

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

Minutes from Fifth Meeting  
August 10, 2015

The fifth 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 1:02 p.m. on Monday, August 10, 2015.

The meeting took place on a virtual platform at <http://bitly.com/ACICIEID2>. 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 McMahon, Fedcap

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

- Ruby Moore, National Disability Rights Network (Proxy for Alison Barkoff)
- 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
- Jim Brett, The New England Council

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
- John O'Brien, Director of the Centers for Medicare and Medicaid Services
- 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)
- Janet LaBreck, Commissioner of the Rehabilitation Services Administration at the U.S. Department of Education

## Introductory Remarks/Administrative Updates

Committee Chairman David Mank called the meeting to order at 1:02 p.m. and thanked the members of the Committee for their important work on the interim report of preliminary recommendations. Then, Chairman Mank facilitated self-introductions by the members present and noted that Alison Barkoff and Steve Pemberton weren't able to attend the meeting and that Ari Ne'eman and David Weil would join the meeting later that day. He provided an overview of the structure of the meeting which would consist of a high level summary of each subcommittee and a brief discussion on each subcommittee chapter recommendations.

Chairman Mank acknowledged that more than 2000 emails have been received from the public in response to the Committee's work. Some of these letters expressed concern regarding the 14 (c) program and the AbilityOne discussion as well as general support for the work done by the Committee to date. He emphasized that these comments would be accessible to the committee members.

Jennifer Sheehy explained that today's meeting would be an opportunity for Committee members to submit technical changes to the interim report. Then, the interim report will be

submitted to the Secretary of Labor and Congress on September 15<sup>th</sup>. The public will have the opportunity to provide feedback and present testimony during the October 14 – 15, 2015 meeting. Ms. Sheehy thanked the public for their on-going engagement.

Chairman Mank reminded the Committee that the purpose of the meeting is to move forward with the interim report. The interim report reflects the discussions to date and the ideas that have so far been developed. In the next year, the interim report recommendations will be refined, consolidated, prioritized, and reconsidered before being finalized. The charge of the Committee is to consider ways to increase competitive integrated employment opportunities for individuals with intellectual or development disabilities and/or other individuals with significant disabilities; the use of certificate programs carried out under Section 14(c) of the Fair Labor Standards Act for employment of individuals with IDD or other individuals with significant disabilities, and ways to improve oversight of such certificates.

## Full Committee Discussion of Transition Subcommittee Chapter

Chairman Mank summarized the charge of the Transition subcommittee which included increasing opportunities for early work experiences for all youth with disabilities, increasing nationwide opportunities for postsecondary education for youth with significant disabilities, addressing family expectations at early ages, creating seamless transition and systems integration, and policy and funding for transition across related federal agencies; and improving professional supports and incentives by improving school and provider competencies and providing technical assistance to states.

Valerie Brooke noted that they had over 24 recommendations. Early work experience and the transition systems integration area were focused on the most during their deliberations. Lisa Pugh added that they also talked a lot about access to career pathways and the role that the American Job Centers.

Chairman Mank turned the discussion over to the full Committee and called on John O'Brien to explain a technical concern he had with recommendation #21. Mr. O'Brien stated that the state Medicaid agency is responsible and not CMS. However, he agreed with the direction of the recommendation. Portia Wu suggested that in recommendation they don't say the same orientation as all students attending PSE since most students attending postsecondary education don't get any of that. Ms. Sheehy noted that in recommendation 18 would require congressional action which is a statutory issue. Ms. Sheehy also mentioned the need to include HHS in recommendation 19 on assistive technology. Janet LaBreck also emphasized the importance of listing specific programs within agencies when discussing oversight issues.

The Interim Report Chapters may be accessed on the meeting agenda webpage at <http://www.dol.gov/odep/topics/date/20150808.htm>

## Full Committee Discussion of Complexity Subcommittee Chapter

The Charge of the Complexity subcommittee includes aligning policies and practices to prioritize competitive integrated employment across federal agencies, providing opportunities for people currently in segregated work and non-work day programs, addressing real and perceived disincentives to employment caused by concerns about loss of healthcare benefits and/or cash benefits, addressing systemic low expectations around employment, improving accountability, and ensuring quality to the development of a uniform definition and uniform requirements for collecting data and outcome measures at federal and state levels.

Ruby Moore noted that their subcommittee spent time untangling the complexity of the funding structures across entities and made some very practical suggestions around creating incentives for competitive integrated employment. They also stressed some very specific recommendations around starting early with youth. Ms. Moore remarked that their subcommittee members have both policy and operational experience which had been helpful in drafting the interim recommendations.

Mr. O'Brien had one technical note for recommendation #1 which would require a statutory change.

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## Full Committee Discussion of Marketplace Subcommittee Chapter

The charge of the Marketplace subcommittee includes changing the narrative about hiring people with significant disabilities, creating a sustainable culture of inclusion and diversity through business to business communications, building better business partnerships between businesses, providers of employment services, and government programs, addressing training issues, as well as addressing the complex issues of transportation in urban, suburban and rural America.

