

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

**Minutes from Fourth Meeting  
July 13-14, 2015**

The fourth meeting of the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (“ACICIEID” or “the Committee”) was called to order by Committee Chairman David Mank at 8:30 a.m. on Monday, July 13, 2015.

The meeting took place at the United States Access Board, 1331 F Street NW, Suite 1000, 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:

- Brian Itzkowitz, Goodwill Industries of Arkansas Inc.
- Christine McMahon, Fedcap

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

- Alison Barkoff, Bazelon Center
- Ruby Moore, National Disability Rights Network
- Ari Ne’eman, Autistic Self Advocacy Network

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

- Valerie Brooke, Virginia Commonwealth University
- David Mank, Indiana Institute on Disability

Community representatives from the employer community or national employer organizations:

- Oswald (Oz) Mondejar, Partners Continuing Care
- Steve Pemberton, Walgreens (by Phone)
- Chris Averill, The New England Council (Proxy for Jim Brett)

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 (by Phone)
- 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 at the U.S. Department of Labor
- Portia Wu, Assistant Secretary of the Employment and Training Administration at the U.S. Department of Labor
- David Weil, Administrator of the Wage and Hour Division at the U.S. Department of Labor
- Laura Fortman, Deputy Administrator of the Wage and Hour Division at the U.S. Department of Labor (participated for a portion of the meeting when David Weil was not available.)
- Sharon Lewis, Principal Deputy Administrator, Administration on Community Living (Commissioner of the U.S. Health and Human Services/Administration on Intellectual and Developmental Disabilities' designee)
- Bob Williams, Senior Advisor to the Deputy Commissioner, U.S. Social Security Administration
- Janet LaBreck, Commissioner of the Rehabilitation Services Administration at the U.S. Department of Education

John O'Brien, designated representative on behalf of the Centers for Medicare and Medicaid Services, attended the meeting on Monday by phone, but did not attend the second day of the meeting.

## **Day One: Monday, July 13, 2015**

### **Introductory Remarks/Administrative Updates**

Committee Chairman David Mank called the meeting to order at 8:30 a.m. and facilitated self-introductions by the members present. He provided an overview of the two day meeting agenda and noted the discussion structure of the meeting. Each discussion would consist of three parts: questions of clarity, ideas and areas that strike the committee as particularly important, and finally areas of concern and general discussion.

### **Transition Subcommittee Report Out**

At 8:45, Lisa Pugh and Vicki Brooks provided the Transition to Careers subcommittee report out and summarized their interim chapter and recommendations.

All of the Interim Chapters may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/pdf/TransitionToCareers.pdf>

### **Full Commission Discussion on Transition Draft Report**

Chairman Mank turned the report out over to the full committee for discussion.

Ari Ne'eman raised the first question regarding Recommendation 20 and asked the Transition subcommittee to provide further details about provider qualifications. Ms. Brooke responded that case managers currently lack the background to identify strong rehab programs. Ms. Pugh expanded on this by indicating that some issues are addressed in the Capacity Chapter. Ms. McCulloh expressed concern about academic preparation in the transition process mentioned in the recommendations since many school districts lack funding. Ms. Pugh acknowledged this and stressed the need for their subcommittee to consult with the Department of Education. Ms. Barkoff noted that inclusion at a young age is important and that they should think about focusing on children at ages younger than 14.

Mr. Mondejar provided an employer perspective by asking how can the employer partner with government agencies and families to help in the transition process. Ms. Hancock emphasized the importance of family expectations in the transition process and agreed with Recommendation #14 and the need for incentive counseling to families and individuals with disabilities since there is a lot of fear around losing access to some funding streams. Mr. Williams raised the issue of dealing with Youth with Significant Disabilities and asked how the subcommittee would move forward with them in their recommendations. Ms. Pugh replied that they are looking to expand on this demographic in the final report. Ms. McCulloh suggested the subcommittee look into career counseling in high growth areas when matching skillsets. Ms. Perez noted the importance of youth having different types of work experiences beyond housekeeping and janitorial services.

