

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

Minutes from Eighth Meeting
April 27 – 28, 2016

The eighth 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 8:30 a.m. on Wednesday, April 27, 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
- Brian Itzkowitz, Goodwill Industries of Arkansas Inc.

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 Bazelon Center

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
- Jim Brett, The New England Council
- 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

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.
- John O'Brien, Director of the Centers for Medicare and Medicaid Services
- Mike Smith (Proxy for John O'Brien), Medicare and Medicaid 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
- Mary Lovley (Proxy for Janet LaBreck), Rehabilitation Services Administration (RSA) at the U.S. Department of Education

Day One: Wednesday, April 27, 2016

Welcome/Roll Call/Administrative Updates / David Mank, Chair

At 8:30 a.m. Chairman Mank called the meeting to order by welcoming and thanking Committee members for their participation and members of the public for their interest in the Committee's work. He mentioned the considerable progress that the Committee has made towards finalizing recommendations for the Final Report. He asked for each Committee member to introduce themselves.

Chairman Mank then reviewed the Committee's charge, statute and meeting agenda. He outlined the structure of the subcommittee report outs and discussions. Each subcommittee would provide an overview of their recommendations, and then Committee members would engage in a discussion which would consist of clarifying questions, questions of intent and other ideas related to specific recommendations. Finally, the Committee would consider to what degree they had reached consensus on the recommendations.

David Mank's presentation may be accessed on the meeting agenda webpage at:
https://www.dol.gov/odep/topics/date/David_Mank_Presentation_April.pdf

Report Out and Discussion on Draft Recommendations for Final Report – Marketplace Subcommittee

At 8:45 a.m., Karen McCulloh provided an overview of the Marketplace subcommittee recommendations. Then, each member of the subcommittee reported out on the 6 recommendations.

The Marketplace Subcommittee recommendations may be accessed on the meeting agenda webpage at: [https://www.dol.gov/odep/topics/date/15 Marketplace 4-11 Recs 508.pdf](https://www.dol.gov/odep/topics/date/15%20Marketplace%204-11%20Recs%20508.pdf).

Discussion:

Chairman Mank thanked Marketplace for their detailed report out and reminded the Committee to think about their audience, the importance of smart, specific recommendations, and aligning them with capacity. Portia Wu asked Sharyn Hancock a question about the workforce funding mandate percentage. Ms. Hancock responded that they wanted something specifically targeted to ensure funding is utilized for the adult population in work based learning (it's currently at 20% for youth). Patrick Hendry noted the comprehensive nature of their recommendations and mentioned the importance of adding apprenticeships to Recommendation #4.

Vicki Brooke asked whether Marketplace wanted to increase the amount of Work Opportunity Tax Credit (WOTC) (Recommendation #6). She noted that her experience, the amount of the credit is not worth enough money for employers to be interested in the credit. Steve Pemberton noted that the process was tedious and whether she was suggesting they increase the amount the employer would receive. Ms. Brooke mentioned that she will consider a percentage to provide the subcommittee. Serena Lowe suggested that Marketplace look at data on previous federal investments (e.g. campaign for disability employment) to see the impact of missing elements for context on Recommendation #1. In regards to Recommendation #2, she suggested they consider modifying occupational categories used by DOL since there is no category on employment support specialists. She also recommended using the word 'integrated' to the piece around work based learning. Ari Ne'eman agreed with Ms. Lowe's suggestions and added how they should break out service providers from personal care attendants for data collection purposes. Cesilee Coulson also suggested distinguishing between the employment and care domain.

Chairman Mank asked the Committee if they agreed with the general direction of the Marketplace subcommittee recommendations. Not hearing any disagreement or concerns, the Committee reached consensus.

Report Out and Discussion on Draft Recommendations for Final Report – Capacity Building Subcommittee

At 9:45 a.m., Cesilee Coulson reported out on the Capacity Building subcommittee recommendations. Ms. Coulson noted how every subcommittee has elements of capacity building within their recommendations.

