

**Advisory Committee on Increasing Competitive Integrated Employment for  
Individuals with Disabilities (ACICIEID)  
Minutes from Second Meeting  
March 23-24, 2015**

The second 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 8:36 a.m. on Tuesday, March 23, 2015.

The meeting took place at the Kellogg Conference Hotel at Gallaudet University, 800 Florida Ave N.E., Washington, D.C., 20002-3695.

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 McMahan, Fedcap

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

- Alison Barkoff, Bazelon Center
- Ruby Moore, National Disability Rights Network
- Mark Perriello, American Association of People with Disabilities

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

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
- 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 first day)
- 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)
- John O'Brien, Senior Policy Advisor, Disabled and Elderly Health Programs Group (Director of the Centers for Medicare and Medicaid Services' 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

## **Day One: Monday, March 23, 2015**

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

Committee Chairman David Mank called the meeting to order and facilitated self introductions by the members present. He also noted the recent passing of Randee Chafkin, a Senior Policy Advisor at the Labor Department's Employment and Training Administration who was deeply committed to disability employment policy and a friend to many members of the Committee. He encouraged the Committee to keep Ms. Chafkin's memory in mind as it pursues its mission.

After previewing the meeting agenda, Mr. Mank reviewed the Committee's charge and duties and presented guidelines for the meeting. Mr. Mank's slide presentation may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150323.htm>.

Mr. Mank explained that during the Committee's first meeting in January 2015, each member was asked to provide input on the key issue areas that should be addressed by ACICIEID. He then reviewed those issues, which fell into the categories of *funding; families and individuals; transition; implementation training and technical assistance; and business*.

Then, Mr. Mank and Designated Federal Officer (DFO) Jennifer Sheehy reviewed the committee timeline, which highlighted key milestones over the next 16 months. Among the milestones discussed were due dates for the Committee's interim report (September 15, 2015) and final report (September 15, 2016), along with upcoming meeting dates. The slide presentation that lays out this timeline may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150323.htm>.

### **Panel on Mental Health Services**

At 9:30 a.m., Committee members listened to a panel discussion on increasing competitive integrated employment outcomes for people with serious mental illness. The panel was moderated by ACICIEID members Alison Barkoff and Patrick Hendry, and featured presentations by Dr. Gary Bond of the Dartmouth Psychiatric Research Center; Dr. Virginia Selleck of Places for People; and Len Statham of the New York Association of Psychiatric Rehabilitation Services (NYAPRS).

Dr. Bond presented an approach to supporting the employment of people with serious mental illness called Individual Placement and Support (IPS), which has been met with significant success in randomized and controlled trials. His presentation made five key points: 1) that people with serious mental illness want to work; 2) that most are capable of working; 3) that the main barrier is employment access to effective services; 4) that IPS is an evidence-based and cost-effective model to increase employment; and 5) that IPS can be widely implemented if adequately funded.

Dr. Selleck reinforced these points in her presentation, noting that employment is a health intervention. She explained that, where they exist, correlational studies have found reduced healthcare spending for people as their employment increases. Dr. Selleck then explored the barriers and misunderstandings that prevent successful employment supports for people with serious mental illness. These include Federal and state policy disincentives; confusion among practitioners related to funding and access to training; and a disconnect in the messages delivered to people served.

Mr. Statham's presentation discussed the experiences of practitioners at NYAPRS, a statewide coalition of people who use and/or provide community mental health recovery services and supports. The organization is informed by people with serious mental health illness, who frequently report that they want a clear path to employment that is not filled with a labyrinth of benefit traps. Mr. Statham shared various recommendations related to provider training and funding.

All of the panelists' slide presentations may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150323.htm>.

Committee members posed several questions to the panel, including questions related to funding models for IPS.

### **Panel on Medicaid Issues**

After a short break, Committee members reconvened at 11:00 a.m. to hear a panel discussion on how best to utilize Medicaid funds and authorities to support employment of people with disabilities. The panel was introduced by ACICIEID's John O'Brien and featured a presentation by Ralph Lollar of the Centers for Medicare and Medicaid Services (CMS).

Mr. Lollar delivered an overview of how Medicaid and the Medicaid expansion have supported employment programs for people with disabilities. In particular, he provided guidance on what is entailed in several memos, regulations and laws that govern this funding, including 1915(c), 1915 (i), 1915(k) and Sections 2401, 2403 and 10202 of the Affordable Care Act. He discussed the "Money Follows Person" (or MFP) funding and moving toward more person-centered planning across the board. He noted that Medicaid Infrastructure Grants, while no longer in existence, have provided excellent lessons on how current benefits should be administered.

Mr. Lollar's slide presentation may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150323.htm>.

Following the presentation, committee members posed several questions about MFP, the ABLE Act and the intersection of Medicaid with the Individuals with Disabilities Education Act.