Chairman Mank asked for clarity regarding Recommendation #15 and how the subcommittee would mandate coordination and alignment among federal agencies and who would lead this endeavor. Ms. Pugh stated that her subcommittee was working closely with the Complexity subcommittee and offered up one idea which would involve congress authorizing a pilot program which blended planning across agencies and that her subcommittee was open to other ideas. Mr. Ne'eman hailed Recommendation #16 as powerful and game changing. Ms. LaBreck complimented the group on their report and suggested developing strong career pathways early on with the employer in mind. Ms. Wu agreed on emphasizing work experience with career pathways. Then, Mr. Williams stated that Recommendation #15 needs to include SSA and that some of the recommendations could be folded into interagency effort.

Chairman Mank also mentioned the need for scaling up and research in regards to Recommendation #17. Ms. Brooke responded by recalling that preservice programs don't have strong evidenced base programs and that more research is needed in that area. Recommendation #15 and #17 include some of these issues but if they aren't able to mandate

this, #17 could serve as a backdoor way for pilot programs. Ms. Lewis acknowledged the difficulty with interagency coordination and the need for consistency in outcomes and recommended consideration of the use of waivers by different agencies. Chairman Mank asked if it were possible to look at various waivers. Ms. Lewis noted that there were statutory barriers and if possible, policy makers would need technical assistance, including lawyers present. Ms. Barkoff mentioned the need for an educational campaign led by people with disabilities as a marketing technique. Mr. Mondejar suggested something tangible which speaks to the employer and engages youth and the family. Ms. Moore, Mr. Williams and Ms. Brooke agreed that this was a critical approach.

### **Employment First Presentation — Overview/Trends in State Policy Reform**

After the break, Chairman Mank introduced Serena Lowe and Lisa Mills who provided a presentation on Employment First.

Ms. Lowe read the Employment First definition and provided an overview of the program including a brief history, barriers, EFSLMP structure and modes of technical assistance and areas of focus.

Ms. Mills provided an overview of state trends in Employment First, how to address barriers, lessons learned and noteworthy states.

The presentation may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/pdf/ACICIEIDE-FirstPresentationSerenaLisa.pdf>

### **Employment First — Provider Transformation to Competitive Integrated Employment and Capacity Building**

At 11:15 a.m. Chairman Mank introduced the next panel which consisted of Tyler Hampton, Shelly Chandler, and Gail Fanjoy on Employment First: Provider Transformation to Competitive Integrated Employment and Capacity Building.

Ms. Fanjoy provided an overview of KFI, the history, and the transformation of its mission statement as it moved from a sheltered workshop to placing individuals into competitive integrated employment.

Mr. Hampton gave a brief history of SRVS and the transformation of the organization as it participated in a state mentor program to place workers into CIE.

Ms. Chandler talked about her experience as a provider in Iowa and moving people out of workshops into CIE. She emphasized the important of community providers as partners and advocates in the transformation process. Ms. Chandler noted the highly regulated nature of the system and the need for leadership and vision.

Gail Fanjoy's presentation may be accessed at <http://www.dol.gov/odep/pdf/ACICIEIDGailFanjoy.pdf>.

Chairman Mank opened up the floor for questions to the full committee.

Ms. McCulloh asked Mr. Hampton about his company's business model and whether they use 14 (c) certificates. Mr. Hampton replied that they stopped using certificates and that they provide transportation which was built into day rates. In regards to grant funding, individuals who were moved into employment get follow along from Medicare and they use those funds as well as Ticket to Work funds.

Mr. Schroeder congratulated the panelists on their work in the field and asked whether most workers work 20 hours a week because of disincentives to benefits and disability payments. Ms. Fanjoy responded that all of those are factors including a lack of available work. She also stressed that SSI and SSDI has to do with poverty not just disability. Mr. Averill asked if there were any recommendations on how to get businesses involved in the process. Mr. Hampton noted that it is essential for employers to talk about their experiences with other employers.

### **Complexity Subcommittee Report Out**

At 1:16 p.m., Ms. Barkoff provided the Complexity subcommittee report out and summarized their interim chapter and recommendations.

All of the Interim Chapters may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/pdf/ComplexityAndNeedsSubcommittee.pdf>

### **Full Commission Discussion on Draft Report**

Chairman Mank turned the report out over to the full committee for discussion.

