.pdf

Report Out on Capacity Building in the Marketplace and Full Committee Discussion

Rich Luecking provided a brief summary of major changes made in Chapter Four including a focus on professional development specific to the Marketplace subcommittee and additional information about benefits management and counseling.

Karen McCulloh noted how their subcommittee included recommendations and language around training and pipeline issues from the interim report back into the draft final report. Ms. McCulloh also referenced some technical changes submitted by the Employment and Training Administration that they were working on incorporating into the chapter.

Discussion:

Portia Wu thanked the Committee for considering ETA's comments and offered her assistance in explaining the technical edits. Ms. McCulloh remarked that she had a question on recommendation two about work based learning and the best way to support individuals with significant disabilities and intellectual and developmental disabilities.

Steve Pemberton noted the importance of the training and pipeline recommendation as it relates to self-disclosure. Jim Brett commented on the recommendation highlighting benefits counseling. Robert Pfaff and Sharyn Hancock reiterated the importance of inclusivity at AJCs for individuals with I/DD.

Chairman Mank thanked the Marketplace Subcommittee and asked if the Committee agreed with the changes discussed. Hearing no dissent, the Committee reached consensus.

The chapter on Capacity Building in the Marketplace may be accessed on the meeting agenda webpage at: https://www.dol.gov/odep/topics/date/ACICIEID_Draft_Final_Report_7-13-16_Accessible.pdf

Roundtable Discussion on Disability Service Provider Capacity Building/Workforce Development

Before introducing the panelists of the Roundtable Discussion, Chairman Mank announced that Deputy Secretary Christopher Lu would greet the Committee at 2:00 p.m. Then, Chairman Mank introduced Joseph M. Macbeth, Lori Sedlezky, and Shaun Wood (via Skype).

Lori Sedlezky thanked the Committee for inviting her to speak on the status of the direct service workforce. She presented the following points:

- Direct support providers (DSPs) do not have a unique occupation title with the Bureau of Labor Statistics which creates various issues
- Low wages and poor supervisory relationships are two of the biggest reasons there is high turnover in the workforce

Joe Macbeth discussed the high turnover rate for DSPs which impacted the quality of service. Mr. Macbeth talked about the Code of Ethics created by the National Alliance for Director Support Professionals.

Shaun Wood spoke about the importance of capacity building and ways to address high turnover. Mr. Wood noted that through his experience running a coaching program for students, they found that if a student had the same coach throughout the entire program, that student graduated from the program. In contrast, if a student had multiple coaches due to turnover, graduation rates decreased.

Discussion:

Lisa Pugh asked Ms. Sedlezky if they have seen successful efforts getting people with intellectual and developmental disabilities into the workforce as well as other nontraditional labor pools. Ms. Sedlezky mentioned some emerging ideas in Wisconsin around the DSP workforce.

Rita Landgraf applauded the panelists for their presentation especially around information on the Medicaid front relative to the reimbursement rates and in enforcing the training component. She also noted that the biggest complexity is that there is not a direct service professional category in that labor standard and believes it should be incorporated into a recommendation.

Chairman Mank thanked the panelists for their presentation and asked the Committee to take a 15-minute break before the public testimony section.

Public Testimony

After a short break, the Committee reconvened. At 11:45 a.m., Chairman Mank thanked members of the public for submitting over 2,500 comments and for providing testimony over the last year. He remarked that the public has helped inform the Committee's work. Then, he introduced the individuals who submitted testimony to the ACICIEID Advisory Committee. They were allowed 5-7 minutes to provide their testimony.

The following individuals provided testimony:

- Kelly Nye-Lengerman, University of Minnesota's Institute of Community Integration (via phone)
- Christine Grosso and Elizabeth Weintrop, Association of University Centers on Disabilities

Written public testimony can be accessed at:

<https://www.dol.gov/odep/topics/date/20160720-testimony.htm>

Report Out on Increasing Competitive Integrated Employment will require Capacity Building and Full Committee Discussion

The Committee reconvened at 1:32 p.m. after taking a lunch break. Dr. Luecking provided a brief summary of one major change made in recommendation five regarding professional development.

Cesilee Coulson noted the change made in recommendation five to include a professional development piece separate from the Marketplace subcommittee. She recalled how every subcommittee helped contribute to this chapter and thanked them for their work. Janet LaBreck echoed this sentiment and recalled how they worked on refining the recommendations to reflect which entities had the authority to make the suggested changes in the chapter.

Discussion:

Alison Barkoff asked a clarifying question about recommendation two's reference to MFPs and their time limited nature. Ms. Coulson noted that recommendation two was looking at sustainability of an effort of continually building capacity versus targeting capacity building for transformation. Ms. Coulson and Ms. Landgraf agreed to work with Ms. Barkoff to insert new language to clarify the intent of the recommendation. Bob Williams suggested they also include a note that Medicaid should not be the only source of funding for capacity building.

