

**Advisory Committee on Increasing Competitive Integrated Employment for Individuals
with Disabilities (ACICIEID)
Minutes from Third Meeting
May 11 – 12, 2015**

The third 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 1:01 p.m. on Monday, May 11, 2015.

The meeting took place on a virtual platform at <http://bit.ly/ACICIEID>. Chairman Mank and a few members were present at the Office of Disability Employment Policy (ODEP) at the U.S. Department of Labor, 200 Constitution Ave NW, Washington, DC 20210. Through the virtual platform the public were able to view the presentations and hear the discussion.

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

Experts with 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
- Valerie Brooke, Virginia Commonwealth University

Representatives from the employer community or national employer organizations:

- 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

There were four members of the Committee who were not present for the meeting; Frederick Schroeder and Oz Mondejar and two newly appointed members, Ari Ne'eman of the Autistic Self Advocacy Network and Jim Brett of the New England Council.

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
- Laura Fortman, Deputy Administrator, Wage and Hour, U.S. Department of Labor (Alternative for David Weil, Administrator of the Wage and Hour Division at the U.S. Department of Labor)
- 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

Day One: Monday, May 11, 2015

Introductory Remarks/Administrative Updates

Committee Chairman David Mank called the meeting to order at 1:01 pm and facilitated self-introductions by the members present. He also noted the importance of this meeting to review the substantive progress made by the four subcommittees. He thanked the committee members and public for joining the meeting.

After previewing the meeting agenda, Chairman Mank asked the Subcommittee chairs to limit their presentations to 15 minutes and leave the remaining 30 minutes for discussion by the full committee. He then introduced Alison Barkoff, Chair of the Complexity and Needs Subcommittee to present the subcommittee's findings.

Complexity and Needs Subcommittee report

At 1:15 p.m., Alison Barkoff reported out on behalf of the Complexity and Needs in Delivering Competitive Integrated Employment subcommittee. The other subcommittee members include Bob Williams, Ruby Moore, John O'Brien, Fred Schroeder and Patrick Hendry. Ms. Barkoff presented on three major topic areas: Federal Funding and Programs, Fidelity and Outcomes, and Section 14(c) of the Fair Labor Standards Act.

Ms. Barkoff noted that their subcommittee focused on a few different funding streams including Medicaid, Vocational Rehabilitation, Social Security, and the Javits-Wagner O'Day (JWOD) Act. They concluded that federal funding does not support competitive integrated employment (CIE) as a priority

and that special guidance is needed from the federal government. She also identified that there is a lack of clarity around Medicaid funding for people with serious mental illness. To address this, their subcommittee recommended that key federal agencies should conduct a joint review to identify strategies to implement a coordinated approach to promote competitive integrated employment.

In regards to the Social Security System, Ms. Barkoff concluded that there are some real and perceived fears concerning negative economic impacts, as well as loss of critical services and supports, for individuals who may obtain a job and, as a result, potentially lose SSI or SSDI benefits. As for individuals on SSI and SSDI, she recommended that federal agencies provide more strategies and information to reduce the fear of working and empower people to understand the benefits associated with working. Ms. Barkoff also recommended that the federal government provide guidance around best practices on how eligibility requirements could be streamlined and simplified, as well as guidance around blending and braiding of multiple funding streams.

In regards to JWOD, Ms. Barkoff suggested that there needs to be a paradigm shift with regards to JWOD – and that the program should be administered as a federal disability employment program that encourages competitive integrated employment outcomes. The Complexity subcommittee posits that non-competitive JWOD contracts at sub-minimum wages in segregated settings are inconsistent with federal policies that promote CIE.

Their recommendations also include basing the federal definition of employment on the Workforce Innovation and Opportunity Act (WIOA)'s definition of CIE as well as CMS's HCBS definitions. Data collection is another important component that the federal government should analyze and disseminate and use to inform policy and practices.

In regards to the 14(c) program, Ms. Barkoff recommended that the program should eventually be eliminated, following an appropriate phase-out due to the economic and social harm the 14(c) program perpetuates.

All of the subcommittee and speaker slide presentations may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150401.htm>.