Mr. Ne'eman thanked the subcommittee for their excellent report and highlighted the importance of quality data collection. Ms. Barkoff and Ms. Coulson also emphasized the need for the federal government to encourage innovation at the local and state level and scale up ideas that work in the field. Ms. Pugh asked for clarity on Recommendation #5 and to explain how they plan to fund and move forward with such a broad definition. Mr. Williams acknowledged that the definition seemed large and imprecise but that it is better to think too wide than narrow. Ms. McCulloh remarked that these systems are like a maze and that the subcommittee should think about a seamless process that eliminates some of the maze at the individual and consumer level not just from the national level.

Ms. McMahon raised the issue surrounding incentives which Ms. Barkoff expounded upon by mentioning their discussion on disincentives within the system and that they needed to revisit this topic. Then, Ms. Lewis asked about Recommendation #2 and #5 and whether they have had any conversation around eligibility. For example, would they make a recommendation that VR should make categorically eligibility SSI recipients' competitive integrated employment. Ms. Barkoff responded that that recommendation was about section 511 in WIOA and that her subcommittee could think more about broadening it. However, Ms. Moore added that they already have several recommendations on that topic. Ms. Lewis brought up the issue of which systems are paying for what and the role of VR and Medicaid. Ms. Barkoff replied that more

work needed to be done in this area as well as getting the system to work better for individuals with significant disabilities.

### **Public Testimony**

The full committee listens to public testimony which can be accessed here <http://www.dol.gov/odep/topics/date/20150713b.htm>

### **25th Anniversary ADA Celebration and BREAK**

Deputy Secretary Chris Lu thanked the public and members of the committee for their work on the interim report. Deputy Secretary Lu recognized the importance of ADA and its contribution to increasing competitive integrated employment for individuals with disabilities over the past two decades.

### **Additional Full Committee Discussion on Complexity Report Out**

Chairman Mank turned the report out over to the full committee for discussion.

Ms. Barkoff began by talking about the data and outcomes section of the recommendations. She stated that they should not only look at outcomes in day services but also outcome measures of people on wait lists as well. Ms. Coulson raised an issue in how to leverage resources. Ms. Barkoff suggested that they look into lessons learned around capacity building and how other systems approached this while undergoing transformation and consider short term costs and long term savings.

### **Additional Committee Discussion on Transition Report Out**

Chairman Mank turned the report out over to the full committee for discussion.

Ms. Brooke noted that their subcommittee found the discussion earlier very helpful and that they are organizing a meeting with the Department of Education. Ms. Lewis remarked that they would like to build upon this and a 'parking lot' list of external issues including family support and wraparound services. Also, they need more context regarding the budget and challenges in the Medicaid system. Mr. Williams mentioned the need for developing robust research and evaluation by bringing in various R&D officers, states, foundations, and development organizations to develop long and short term strategies with the committee.

## **Day Two: Tuesday, July 14, 2015**

### **Welcome/Roll-Call/Administrative Matters (David Mank)**

At 8:02, Chairman Mank called the meeting to order and provided an overview of the day's agenda.

### **State and Local Subcommittee Report Out**

At 8:16 p.m., Ms. Coulson provided the State and Local subcommittee report out and summarized their interim chapter and recommendations.

All of the Interim Chapters may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/pdf/CapacityBuildingSubcommittee.pdf>.

### **Full Commission Discussion on Draft Report**

Ms. McCulloh congratulated the subcommittee on their chapter and asked them to specify who the 'workforce development professionals' were for purposes of clarity. She also acknowledged the alignment between their subcommittees on data, funding and outcomes. Ms. Wu asked the subcommittee to clarify what level of training they were talking about and urged them to make use of American Job Centers (AJCs) and the services they provide. Ms. Moore wondered about Recommendation #2 and how granular that conversation went on integration and definitions. Ms. Coulson replied that she didn't feel they went to that level, yet and needed to flesh it out further. Mr. Weil mentioned the discussion around organizational transformation and the need to go beyond innovation and finance side of the issue – but to also think about how to provide organizations the training and technical assistance needed in Recommendation #5 and #7. Ms. Coulson replied that Recommendation #5 and #7 represent your right and left hand and that they questioned how prescriptive should they get with them. Ms. McMahon made it a point to understand 'building' and 'transforming' vs. 'managing' and 'changing' state require different skills. Ms. LaBreck added that there also needs to be an effort to analyze current training/curriculum and what should be there. She also noted that the VR system has best long term system for tracking wages and hours broken down by states and other groups.