Ms. Coulson mentioned the need to also add language around the labor force DSP piece and sustainability of services in the next round of edits. She noted that they can tie this piece with the transition to careers chapter.

Chairman Mank thanked the Capacity Building Subcommittee and asked if the Committee agreed with the changes discussed. Hearing no dissent, the Committee reached consensus.

The chapter on Increasing Competitive Integrated Employment will require Capacity Building may be accessed on the meeting agenda webpage at:

https://www.dol.gov/odep/topics/date/ACICIEID_Draft_Final_Report_7-13-16_Accessible.pdf

Report Out on Capacity Building for Youth and Full Committee Discussion

Dr. Luecking provided a brief summary of the major changes made including fine-tuning the assistive technology piece and rearranging the recommendations.

Lisa Pugh started off by summarizing the assistive technology recommendation. She noted how Santa Perez did some outreach to states to identify issues in the area and discovered a lack of funding to schools and quality of assistive technology assessments. Ms. Pugh also emphasized the addition of the U.S. Department of Justice as a partner to enforce a students' right to assistive technology. Ms. Perez mentioned that she wouldn't be able to communicate without assistive technology. Ms. Barkoff suggested they add enforcement under the Individual with Disabilities Education Act as well.

Chairman Mank interrupted the discussion to introduce Deputy Secretary Christopher Lu.

Deputy Secretary Christopher Lu

Chairman Mank stopped the discussion to introduce Deputy Secretary Christopher Lu. Deputy Secretary Lu began by commenting on the fact that assistive technology and federal leadership on these issues is a high priority for him as well.

Deputy Secretary Lu thanked the Committee on behalf of the Secretary of Labor Tom Perez for the work they've done in drafting the final report. He spoke about it being an opportune time to introduce these recommendations as WIOA state plans are being reviewed and the emphasis of improving access to services through American Job Centers. He also noted the great work being done by the Office of Disability Employment Policy in the Employment First initiative.

Report Out on Capacity Building for Youth and Full Committee Discussion (Cont.)

The Committee returned to discuss final changes to the chapter on Capacity Building for Youth. Ms. Pugh asked for the word 'paid' to be added to every mention of work experiences. Ms. Moore responded by agreeing to add the language to the Capacity Building subcommittee's work. Mr. Williams also requested the addition of language around looking at whether the provisions of the current law are being followed and whether those provisions are sufficient (possible role for the Office of Civil Rights).

Chairman Mank thanked the Transition to Careers Subcommittee and asked if the Committee agreed with the changes discussed. Hearing no dissent, the Committee reached consensus.

The chapter on Capacity Building for Youth may be accessed on the meeting agenda webpage at: https://www.dol.gov/odep/topics/date/ACICIEID_Draft_Final_Report_7-13-16_Accessible.pdf

Capacity Building in Specific Federal Agencies and Full Committee Discussion

Dr. Luecking provided a brief summary of the chapter and noted that no major changes have been made – the section was simply reworked into a separate chapter.

Patrick Hendry made a few observations including the importance of addressing the kind of institutionalized disincentives to work as opposed to addressing the legislative or the policy and rules type of disincentives that keep people from wanting to return to work. Chairman Mank asked Mr. Hendry to write some language around these ideas for the final report.

Mr. Pfaff asked a question about the recommendation to have Social Security advisory board review eligibility requirements for SSA eligibility and whether that disability benefit would include Ticket to Work. Mr. Williams suggested dropping the word “eligibility” and focus on the definition of disability to make the recommendation clear to which Ms. McCulloh agreed. Ari Ne’eman volunteered to help draft the language. Ms. Hancock also requested the addition of a footnote regarding promise or career access initiative in the Ticket to Work section. Then, Ms. Coulson recommended the include language regarding family supports. Hearing no further comments or dissent, the Committee reached consensus.

The chapter on Capacity Building in Specific Federal Agencies may be accessed on the meeting agenda webpage at: https://www.dol.gov/odep/topics/date/ACICIEID_Draft_Final_Report_7-13-16_Accessible.pdf

Final Observations and Remarks from Committee Members

Ms. McCulloh asked the Committee whether they would have another meeting to finalize the changes discussed during the July meeting. Ms. Sheehy remarked that Dr. Luecking would incorporate all the changes discussed today and tomorrow into a draft final report and send it to the Committee members in a couple weeks. The Committee would then hold a final virtual meeting August 29th to agree on the final report.

Summary and Adjournment, Dr. David Mank, Chair

Chairman Mank provided a quick overview of Day 1 and noted how the Committee has reached consensus on four of the six chapters under consideration. The remaining two chapters on the AbilityOne Program and 14 (c) Certificates would be discussed on Day two.

