

# Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities

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Seventh Meeting

*JANUARY 27 – 28, 2016*

# AbilityOne<sup>®</sup> Work Group

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# Subcommittee Focus Since October Meeting (Top 3 – 5 Emerging Recommendations)

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*The AbilityOne® Work Group concentrated on:*

- *Condensing the seven recommendations from the Interim Report*
- *Relating each recommendation to Congressional amendment of the Javits-Wagner-O'Day Act (JWOD)*



# Possible Preliminary Recommendations for Final Report (New Topic Areas)

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**Recommendation 1:** *Congress should amend the Javits-Wagner-O'Day Act (JWOD) to fully align the Act with modern Federal disability policy goals, including:*

- those directed to the Americans with Disabilities Act;
- the Supreme Court's *Olmstead* decision;
- the Workforce Innovation Opportunity Act; and
- compliance with future disability policy where applicable.



# Possible Preliminary Recommendations for Final Report (New Topic Areas)

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**Recommendation 2:** *Congress should amend the JWOD Act to establish new criteria for who is eligible to work on AbilityOne® contracts that reflect the following principles:*

- Presumed employability;
- Documentation of a significant disability determined independently of the Qualified Non-profit Agencies (NPAs) who compete for the federal contracts;
- Definition of significant disabilities refined to refer to an independent standard, potentially:
  - receipt of SSI/DI or applicable veterans standard of significant disability
  - receipt of HCBS from Medicaid or VA
  - receipt of supported employment services from Medicaid or VR
- Competitive integrated employment is the goal for all participants.



# Possible Preliminary Recommendations for Final Report (New Topic Areas)

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**Recommendation 3:** *Congress should amend the JWOD Act to revise the process for procurement selection so that:*

- There is oversight of AbilityOne® contractors from an independent body, such as an Office of the Inspector General;
- The competitive process in determining which NPA will be selected to recommend to the Commission for consideration of a contract proposal is outside of the purview of the Central Nonprofit Agencies (CNAs), National Industries for the Blind, and Source America;
- The composition of the Commission is reflective of more diverse constituent representation.



# Possible Preliminary Recommendations for Final Report (New Topic Areas)

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**Recommendation 3** (cont.): *Congress should amend the JWOD Act to revise process for procurement selection so that:*

- The role and function of the Commission and the CNAs are reconsidered to reflect revisions to the procurement selection processes;
- For profit companies and small businesses owned by people with disabilities are eligible to be Federal procurement vendors through the AbilityOne® Program if these businesses meet the required criteria;
- Preferences are given to small businesses that are owned by individuals with disabilities.



# Possible Preliminary Recommendations for Final Report (New Topic Areas)

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**Recommendation 4:** *Congress should amend the JWOD Act to include provisions that competitive integrated employment be a stated goal of participation in the AbilityOne® Program. These provisions should:*

- Ensure that *all* AbilityOne® work is accomplished in competitive integrated settings;
- Decrease the percentage of contract hours to be accomplished by individuals who are blind or have significant disabilities so as to promote increased integration;
- Phase out the use of FLSA Section 14(c) certificates for all contractors providing products or services to Federal customers under the AbilityOne® Program.



# Possible Areas of Recommendations that may overlap with other sub-committees

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Any discussion in other sub-committees of changing FLSA Section 14(c) will relate to the Work Group's recommendation to phase out the use of Section 14(c) certificates in AbilityOne® contracts.

Capacity building will be required as the AbilityOne® Program moves toward more integrated work opportunities.