### **Lunch Break and ePolicyWorks Demonstration**

The Committee broke for lunch at 11:45 a.m. An optional demonstration of ODEP's ePolicyWorks online collaborative workspace was offered during the lunch break.

### **Subcommittee Break Out Sessions**

At 12:45 p.m., Committee members broke into their four assigned Subcommittees to explore key issues within their purview and determine their action areas.

## **Subcommittee Reports to Committee**

At 2:30 p.m., the Committee reconvened, and the Chairs of each Subcommittee reported their progress and future meeting plans to ACICIEID at large. Highlights of these reports follow:

### *Transition to Careers Subcommittee*

Co-Chairs Lisa Pugh and Vicki Brooke explained that their Subcommittee sees its scope as covering three different categories of emphasis: 1) high expectation (cross systems; cultures; early influencers of youth); 2) complexities of navigating public programs through the transition period; and 3) Section 14(c) of the Fair Labor Standards Act (FLSA) and its impact on youth/young adults with disabilities.

### *Complexity & Needs in Service Delivery Subcommittee*

Chairperson Alison Barkoff discussed her Subcommittee's three areas of emphasis: 1) funding; 2) outcomes (both employment and socioeconomic advancement/self-sufficiency); and 3) Section 14(c) through the lens of Federal policies.

### *Marketplace Dynamics Subcommittee*

Jennifer Sheehy reported on behalf of Subcommittee and Chairperson Karen McCulloh, reviewing some of the Subcommittee's chosen areas of emphasis, which include exploring effective practices among diverse employers and Federal contractors. Topics to be explored by this Subcommittee will be retention issues post-hiring; training of employers; examples of scalable models that can lead to real culture change within organizations; training of systems (e.g., vocational rehabilitation, workforce investment); Section 503 compliance; considerations related to Ability One/Javits-Wagner O'Day Act (JWOD); pipeline issues; and Section 14(c).

### *Building State & Local Capacity*

Chairperson Cesilee Coulson discussed her Subcommittee's approach, which will entail setting a vision for its process and developing a structure for moving forward. Its recommendations will be based upon the four "Ss": simplicity, scalability, sustainability and success. Topic areas will fall into the categories of delivery; development (both professional and organizational); and data, particularly in terms of measuring demand and quality assurance.

Following these reports, the Committee members discussed potential areas of overlap and the importance of achieving consensus around key goals.

## **Follow-up Presentation on the FLSA 14(c) Program**

Following a short break, the Committee reconvened at 3:30 to hear a follow-up presentation on Section 14(c) of the FLSA. The presentation was delivered by Helen Applewhaite of the Labor

Department's Wage and Hour Division (WHD). She was introduced by WHD Administrator and ACICIEID member David Weil.

Ms. Applewhaite reviewed WHD's role as an enforcement agency, explaining that its goal is to protect the welfare of workers. She explained that Section 14(c) investigations are conducted in the same manner as all other FLSA investigations and reviewed that process for the Committee. Ms. Applewhaite also explored the concept of time studies. While the regulations don't require any specific type of work measurement in determining 14(c) eligibility, there is a requirement to measure job productivity. Graphs in the presentation depicting the number of employers holding 14(c) certificates showed that the number of certificate holders has declined slightly over the last decade.

Ms. Applewhaite then discussed the impact of the Workforce Innovation and Opportunity Act (WIOA), which imposed additional requirements on employers with a 14(c) certificate who pay a subminimum wage to certain workers with disabilities. These requirements take effect on July 22, 2016.

Ms. Applewhaite's slide presentation may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150323.htm>.

Following the presentation, Ms. Applewhaite fielded several questions from Committee members related to investigator training, investigation triggers and awareness of workers of their rights to make a complaint about a sheltered workshop.

### **Committee Discussions on 14(c)**

Next, Committee Chairman David Mank synopsized some key observations about 14(c) in the context of the ACICIEID's charge, which includes reviewing the regulation. He noted the many viewpoints on the issue, which include phasing 14(c) out over a number of years, eliminating it as an option for youth in transition, ignoring it and making it unnecessary.

Mr. Mank's slide presentation on 14(c) may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150323.htm>.

The Committee then proceeded to discuss 14(c), and individual members were asked to provide their general impression on the regulation. Most agreed that 14(c) has "outlived its shelf life" and should be phased out over time. Others noted that it's a violation of the Americans with Disabilities Act and that a focus on integrated employment will help decrease demand for sub-minimum wage options.

### **Adjournment**

David Mank adjourned Day One of the meeting at 5:00 p.m.

## **Day Two: Tuesday, March 24, 2015**

Day Two of the second ACICIEID meeting was called to order at 8:05 a.m. by Chairman David Mank, who kicked off the day's proceedings with some brief administrative updates.