Ms. Moore stated that when providers of large facility based services attempt to transform, it is helpful to have a clear definition on features and intended outcomes. Ms. Lewis agreed and asked if the subcommittee had thought about how we manage existing VR dollars. Ms. Coulson responded that they haven't had that conversation yet. Ms. Moore suggested they provide guidance at the state level for leveraging funds. Ms. Brooke asked whether there was any priority in Recommendation #1 (adult services vs. employment services, waiver funding in regards to CIE vs. adult day services). Ms. Coulson said that it was a critical conversation to have.

In regards to funding, Mr. Williams noted that Medicaid does some things well but that they need to be careful what they ask Medicaid to do because of unforeseen consequences. He also asked to what extent we should focus on developing capacity of employers and building capacity around natural supports. Ms. Coulson agreed and mentioned the need for CMS to also be part of it. Mr. Itzkowitz asked if Ms. LaBreck could provide the Committee with the data she mentioned earlier on state funding. She also recommended inviting CMS to present on the scope of their investments. Mr. Ne’eman raised a question on whether the Committee needed to have a conversation around integrated Day Services since the majority of people don’t work 40 hour weeks. Ms. Lewis agreed with this point and stated that figuring out the rest of the equation is crucially important. Mr. Mondejar mentioned the issue with unions and their role in the VR system. Ms. LaBreck noted that unions involved through purchases of services funds resulted in prolonging the transformation process. Ms. Coulson also asked how could they meet technical assistance requests and acknowledged a gap in expertise in the field. Ms. Moore ended by talking about possibly issues to consider including access to transportation.

### **Employer Engagement Strategies Expert Panel: Challenges Working with 14(c) Presentation**

At 10 a.m., Chairman Mank introduced the Employer Engagement Strategies panel, Carrie Morehouse and Janet Samuelson.

Ms. Morehouse started off the presentation by introducing her organization, Work Opportunities. She provided an overview of its history, mission, service area and clients. She discussed the successes and challenges in transitioning individuals with disabilities out of workshops and into group supported employment.

Ms. Samuelson provided an overview of ServiceSource, its history, mission and redesign lessons on creating inclusive communities. Ms. Samuelson acknowledged that there has not always broad-based knowledge of use of 14 (c) certificates and that the Committee can share knowledge to correct this. She also urged the Committee to consider unintended negative consequences of phasing out 14 (c) certificates as well as the need for accurate, current data before finalizing their recommendations.

### **Discussion**

Mr. Schroeder asked Ms. Morehouse if there were system disincentives that made transition more difficult and whether she had any policy recommendation that the Committee should consider. Ms. Morehouse responded that Washington State provided incentives to move people into employment (Employment First). Then, Ms. Moore asked to clarify how people making \$10.10 an hour are covered under 14c. Ms. Samuelson responded that service contracts have higher wages and benefits. Then, Ms. LaBreck summarized the new \$10.10 policy as outlined in the recent Executive Order.

Mr. Williams asked each panelist to comment on major challenges and opportunities to increase employment for people with significant disabilities. Ms. Morehouse said that more technical assistance was needed in this field. Ms. Samuelson replied that it takes more innovative approaches and the need to consider wrap around supports such as transportation.

### **Additional Discussion on 14(c)**

At 11:00 a.m., Chairman Mank began the discussion on 14c by reading from the language of the Committee's charter. He noted that all of the subcommittee recommendations regarding 14c were included in this chapter. The order reads as such: Transition, Capacity, Complexity, and Marketplace. Each subcommittee chair shared their recommendations with the full committee.

Mr. Weil thanked the subcommittee for their work on 14c and explained how the FACA rules limited Wage and Hour from participating in certain activities with the Committee. He then proceeded to explain several points around 14c certificates:

- Secretary Thomas Perez spoke publicly about how the 14c program is detrimental to individuals with disabilities.
- Phasing out 14c as mentioned in several recommendations (#8, #9, #19, and #24) is a statutory matter
- Need to encourage in the strongest way, the provisions in 14c as long as program remains (a program of last resort)
- Updated certificate holder information will become available online
- Wage and Hour is pushing for a more strategic approach on enforcement
- Wage and Hour is working closely with the advocacy community in learning about abuses in the system
- Wage and Hour is invested in the process of developing procedures to fulfill obligations under WIOA

Then, Chairman Mank provided a summary of comments received in the competitive integrated employment inbox and that more details will be made available. Mr. Ne'eman noted that there is broad consensus across subcommittees on the phase out of 14c. Ms. Lewis asked Mr. Weil if his office could provide the Committee with more data on 14c certificates.