The Capacity Building Subcommittee recommendations may be accessed on the meeting agenda webpage at: https://www.dol.gov/odep/topics/date/Capacity_Final_doc_508.pdf

Discussion:

Vicki Brooke suggested that their subcommittee reference people with intellectual disabilities throughout the recommendations and to add coworker mentor models and microbusinesses to Recommendation #2. In regards to funding, Chairman Mank remarked on how attentive people are to aligning funding with outcomes. Alison Barkoff noted the similarities between Complexity and Capacity's recommendations and that her subcommittee had some ideas around incentives in Recommendation #3. She added that they should be intentional in thinking across different disabilities and the different types of segregated day programs. Ms. McCulloh expressed her enthusiasm for their inclusion of Medicare professionals and called attention to NIDILRR grants at the University of Illinois, Chicago.

Ms. Wu noted how Recommendation #1 intersected with Marketplace in regards to staff training and the importance of making investments on the workforce system side. She also suggested Transition and Marketplace subcommittee talk further about the pilot mentioned in Recommendation #2. Mike Smith commented on the need to think more around federal rules in regards to institutional settings in Recommendation #3. Ms. Barkoff warned against connecting it directly with HCBS rules. Ms. Coulson agreed and mentioned that they were doing more work on this particular recommendation. Rita Landgraf commented on the tension at the state, federal, and local level and the importance of alignment. She also discussed the health challenges faced by individuals with intellectual disabilities.

Chairman Mank asked the Committee if they agreed with the general direction of the Capacity Building subcommittee recommendations. Not hearing any disagreement or concerns, the Committee reached consensus.

Pathways to Careers Panel

After a short break, Chairman Mank introduced Mike Callahan, Therese Fimian, Gary Green, and Connie Warren as part of the Pathways to Career Panel.

Mr. Callahan provided a brief overview of the Pathways to Career program which serves as a bridge to support implementation of competitive integrated employment. He reviewed the program's objectives, goals, and core strategies. Then, Mr. Green presented on his experience

in the program and his current employment at Zero Manufacturing after serving more than 30 years at a sheltered workshop. Ms. Warren commented on his progress and Mr. Green's contributions as an employee. Finally, Ms. Fimian reviewed the programs structure, key data points, and plans for expansion.

The Pathways to Careers presentation can be accessed at:

[https://www.dol.gov/odep/topics/date/Pathways WIOA Presentation V6 with ALT TEXT notes.pdf](https://www.dol.gov/odep/topics/date/Pathways_WIOA_Presentation_V6_with_ALT_TEXT_notes.pdf)

Discussion:

Santa Perez started off the discussion by commenting on the incredible work done by the program and asked how they deal with issues around informed choice. Mr. Callahan remarked that the internship can be used as a bargaining chip and the hours negotiated to make the guardians feel more comfortable. Ms. McCulloh asked if the panel could elaborate on tax credits for employers. Ms. Fimian noted how the program hasn't required demonstration sites to offer tax credits so the WOTC isn't integral to the model. However, Mr. Callahan recalled how they are using Ticket to Work and considering all funding sources. Ms. Barkoff asked for further information around funding. Ms. Fimian mentioned how funding for the Utah model comes from SourceAmerica. To make the program more sustainable, Pathways is talking with VR and Medicaid who will provide funding that covers a significant amount of cost for initial discovery, expanded discovery, and internship and job support (including internship wages).

Robert Pfaff asked for further information on their use of the Ticket to Work program. Ms. Fimian remarked on the nine individuals who are currently eligible for the Ticket program. Jennifer Sheehy asked about healthcare options. Ms. Fimian mentioned that some receive health insurance from their employer while others can use their parent's insurance in Utah until they're 30 years old. She also talked about the benefits counseling they receive at initial discovery. Ms. Wu had a question about the tax credit simulation. Ms. Fimian reported that the Employer Payroll Tax adjustment is offered for five years in Utah. Ms. Coulson and Ms. McMahan asked some questions regarding data including cost per person which the panel would send to the Committee.

Report Out and Discussion on Draft Recommendations for Final Report – Transition Subcommittee

At 1:30 p.m., Vicki Brooke and Lisa Pugh reported out on the Transition to Careers subcommittee recommendations.

The Transition to Careers Subcommittee recommendations may be accessed on the meeting agenda webpage at: https://www.dol.gov/odep/topics/date/Transition_Recs_508.pdf

Discussion:

Ms. Sheehy asked a clarifying question about the pilot demonstration grants and whether they considered disconnected youth grants. Ms. Pugh mentioned that they didn't specifically consider this type of grant but looked at various forms of payment incentives. Ms. Barkoff commented on the importance of early family expectations, alternative assessments, and the assistive technology piece. Ms. McCulloh recommended they include a piece about youth access to transportation which Ms. Pugh acknowledged. She also supported the idea embodied in the assistive technology recommendation.