### **Panel on Leading Systems Change**

At 8:15 a.m., Committee members heard a panel discussion titled, "Leading Systems Change Efforts to Increase Competitive Employment Opportunities for Individuals with Disabilities: A Cross-Systems State Perspective." The panel was moderated by ACICIEID member Rita Landgraf, and featured presentations by Joe Ashley of Virginia's Disability Employment Initiative; Dale Matusevich of the Delaware Department of Education; Steven Reeder of the Maryland Department of Health; Andrew Reese of the District of Columbia State Division of Vocational Rehabilitation Services; and Linda Rolfe, formerly of the State of Washington's Division of Health and Human Services.

Mr. Ashley discussed his work on the Disability Employment Initiative in the State of Virginia, where he manages workforce incentives and several other grant programs. He explained that the state Workforce Investment Board and 15 local Workforce Investment Boards make up Virginia's workforce system. Mr. Ashley's work is focused on outreach to the business community as an essential part of advancing the workforce system into the Employment First mindset. He is also focused on aligning various grants to provide comprehensive services for people with disabilities.

Mr. Matusevich, who is a Senior Associate in Delaware's Secondary and Transition Services division, spoke from an education perspective, noting that it was unfortunate that the education system was not represented on the ACICIEID. His program works with students and families at all levels of the education system, and he believes it is never too early to start preparing children with disabilities for careers. He noted several innovative community-based programs in Delaware, including a three-day competitive employment "boot camp." His philosophy is "everyone has a right to fail" and that people with disabilities should be given the opportunity to try and fail and should not be sheltered from that.

Mr. Reeder, who directs the Office of Adult Services in Maryland's Behavioral Health Administration, discussed several innovations at his agency, which is focused on improving services and outcomes for people with psychiatric disabilities. His office works closely with Medicaid and vocational rehabilitation (VR) agencies to create a single point of entry for consumers. And all employment services in the state are directed into integrated employment. (Sheltered/segregated employment is no longer funded in Maryland.) Mr. Reeder explained

that the single point of entry system has sped up the process and made it seamless for providers and more transparent for consumers.

Mr. Reese discussed Washington, D.C.'s effort to change the mindset among state agencies about people with disabilities and their ability to succeed. D.C.'s experience started with a mayoral proclamation, which was a sort of mission statement, and they are currently working on a mayoral order, which will set clear expectations for agencies. The goal is to facilitate collaboration between VR, the educational system and the workforce. To that end, the Division of VR Services works closely with schools and American Job Centers, which has successfully resulted in increased customized employment outcomes.

Ms. Rolfe, who is the former Director of Intellectual/Developmental Disabilities (I/DD) Adult Services in the State of Washington, spoke forcefully about the changes she believes need to be made across the country based on her experiences. She stressed the need to employ people with disabilities full time and to stop underestimating them. Ms. Rolfe believes that across systems, everyone needs to believe in employment as an expectation for every working age person. Families are critical to this process in every way, from setting expectations to testifying before a legislature about what people with disabilities are capable of doing.

Following the presentation, the panelists fielded numerous questions from Committee members related to blended funding models, raising family expectations, mental health integration into IPS services, and more.

### **Panel on IDEA**

Following a short break, the Committee reconvened at 10:00 a.m. to hear a panel on the Individuals with Disabilities Education Act (IDEA). Panelists included Melody Musgrove, Director of the Office of Special Education Programs (OSEP) at the U.S. Department of Education; Marlene Simon-Burroughs of OSEP; and David Test of the University of North Carolina (UNC), who joined remotely via videoconference.

Ms. Musgrove walked the Committee through the basic requirements of IDEA, noting recent changes to IDEA's accountability system that have improved results. These involved a move toward using student outcome data to measure whether school districts are meeting requirements. As a result, the focus has shifted from compliance outcomes to academic outcomes. Ms. Musgrove also addressed Individualized Education Program (IEP) requirements and the activities involved in transition services.

Ms. Simon-Burroughs, who works in OSEP's Research to Practice Division and on the Secondary Transition/Postsecondary Team, expanded on Ms. Musgrove's presentation by exploring what transition services look like at the individual level. She explained the elements of a well-written IEP and stressed the importance of student involvement. Employment is a distinct activity, so

each IEP must include a post- secondary goal in the area of employment. Ms. Simon-Burroughs concluded with a case study example to show how partners in Maryland worked together to meet the post-school goals of a young woman with a disability.

Professor Test joined by video teleconference from UNC at Charlotte. In addition to being a professor of special education, he runs the National Technical Assistance Center on Transition (NTACT) which is funded by OSEP and the Rehabilitation Services Administration (RSA). He discussed NTACT's purpose and work, which includes the identification of 17 predictors of better post-secondary outcomes that have proved useful to schools as they try to improve and self-evaluate their programs for students with disabilities.