Committee Discussion

Ms. Barkoff turned over for discussion to the full committee at 1:28 p.m. which was facilitated by Chairman Mank. Valerie Brooke asked the first question relating to whether the subcommittee has identified incentives for CIE. Ms. Barkoff noted that there has been a lot of conversation at both the state and local level in terms of developing payment methodologies. Cesilee Coulson commented that there is overlap with her subcommittee (Building State and Local Capacity) with regards to their model and payment methodology piece which may be worth revisiting at a later date.

Laura Fortman asked Ms. Barkoff to clarify the point made around 14(c) certificates. Ms. Barkoff replied that her subcommittee is still delving into the issue but that they feel that it is very important that the Department of Labor and their issuance of 14(c) certificates do not undermine state-level activities to reduce payment of sub-minimum wage. However, they have not yet identified what a phase-out timeline of 14(c) would look like yet.

Chairman Mank raised a question relating to the subcommittee's JWOD recommendation and whether they have any piloting ideas or processes to study on how it might be administered. Ms. Barkoff said she would take this idea back to her subcommittee for further discussion.

Ms. Barkoff concluded by explaining the importance of better data collection, clearer definitions and practices in employment that would help to advance the community integration agenda.

State and Local Subcommittee report out

At 2:05 p.m., Committee members listened to the Building State and Local Capacity subcommittee report out by Chairperson Cesilee Coulson. The other subcommittee members include Brian Itzkowitz, Janet LaBreck, Rita Landgraf, and Christine McMahon. Ms. Coulson presented on four major topic areas: culture, development, service delivery and data.

Ms. Coulson noted that there is a fear and lack of understanding on what the community means by CIE. Therefore, their subcommittee concluded that the culture should be one that starts with the expectation of employment, and it should be emphasized from early childhood in the system all the way through retirement services. Ms. Coulson emphasized their subcommittee's recommendations around supporting families, as well as all the system's partners, to start to build for the right for employment, the dignity of employment, and consistent information across groups. This paradigm shift will support the building of a culture that is all working towards the same outcome.

In regards to development, Ms. Coulson identified that a lack of training and technical assistance is driving low outcome of activity around meeting the demand for CIE. She stressed the need for a visible infrastructure to promote or advance the building of a pipeline of skilled employees with disabilities. Ms. Coulson recommended focus on the career pathway model and look to the development of the infrastructure that is going to support all activities and areas of emphasis for the future.

In regards to service delivery, Ms. Coulson reiterated their subcommittee's belief that achieving competitive integrated employment at minimum wage or above is possible. And that the federal, state and local policies need to be aligned with that being the primary goal. The subcommittee's alignment of policy and funding means establishing services across domains, where mental health, schools, workforce, economic development, corrections, etc., should focus in on how the service is delivered.

Ms. Coulson concluded that consistent data is key to understanding where the system is at currently and how to measure future progress.

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Committee Discussion

Ms. Coulson turned over for discussion to the full committee which was facilitated by Chairman Mank.

Chairman Mank started the discussion by asking a question about what the "build out" would look like to significantly increase competitive integrated employment. Ms. Coulson responded by highlighting the importance of alignment of policies and establishing the same definition and understanding of CIE. The concept should be clear to people in and out of the industry, especially to families. The language has to be simple and user-friendly and relevant to a typical standard on employment. Rita Landgraf also

stressed the importance of defining CIE and 'inclusion' since some demographics among with persons with disabilities (PWD) are not advancing as much as others in most states (e.g. individuals with serious persistent mental illness).

Christine McMahon commented that repositioning capacity is at the core of capacity building and this requires an enormous amount of technical work in addition to cultural work. Ms. McMahon also asked what are some of the training components that currently overlap with existing capacity that can be built into more relevant capacity for the goals the Committee wishes to achieve in the future.

Chairman Mank asked to hear from a business leader's perspective on capacity building and CIE. Steve Pemberton talked about the distinction between corrective action and competitive advantage. Ms. Coulson replied that their subcommittee will spend more time diving into the development and expansion of that training to understand much more thoroughly a target – an equitable approach to meeting the needs of the business community.

Testimony by pre-registered members of the public

After a short break at 3:00 p.m., Committee members reconvened and Chairman Mank introduced the two individuals who submitted testimony to the ACICIEID Advisory Committee. They were allowed 5 minutes to provide their testimony. Ben Allen-Kingsland from SIMmersion spoke first and Allison Wohl from the Association for People Supporting EmploymentFirst (APSE) followed.

Chairman Mank thanked both individuals and directed the committee members to review two other written testimonies that were available for review online at <http://www.dol.gov/odep/topics/date/20150511.htm>.