Karen McCulloh explained that their subcommittee looked at ways businesses could enhance the opportunity to employ people with significant disabilities, the need for better quality services, and building better business partnerships under American Job Centers and workforce development boards. She also noted the importance of public input in drafting the interim recommendations.

Ms. Sheehy remarked that recommendation #7 and #8 would require statutory change. Cesilee Coulson also noted several similarities between Marketplace and Capacity Building's interim recommendations and the need to collaborate more moving forward. Then, Ms. McCulloh emphasized the importance of having disability awareness training in one centralized online location.

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## Full Committee Discussion of Building State and Local Capacity Subcommittee Chapter

The charge of the Building State and Local Capacity subcommittee includes, emphasizing expanded use of waiver programs for competitive integrated employment, aligning and improving data systems on outcomes, promoting and funding innovations in new and existing provider organizations, creating and funding professional development to improve provider competencies, and providing funding for provider transformation.

Ms. Coulson explained that most of the subcommittee's time has been devoted to defining what you remodel and what you build to build capacity in the future. They anticipate spending more time in the coming months on defining what we mean by having states have some development money and flexibility around innovation and designing and defining what capacity building means for them as well going forward.

Mr. O'Brien offered some technical edits including differentiating between CMS and Medicaid program responsibilities. He also noted that in the recommendation on expanding the use of HCBS waiver funds would require statutory change.

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## Full Committee Discussion of 14(c) Chapter

Chairman Mank explained that the Committee formed two ad hoc committees, one on 14(c), subminimum wage certificate program, and number two on AbilityOne which includes a compilation of all four subcommittee recommendations.

The Chapter on 14 (c) subminimum wage certificates includes the need for better data on the use of this program and its outcomes, improving monitoring and oversight of the program, aligning the use of the program with modern federal disabilities policies, considering a well-designed phase-out as a result of increasing competitive integrated employment, providing technical assistance to states and providers to reduce the use of the program, and addressing concerns about unintended consequences by ensuring quality alternative.

Chairman Mank called on Laura Fortman from Wage & Hour to explain their technical edits. Ms. Fortman noted that Wage & Hour has not been participating in the subcommittee drafting in order to ensure the integrity of the subcommittee process but that they are happy to offer technical edits to the interim report. First, she suggested that the Committee be more specific when using the following terms: center-based, facility-based, and sheltered workshop. In regards to SWEP Certificates, Ms. Fortman noted the importance of understanding how SWEP and CRPs are used and remarked that several recommendations would require statutory

changes and were beyond the purview of the Wage & Hour Division. She also mentioned that a list of certificate holders is available on the Wage & Hour website.

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## Full Committee Discussion of AbilityOne Chapter

The AbilityOne chapter focused on, amending the act to align with modern federal disability policies, emphasizing inclusion of people with significant disabilities along non-disabled peers in competitive integrated workplaces, creating an expectation that AbilityOne programs establish competitive integrated employment as the expected and priority outcome, improved oversight, and improving data systems.

Ms. McCulloh thanked the Committee members who worked on this chapter for their hard work in a short period of time. She called on Fred Schroeder to elaborate on the purpose of the chapter. Mr. Schroeder explained that nearly \$3 billion in non-competitive federal contracts go to facilities that employ individuals with disabilities. Their ad-hoc subcommittee tried to find ways to leverage that enormous buying power from the federal government to promote integrated competitive employment for people with disabilities. Mr. Schroeder noted that this is not a criticism of the work, but that the model perpetuates segregation of people with disabilities.

Ms. Sheehy stated that they haven't received any technical edits to date on this chapter but that they will consider any submitted prior to the dissemination of the interim report.

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## Closing Remarks and Next Steps

Ms. Sheehy explained that they will forward the comments to the policy team before finalizing the interim report. Once the report is finalized, the report will be sent to David Mank, the Chair, who will submit it officially on September 15<sup>th</sup>, 2015 to the Secretary of Labor. In addition, ODEP will ensure the report is hand-delivered and electronically send it to the members of the relevant House and Senate Committees in Congress.

Ms. Sheehy reminded the Committee that the next meeting will take place on October 14<sup>th</sup> and 15<sup>th</sup>, 2015 in Washington, D.C. She noted that the public will have the opportunity to submit comments and provide public testimony at the October meeting. Further, she added that the public will have an opportunity to submit written comments prior to the October meeting.

After Ms. Sheehy finished speaking, Dr. David Weil, the Administrator of the Wage and Hour Division, announced that he had joined the meeting.

Chairman Mank reminded the Committee that the changes made today were technical in nature and that the substance and direction of the interim report would not change before being finalized. Chairman Mank then asked the Committee members whether they would like to move forward with the interim report as it was presented today. In response, none of the Committee members objected to moving forward with the Interim Report.

**Adjournment**

The meeting was adjourned at 2:41 p.m.

**Certification**

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



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ACICIEID Chairman David Mank