At 4:00 p.m., the meeting adjourned.

Day Two: Thursday, July 21, 2016

Welcome/Roll-Call/Overview and Remarks, Dr. David Mank

Chairman Mank welcomed back the Committee members and public. He provided an overview of the agenda. He noted that David Jones was sitting in for Portia Wu and Serena Lowe for Bob Williams. He added that Rita Landgraf would be participating by phone.

Report Out on Increasing Competitive Integrated Employment in the AbilityOne® Program and Full Committee Discussion; Report out on Capacity Building through Changes in the Use and Oversight of 14(c) Certificates and Full Committee Discussion

Dr. Luecking provided a brief summary of the chapter and noted the three major changes that have been made including:

- Addition of language to substantially reduce the contract hour percentage
- Suggestion that there should be pilots to test the awarding of AbilityOne contracts from federal customers to private industries
- Insertion that the for profit entities participating in the program should be covered by the Fair Labor Standards Act

Chairman Mank noted that the Complexity and Marketplace subcommittee were deeply involved in this chapter. Ms. Barkoff specified that language was included to make sure people weren't negatively impacted by a change to the 75% rule.

Ms. Moore suggested that the program needs a separate advisory committee established for the purpose of modernizing the program. Ari Ne'eman echoed this sentiment and commented on the need in the future for a phased approach. Ms. Sheehy spoke about the importance of emphasizing that all recommendations are a holistic package. Chairman Mank suggested adding that language to the introduction of the report. Frederic Schroeder remarked on how the huge buying power of the federal government is an enormous incentive, and if harnessed, it can support competitive integrated employment.

Dr. Luecking provided a brief summary of the chapter and noted that no major changes have been made since the April meeting.

Ms. Barkoff thanked the Wage and Hour Division for their technical assistance while drafting the chapter on 14 (c) Certificates. Ms. Moore also thanked members of the public for their comments on this matter and that they worked hard on ensuring safeguards to prevent unintended consequences.

Chairman Mank thanked the Committee for their work on the AbilityOne and 14 (c) Chapters and asked if they agreed with the changes discussed. Hearing no dissent, the Committee reached consensus.

The chapters on the AbilityOne Program and 14 (c) Certificates may be accessed on the meeting agenda webpage at: https://www.dol.gov/odep/topics/date/ACICIEID_Draft_Final_Report_7-13-16_Accessible.pdf

Panel on Success Stories of Competitive Integrated Employment

After a short break, Chairman Mank introduced the panelists:

- Ken Capone, Public Policy Director, People on the Go, Maryland
- Amy Gonzalez, State Director of Employment & Day Services, Tennessee Department of Intellectual and Developmental Disabilities
- Eric Ryan, AutoZone, Memphis, Tennessee (via Skype)
- William Hunter, AutoZone, Memphis, Tennessee (via Skype)
- Tyrone Brown, AutoZone, Memphis, Tennessee (via Skype)

Amy Gonzalez provided an overview of Tennessee's involvement in the Employment First initiative and showed a video about Eric Ryan and William Hunter who worked in a sheltered workshop for over 20 years at SERVE. She then asked Eric Ryan, William Hunter and their current supervisor, Tyrone Brown, to answer a few questions. Mr. Ryan and Mr. Hunter started by explaining the type of work they do at AutoZone. Ms. Perez asked about the wages they made at AutoZone and at the sheltered workshop. They made around \$3.00 an hour at the workshop and over minimum wage at AutoZone with benefits.

Then, Ms. Gonzalez highlighted some lessons learned including:

- Secure buy in from leadership as soon as possible
- Engage community rehab providers, families, employers, advocacy agencies early on
- Work on modification of rate structures before capacity building
- Data collection is crucial

Ken Capone began his presentation and spoke about his organization and work with the Employment First initiative. Mr. Capone mentioned his brief experience with a sheltered workshop and the Ken Capone Equal Employment Act which phases out the use of 14 (c) Certificates in Maryland.

Brief Remarks and Presentation of Certificates to the ACICIEID Members

Chairman Mank thanked the Committee members, subcommittee chairs, DFOs, ODEP, ETA, WHD, and the contractors for their support and contribution to the Advisory Committee's work.

Then, Ms. Sheehy introduced Maria Town from the Office of Public Engagement at The White House.

Ms. Town thanked the Committee members for their work and recalled the excitement surrounding their first meeting back in January 2015. Ms. Town then proceeded to present each Committee member with a certificate from the U.S. Department of Labor for their service.

Adjournment

Chairman Mank thanked the Committee members and members of the public for their participation in the process. The meeting was adjourned at 12:28 p.m.

Certification

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.



ACICIEID Chairman David Mank