All of the presenters' slide presentations may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150323.htm>.

Following the presentations, the panelists fielded questions from the Committee on a range of issues including partner collaboration, STEM education, results-driven accountability at the state and Federal level, and IDEA's intersection with the Schoolwide Integrated Framework for Transformation (SWIFT).

### **Lunch Break and ePolicyWorks Demonstration**

The Committee broke for lunch at 11:15 a.m. An optional demonstration of ODEP's ePolicyWorks online collaborative workspace was offered during the lunch break.

### **Subcommittee Break Out Sessions**

At 12:15 p.m., Committee members broke into their four assigned Subcommittees to continue exploring key issues.

### **Additional Subcommittee Reports to the Committee**

At 2:00 p.m., the Committee reconvened, and the Chairs of each Subcommittee reported their continued progress to ACICIEID at large. Highlights of these reports follow:

#### **Marketplace Dynamics Subcommittee**

Chairperson Karen McCulloh reported that her Subcommittee will be reviewing successful employer models, including the Walgreens and Partners Continuing Care models that the Committee would be hearing about later that afternoon. The Marketplace Dynamics Subcommittee believes that the narrative toward employers must change—hiring people with disabilities must be about business incentives, not about "doing the right thing." The Subcommittee discussed other subject matter experts they would like to engage in subsequent Subcommittee meetings/calls and plans to explore issues related to workforce boards and transportation.

### Complexity & Needs in Service Delivery Subcommittee

Chairperson Alison Barkoff reported that her Subcommittee had continued to flesh out the framework under which it will focus its efforts. It will maintain activity within three areas: 1) funding (looking at how funds are being spent relative to day/employment services and incentives; 2) outcomes (that should be counted at the state level across systems); and 3) Section 14(c) (enforcement and alignment of 14(c) program activities with Employment First and other initiatives at the state level).

### Building State & Local Capacity

Chairperson Cesilee Coulson reported that her Subcommittee came to an agreement around the range/width of its scope and exploratory activities, which will span early intervention through retirement. The Subcommittee will be bookending its recommendations around short and long-term strategies. While continuing its conversation around development, delivery and data, the Subcommittee discussed language around the term “capacity building” and plans to translate recommendations around capacity building into common language within the larger, more generic employment terrain.

### Transition to Careers Subcommittee

Co-Chair Vicki Brooke reported continued discussions about the three issue "buckets" identified on Day One: 1) high expectations (and supportive decision-making); 2) complexities of services; and 3) Section 14(c), where a starting point will be to eliminate its availability to transition-age youth. The Subcommittee also plans to enlist experts such as David Tessler, Mary Morningstar, Sharon Lewis and others to inform their work in key areas.

All Subcommittees reported their plans to meet prior to the next ACICIEID meeting. Mr. Mank thanked everyone for the progress that's been made within Subcommittees.

### **Presentations from Business Representatives**

Following a short break, the group reconvened at 2:30 p.m. to hear presentations by two business representatives on the Committee—Steve Pemberton, Chief Diversity Officer of Walgreens, and Oz Mondejar, Senior Vice President of Mission and Advocacy at Partners Continuing Care.

Mr. Pemberton shared a video and described some of the Walgreens programs that facilitate integrated employment opportunities for people with disabilities. These include Walgreens' Retail Employees with Disabilities Initiative (REDI), which has resulted in more than 500 individuals trained and 150 hired; and the Transitional Work Group (TWG), which trains and places people with disabilities in Walgreens distribution centers. Interestingly, Walgreens' top two distribution centers are the ones participating in the TWG program. In spite of this success, Mr. Pemberton also noted the challenges of keeping up with demand. Walgreens wants to find and place more people with disabilities, but only 40% of the agencies registered with its REDI portal are active.

Mr. Mondejar shared some of his own personal experiences identifying as a person with a disability and credited the Americans with Disabilities Act with helping him find his professional calling, which today includes managing disability-related workforce development programs for Partners Continuing Care, a healthcare network in Massachusetts. Its Working Partners program is a first of its kind public/private partnership that trains and connects qualified persons with disabilities to health care jobs within the Partners network. Mr. Mondejar shared a video about the program and noted the importance of having a workforce that reflects the communities it serves.

Both presenters' slide presentations may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150323.htm>.

Following the presentations, the panelists fielded questions from the Committee members on topics including pipeline challenges, human resource professionals' needs, and how federal agencies can best support employers in order to spur other successful models like those at Walgreens and Partners Health.

### **Closing Remarks**

At 3:34 p.m., Committee Chairman David Mank delivered closing remarks. He reminded members about the next meeting, which will be conducted via webinar May 11 and 12, 2015, as well as other key dates. Mr. Mank and several other members also complimented the staff responsible for planning and managing the meeting's logistics. The meeting was adjourned at 3:40 p.m.