Ms. Hancock and Ms. Wu discussed eligibility requirements and the need to better define in school and out of school youth. Oswald Mondejar noted how critically important it is to engage youth at an early age from a business perspective. Ms. Brooke agreed and mentioned how they wanted to develop a successful way for self-advocates and families to be mentors. Ms. Perez echoed this sentiment and the importance of role models. In regards to assistive technology, Janet LaBreck remarked on the need to consider how rapid technology changes and literacy issues.

Chairman Mank asked the Committee if they agreed with the general direction of the Transition to Careers subcommittee recommendations. Not hearing any disagreement or concerns, the Committee reached consensus.

Report Out and Discussion on Recent Work and Focus on Final Report – Complexity Subcommittee

Alison Barkoff provided the report out for the Complexity and Needs subcommittee.

The Complexity and Needs Subcommittee recommendations may be accessed on the meeting agenda webpage at:

[https://www.dol.gov/odep/topics/date/Complexity and Needs Combined Recs 2016 04 18_508.pdf](https://www.dol.gov/odep/topics/date/Complexity%20and%20Needs%20Combined%20Recs%202016%2004%2018_508.pdf)

Discussion:

Brian Itzkowitz commented on areas of overlap including transportation which Ms. Barkoff acknowledged in their piece on wrap around services. Ms. Pugh asked for clarity around the close working agreements with RSA. Ms. Barkoff remarked that there needs to be accommodation guidance and clarification around some of the specific obligations of school districts and VR vis-a-vis the students. Chairman Mank suggested the Complexity and Capacity subcommittees work together to create one document on funding. Ms. Moore added that they should include specific examples of braiding and blending to help clarify their role in increasing CIE. Ms. Coulson agreed and mentioned the need to also demonstrate the difference between incentives and ideas around investment. Ms. Lowe suggested they look at work that has already been done around blending and braiding on the National LEAD Center website.

Public Testimony

After a short break, the Committee reconvened. At 3:30 p.m., Chairman Mank introduced the individuals who submitted testimony to the ACICIEID Advisory Committee. They were allowed 5 minutes to provide their testimony.

The following individuals provided testimony:

Chris Rodriguez, CPSD

Susan Goodman, National Down Syndrome Congress

Barb Trader, TASH

Raquel Rosa, TASH

Allison Wohl, ASPE

Nicole Jorwic, The Arc

Parnell Diggs, NFB

Jessica Drangel Ochs, Service Employees International Union (SEIU) - SEIU Local 32BJ

Ann Gillmore, Peckham, Inc.

Nona Fisher, Self

Katherine Berland, ANCOR

Written public testimony can be accessed at:

<https://www.dol.gov/odep/topics/date/20160427-testimony.htm>

Discussion on Recent Work and Focus on Final Report – Complexity Subcommittee (continued)

After the public comment section, the Complexity subcommittee continued their report out and discussion at 4:30 p.m.

Ms. McCulloh talked briefly about social security benefits, employability, and the need to redefine disability. She asked the Complexity subcommittee to consider taking this issue on in their recommendations. Mr. Pfaff agreed that this was a good idea for the board to review. Several members of the Committee continued to discuss the issue around defining disability.

Chairman Mank asked the Committee if they agreed with the general direction of the Complexity and Needs subcommittee recommendations. Not hearing any disagreement or concerns, the Committee reached consensus.

Summary of Day One of Meeting; Adjournment

Chairman Mank provided a quick overview of Day 1 and noted how the Committee has reached consensus on 8 of the 10 documents under consideration. He remarked on the clarity of direction of the recommendations and the need to clean up some of the details.

At 4:52 p.m., the meeting adjourned.

Day Two: Thursday, April 28, 2016

Welcome/Roll-Call/Administrative Matter

At 8:04 a.m., the Committee reconvened. Chairman Mank started off by reviewing the Day 2 agenda and expressed his enthusiasm for the progress made yesterday since 8 out of the 10 documents were approved by the Committee.

Report Out and Discussion on Draft Recommendations of AbilityOne® Working Group

At 8:15 a.m., Ari Ne'eman provided the report out for the AbilityOne working group.