Committee Discussion

Chairman Mank reminded the committee that the full committee will discuss the previous subcommittee report outs in the 40 remaining minutes. Sharon Hancock started off the discussion by talking about the American Job Centers. She stressed the importance of AJC staff to understand all programs related to youth programs so they can incentivize that individual effectively.

Karen McCulloh asked whether the Complexity or Capacity subcommittees have included any items on service providers. She noted that a lot of service providers do not talk the language of business. Ms. Coulson agreed that the service provider lag needs to be considered further.

Portia Wu mentioned an example of a cross-agency pilot called performance pilot partnerships which could be considered while the subcommittees draft their preliminary recommendations for the interim report chapters.

Jennifer Sheehy raised the issue surrounding the definition of CIE. Ms. McCulloh explained her understanding of the concept, "competitive integrated employment meant that an individual was assisted in a placement into an integrated competitive environment in their community where the majority of people in the workforce are people with no disabilities who – and those individuals with disabilities would receive the same or similar wages for doing the same week – same work and in fact the employer pays the wages."

Presentation on Section 503 of the Rehabilitation Act (Patricia Shiu)

At 4:08 p.m., Committee members heard a presentation titled, "The New Section 503 of the Rehabilitation Act Regulations" which was given by Patricia Shiu, Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor.

Ms. Shiu provided background information on Section 503 as well as key changes to the regulation under WIOA. She noted that the regulation became effective March 24th, 2014, and there is a one-year transitional period. She also informed the committee that failure to meet the goal is not a violation. However, failure to try is a violation. Contractors have to show they are being thoughtful and strategic in their affirmative action plan and outreach. They are required to document and update annually the number of individuals with a disability who are applicants, total number of applicants for all jobs, total number of job openings and jobs filled, number of individuals with a disability hired, and total number of applicants hired. However, one challenge her office faces is getting people to self-identify. According to various studies, trust and privacy are the primary concerns of individuals with disabilities to self-identify.

Ms. Shiu concluded that they want contractors to treat their affirmative action plan as an important business process.

All of the subcommittee and speaker slide presentations may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150401.htm>.

Day Two: Tuesday, May 12, 2015

Introductory Remarks/Administrative Updates (David Mank)

Day Two of the Third ACICIEID meeting was called to order at 1:00 p.m. by Chairman David Mank, who kicked off the day's proceedings with some brief administrative updates. Chairman Mank also announced two new committee members to the Marketplace Dynamics Subcommittee, Jim Brett from the Atlantic Council and Ari Ne'eman from the Autistic Self Advocacy Network. Ari Ne'eman was able to join the meeting by phone.

The following members were present:

- Patrick Hendry, Mental Health America
- Karen McCulloh, McCulloh and Associates
- Santa Perez, People First of Nevada
- Brian Itzkowitz, Goodwill Industries of Arkansas Inc.
- Christine McMahan, Fedcap
- Alison Barkoff, Bazelon Center
- Ruby Moore, National Disability Rights Network
- Valerie Brooke, Virginia Commonwealth University
- David Mank, Indiana Institute on Disability Community
- Oswald (Oz) Mondejar, Partners Continuing Care
- 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
- Ari Ne’eman, Autistic Self Advocacy Network
- 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)
- 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

Fred Schroeder, Steve Pemberton and Jim Brett were not in attendance on the second day of the meeting.

Marketplace Subcommittee Report out

At 1:10 p.m., the Marketplace Dynamics subcommittee reported out. The presentation was given by Karen McCulloh who serves as the Chair of the Marketplace subcommittee. The other subcommittee members include Sharyn Hancock, Oswald Mondejar, Steve Pemberton, Jim Brett and Jennifer Sheehy. Ms. McCulloh presented on three topic areas, Ability One, employer perspective under human resources, and the American Job Centers.

Ms. McCulloh recommended that Congress amend the JWOD Act so that the Ability One program ensures that the only priority for federal procurement opportunities for non-profit organizations is that they provide competitive integrated employment opportunities for people with disabilities. The subcommittee also recommended that employees who are blind or have significant disabilities under the Ability One program shouldn’t ever receive a subminimum wage under the FLSA Section 14(c).