### **Marketplace Subcommittee Report-out**

At 12:45 p.m., Ms. McCulloh and the members of the subcommittee provided the State and Local subcommittee report out and summarized their interim chapter and recommendations.

All of the Interim Chapters may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/pdf/MarketplaceDynamicsSubcommittee.pdf>

## **Full Commission Discussion on Marketplace Draft Report**

Ms. Moore and Ms. McCulloh started off the discussion segment by noting how society has low expectations and that more focus should be on training and not abilities. Ms. Brooke asked for more clarity around Recommendation #1 and how the campaign can influence employers to hire people with disabilities. Ms. McCulloh stressed the importance of the business-to-business approach and sharing stories of how people with disabilities improved the bottom line – not as a charitable act. Ms. Landgraf agreed with this and stressed how businesses respond to each other. Ms. Coulson provided an example of Employer Choice and Microsoft and how they helped craft employment policy with employment agencies. Ms. Perez emphasized the point made earlier about low expectations among employers, providers, families, and individuals with disabilities.

Ms. Barkoff noted the reoccurring themes around expectations and suggested collaborating in the next report about approaching it from a systems perspective and consider creative ways of incentivizing employment. She also asked whether the subcommittee talked about Section 503 and Federal incentive programs. Ms. McCulloh replied that this should be a topic discussed further. Ms. Hancock responded to the second issue raised that Section 503 is a great program but not quite targeted and they would like to see more employers reaching out to AJCs and VR about partnerships. Mr. Mondejar also noted that employers are looking for good people and that relationship building is important in this. Mr. Williams agreed on changing the business narrative but pointed out that none of the subcommittees addressed how to change the ‘internal’ narrative.

Then, Ms. LaBreck suggested looking at job driven report and the skills gap facing the nation. She mentioned talking to OCTAE (Department of Education) who are doing transformational work at Community College level in developing career paths. Ms. McMahan asked the subcommittee whether they grappled with some unspoken issues such as fear of litigation. Ms. McCulloh replied that they’ve talked a little about it. Ms. Mondejar responded that it should be discussed and that the interview process is just the tip of the iceberg and that an education program is needed to address some of these issues. Ms. McCulloh suggested bringing in the EEOC guidelines and talking about these issues further including cost of accommodation.

## **Full Committee Discussion on Federal Contracting**

At 2:30 p.m., Ms. McCulloh and Mr. Schroder provided an overview of the AbilityOne Chapter and its recommendations.

You may access the full report here

<http://www.dol.gov/odep/pdf/ACICIEIDinterimReportChapter3.pdf>

Ms. Wu started off the discussion by clarifying one point in the report that \$10.10 minimum wages will be issued to everyone. Ms. McCulloh added that the \$10.10 wage does not apply to agencies who provide products. Ms. Sheehy also noted that most subminimum wages are being paid under product contracts. Ms. Moore commented that congress should amend JWOD since it is an outdated model of employing people and exacerbates increasing competitive integrated employment. Mr. Ne'eman highlighted the point that AbilityOne has an inherent conflict of interest which was a sentiment shared by other Committee members. However, Ms. Wu suggested that AbilityOne has the potential to be powerful if it focuses on people with severe mental disabilities. Chairman Mank then brought up a graph depicting average hourly wages under AbilityOne.

### **Concluding Remarks**

Mr. Mank thanked the public and members of the committee for their work and contribution to the interim report.

Ms. Sheehy provided an overview of next steps in finalizing the interim chapters. The subcommittees have until July 30, 2015 to incorporate comments and finalize their chapters. The subcommittees were encouraged to meet over the next few weeks in this process. Ms. Sheehy also reminded the Committee of their next virtual meeting on August 10, 2015 and notified them that they will receive an invitation soon. She explained that the August 10, 2015 will not have a public comment portion, but testimony prior the 4<sup>th</sup> meeting will be made available on-line to members. Mr. Mank added that he will provide a fact sheet/executive summary in the Interim Report.

### **Adjournment**

The meeting was adjourned at 3:40 p.m.

### **Certification**

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



\_\_\_\_\_  
ACICIEID Chairman David Mank