The AbilityOne Working Group recommendations may be accessed on the meeting agenda webpage at: https://www.dol.gov/odep/topics/date/AbilityOne_Revised_Recommendation-Final_2016_04_18_508.pdf

Discussion:

Ms. McCulloh suggested they include a recommendation for Congress directing AbilityOne to revise and update their definition on significant disabilities. Chairman Mank noted three themes -- how legislation needs reform in line with the principles of the ADA, Olmstead and WIOA; the need to develop a model or simulation to try to predict how a change in the program would affect people with significant disabilities; and the need for a working group to implement this reform.

Ms. Barkoff mentioned the importance of mitigating unintended harm and investing and engaging people currently in this program when considering reforming the 75% rule. Ms. McMahon suggested they include the word or concept 'keeping' employment as well as obtaining one. Ms. Sheehy asked the working group to explain the roles the CNAs and NPAs play in the program. Ms. McCulloh proceeded to explain the selection and approval process. In regards to the language around 'keeping' employment, Ms. LaBreck they include examples of job retention. While discussing eligibility and the 75% rule, Ms. Lowe suggested they include language specifying the importance of these recommendations as a holistic package.

Chairman Mank asked the Committee if they agreed with the general direction of the first area from the AbilityOne working group. Not hearing any disagreement or concerns, the Committee reached consensus.

Full Committee discussion of 14C recommendations for the Final Report with Dr. David Weil, Administrator, Wage and Hour Division

Chairman Mank provided the report out for the 14(c) recommendations. David Weil expressed the appreciation of Wage and Hour for the level of engagement from the Committee. Dr. Weil then noted WHDs concurrence with the direction of the recommendations.

The 14 (c) recommendations may be accessed on the meeting agenda webpage at:

https://www.dol.gov/odep/topics/date/14c_Draft_Recommendations_508.pdf

Discussion:

Ms. Moore noted the incredible importance of these recommendations and thanked Wage and Hour for their technical assistance and input in drafting the recommendations. Ms. Coulson commented on how the phase out ties in heavily with capacity building and how they needed to be very thoughtful and explicit in the language.

Chairman Mank asked the Committee if they agreed with the general direction of the 14 (c) recommendations. Not hearing any disagreement or concerns, the Committee reached consensus.

Full Committee Discussion on AbilityOne®, 14 (C) or other items

After a short break, the Committee reconvened at 10:20 a.m. Ms. Barkoff started off by reviewing three topics from AbilityOne. The three topics were eligibility for the program, business models, and the 75% rule. After further discussion, Chairman Mank suggested they find additional time to discuss some of the finer details and update the recommendation document with suggestions from the Committee.

Additional Full Committee discussion on outstanding recommendations from Day One

The Committee reconvened after lunch at 1:00 p.m. Chairman Mank asked the Committee to consider the path forward. Ms. McCulloh mentioned that Marketplace will have a call with a small business owner and that they would make some edits to their document based off Committee members' suggestions. Ms. Coulson remarked on the need to either join other subcommittee calls or ensure someone else notifies each of the subcommittee chairs of areas of overlap. Ms. LaBreck recommended the Committee also review all subcommittee recommendations to see if there are any gaps in capacity. Ms. Brooke mentioned how they've already included some edits to the Transition to Careers document including adding a piece about diversity and cultural diversity. Ms. Barkoff noted how she supply the Transitions subcommittee with information on ADA related to effective communication.

Chairman Mank reviewed the final report timeline and explained the process for delivering the final report to the Secretary of Labor and Congress.

Remarks by Christopher P. Lu, Deputy Secretary, U.S. Department of Labor

Chairman Mank introduced Deputy Secretary Christopher Lu. Deputy Secretary Lu thanked the Committee members for their work and thoughtful recommendations. He commented on the progress that has been made the past year including the Notice of Proposed Rulemaking, Section 188 of WIOA, and progress made by Employment First.

Closing Remarks

Chairman Mank recalled the Committee's work ahead including the July 20-21, 2016 in-person meeting, upcoming subcommittee calls, and finalizing the ACICIEID report.

Adjournment

Chairman Mank thanked the Committee members and members of the public for their participation in the process. The meeting was adjourned at 2:30 p.m.

Certification

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



ACICIEID Chairman David Mank