In regards to employer perspective, Ms. McCulloh noted that it is imperative to change the narrative by providing evidence to employers that persons with intellectual, developmental, and other significant disabilities are qualified and dedicated employees. Ms. McCulloh stated that business-to-business connection with a peer work best in assisting companies learn more about employing people with disabilities. Businesses need to establish partnerships with government, service providers, secondary and postsecondary educational institutions, and with other businesses within their local communities.

Ms. McCulloh called attention to the preliminary conclusions that AJCs are not using the same language as businesses, and as a result they are not as effective as they could be in connecting employers with individuals with disabilities. Their subcommittee also found that AJC staff members are confused on what they can communicate to businesses regarding a disabled candidate seeking employment.

All of the subcommittee and speaker slide presentations may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150401.htm>.

Committee Discussion

Ms. McCulloh turned over for discussion to the full committee which was facilitated by Chairman Mank.

Ruby Moore raised a question about Ability One and suggested that the complexity and Marketplace subcommittees discuss this particular topic in more depth because of some overlap in their findings, conclusions and recommendations.

Ms. Brooke asked Mr. Mondejar to clarify one of their recommendations on employer outreach to school systems. Ms. McCulloh responded that they envisioned this outreach to be done by both the school system and employer while Mr. Mondejar suggested that there should also be someone designated from the employer to do outreach.

Ms. Pugh asked about whether the American Job Centers are up to speed on supporting different populations including those with the most significant disabilities, intellectual and developmental disabilities. Ms. Hancock replied that more training is needed for AJC staff to effectively serve these populations.

Transition Subcommittee Report Out

At 1:43 p.m. Committee members listened to the Transition to Careers subcommittee report out. The presentation was given by Lisa Pugh and Valerie Brooke who serve as the Co-Chairs of the Transition subcommittee. The other subcommittee members include Santa Perez, Portia Wu, and Sharon Lewis. Ms. Pugh and Ms. Brooke presented on several key topic areas including; 14(c) certificates, Early Work Experiences, Postsecondary Education, Family Expectations, System Integration, Research and Data Needs, Professional Supports and Incentives.

Ms. Pugh began speaking about 14(c) certificates and school-based work experience program (SWEP) certificates. Her subcommittee found that there is no evidence that the use of SWEP certificates improves postsecondary outcomes and they are not consistent with the new provisions in WIOA. She recommended that this category of certificate should be immediately discontinued and phased out.

In regards to early work experiences, Ms. Pugh noted that early paid employment and work experience is the number one predictor of post-school employment success for youth with IDD. However, there are a lot of barriers in the current system for this youth with disabilities so that timely vocational rehabilitation services are an important early intervention piece for youth. Therefore, their subcommittee recommends reducing the paper and application burdens and removing the language barriers in order to help youth access vocational rehabilitation support. Ms. Pugh suggested that their subcommittee would like to work with the Complexity subcommittee to discuss further all of the barriers throughout the system and those related to youth.

Ms. Brooke presented on postsecondary education and found that youth with disabilities who engage in postsecondary education are more likely to secure integrated competitive employment. However, for them to succeed, Ms. Brooke recommends that secondary teachers and paraprofessionals require improved training on appropriate strategies to prepare students with disabilities. Also, their subcommittee thinks universal instructional design needs to be more broadly implemented and that there needs to be focus on internships and multiple paid employment opportunities.

Ms. Pugh and Ms. Brooke also discussed that parent expectations are among the strongest predictor of educational and employment outcomes and that multiple agencies should engage with families earlier. Another preliminary recommendation is that there needs to be more coordination of support and services and funding at all levels. Finally they concluded by stressing the importance of research and data so that the workforce investment and VR system could work together better to provide transition services and not duplicate these efforts.

All of the subcommittee and speaker slide presentations may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150401.htm>.

Committee Discussion

Ms. Pugh turned over the discussion to the full committee which was facilitated by Chairman Mank.

Ms. Barkoff raised the issue that some people have disabilities and significant mental health needs later in life and that there needs to be some focus on this population in the report. Ms. Brooke responded that their subcommittee has not had enough time to talk about that but that she will bring it back to the subcommittee.

Ms. McCulloh asked a question regarding the receptivity of community colleges accepting people with significant disabilities. She noted that community colleges offer courses or training on high-growth industries within their community. Ms. Brooke replied that they found that there are barriers at the community college level, including screening tests.

Ms. Sheehy asked the Transition subcommittee to discuss what they would use to determine the presumptive eligibility. Ms. Pugh indicated their preliminary recommendation on this topic and said they were going to further explore this issue.

Presentation – WIOA Provisions for Jobseekers with Disabilities

(Janet LaBreck)

At 2:16, Janet LaBreck, the Commissioner of the Rehabilitation Services Administration (RSA) at the U.S. Department of Education presented on the work of RSA. She provided an overview of the mission, responsibilities and scope of the RSA. She also provided an overview of their current programs including their grant, discretionary and other programs. She then reviewed the Workforce Innovation and Opportunity Act (WIOA) and the changes it makes to the Rehabilitation Act of 1973. Ms. LaBreck also referenced a handout that provided more details on the subminimum wage.

After Ms. LaBreck's presentation, Chairman Mank turned to the full committee for questions and comments. Patrick Hendry asked why it is so hard to access information about VR through community mental health centers. Ms. LaBreck responded that within the VR community, there needs to be better integration and coordination within the respective states around the resources that are available. However, she did comment that sometimes people are working more on an individual basis with contact within those respective systems, and it may not be a system-wide partnership or relationship.

Then, Chairman Mank asked a question about the implications of the increased language on transition at RSA. Ms. LaBreck responded that it's long overdue and that it's critical to have that increased focus and

emphasis placed on ensuring that youth have the opportunity to have, as early as possible, work experience.

Gerri Fiala's Presentation

At 3:00 p.m. Gerri Fiala, Deputy Assistant Secretary of Employment and Training Administration at the Department of Labor, presented on "WIOA and Notices of Proposed Rulemaking." Ms. Fiala began her presentation by reviewing three expectations under the new delivery systems. First, she stated that the law encourages individuals with disabilities and other users about making more informed choices about which training providers are more effective and which will be best suited to meet their needs. Second, the law focuses on more consistent and higher quality services across all American Job Centers. Finally, the law creates about more access to work-based learning and training strategies for everyone.

Ms. Fiala emphasized that promoting program coordination and alignment of key employment training and education resources at all levels, federal, state, and local is crucial to this new legislation. Furthermore, this legislation relies heavily on research and the expansion of partnerships.

Ms. Fiala concluded by providing an overview of required and optional partnerships under WIOA and reviewed the five notices of proposed rulemaking and how to submit a formal comment.

Chairman Mank then asked about partnerships and to what extent are many of partnerships already in place. Ms. Fiala replied that in many cases, these programs are already partners in the One-Stop service delivery system. Mr. Mank also asked a question about the status of common indicators mentioned in the presentation. Ms. Fiala directed him to the performance indicators in the NPRMs (employment by quarters, median wage, acquisition of credentials, skills gain, effectiveness of business services, etc.).

All of the subcommittee and speaker slide presentations may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150401.htm>.

Additional Subcommittee report out

Following a short break, the full committee reconvened at 3:50 for a discussion on the Marketplace and Transitions subcommittees report out, areas of overlap and cooperation across subcommittees, and review of the timeline for the interim report chapters.

Santa Perez began the discussion by raising the issue that the full committee has not fully discussed populations that are older than transition-age and high school. Ms. Wu agreed and that more focus has been on building infrastructure in the system and less on the path of the individual. Ms. McCulloh echoed this sentiment and included mature workers to the list of populations and referenced a study done by Cornell University which found that with age the incidents of disability and chronic health conditions increases.

Mr. Mondejar made a few points about issues he thinks should be emphasized including; the importance of public-private partnerships in disseminating knowledge and educating the teachers and the professors around the cooperative education and the importance of internships. Mr. Mondejar also

provided more perspective from the employer, business side of the CIE conversation to clarify some issues from the Marketplace Dynamics subcommittee.

In conclusion, Ms. Sheehy provided a synopsis of the interim report timeline and several key deadlines. She also reminded the committee that the fourth meeting will take place July 13 – 14, 2015 and a draft agenda will be sent out in the coming weeks.

Closing Remarks

At 5:00 p.m., Committee Chair, David Mank, delivered closing remarks and thanked members of the committee and public for participating in the meeting, and adjourned the meeting.

Certification

I hereby certify that, to the best of my knowledge, the foregoing minutes are an accurate summary of the meeting

A handwritten signature in black ink that reads "David Mank". The signature is written in a cursive, slightly slanted style.

David Mank

ACICIEID chair

Date: June 10, 2015