

Executive Order Employment First Statewide Stakeholder Policy Meeting

Wednesday October 7th, 2015

1:00-4:00pm

HSB Rm #166

500 Summer St, Salem OR 97301

1-888-808-6929

Access Code: 2349190 Host code: 1531 (enter access code first)

Go To Meeting: <https://global.gotomeeting.com/join/525980061>

	Agenda	Document	Time	Owner	Discussion/Decision
X	Review Agenda		5	All	Discussion
X	Review last month's meeting minutes	Copy of last month's notes	5	All	Discussion
X	Review Charter	Charter	10	Mike	Discussion
X	THINK College Grant		15	Michelle Markle	Discussion
X	Proposed Settlement	Power Point	45	Mike	Discussion
X	Break		10		
X	Provider as Employer		15	Liz Fox and Rodger Hassenpflug	Discussion
X	Integrated Employment Settings (WIOA and CMS) <i>WIOA and CMS Regulations</i>	Power Point	45	Allison Enriquez and Ann Balzell	
	Open Discussion <i>Policy discussion priorities for upcoming meetings</i>		15	All	Discussion
	Next meeting agenda items/wrap up		5	All	Discussion

Total time: 3:00

Minutes taken by: Cassy McCartney

Facilitated by: Mike Maley

Discussion:

No changes to last month's meeting minutes.

Review of Charter – Mike Maley

A copy of the charter was available in paper and displayed on GoTo meeting. Mike did an overview of the document.

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Mitch asked if the document was attached to a timeline or opened ended where we would come back to it and make changes. Mike responded that this is open ended.

Mike would like this group to be an ongoing source to add input and to have open dialogue about the policies and practice being put in to place, but this is not a group that needs to approve or deny anything. He agrees there needs to be some updates to the document. He will bring it back with updates to this group, he also asked if there were any questions or comments.

THINK College – Michelle Markle

Michelle explained that THINK college is specifically for people with disabilities. Portland State applied for this grant on a short timeline. There are 5 students that will attend each year, until there is a total of 25 students. Students will be leaving with certificates and going right into work. (Room had phone issues, we had to break and have everyone call back in).

Portland State University wrote the grant. Portland Public Schools (PPS) is allowing their students to apply for this and will work with them through the program. THINKcollege.net has more information. There are 4 programs in the NW, PSU is one of them. Heather applauded Michelle and the team on pulling this together so quickly. Employment First was a partner. Mitch asked if there are any other grants that have been offered in Oregon or nationally. Michelle doesn't believe that anyone else in Oregon received this grant and it is not offered very often. Liz Fox asked how long the grant will last. Michelle responded this is for 5 years total and not sure how much the total amount awarded was. One of the biggest barriers was around what type of certificates will be awarded. There will be several classes to build something new, but not sure what that is yet. Mike mentioned Lane County Community College that is trying to do something similar for post-secondary students with I/DD.

Proposed Settlement – Mike Maley

A copy of the power point presentation was available and displayed on GoTo meeting.

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This is the first time stakeholders are seeing this power point, so any feedback would be appreciated. The idea is to have this as a tool to share with others.

This lawsuit was to mainly address the idea that using sheltered workshops was a part of the service delivery system. Aside from the 8 named plaintiffs, there was an organizational representation and two private law firms in Portland.

After the lawsuit had been filed, the Department of Justice joined the lawsuit, which then pulled in the transition students who would be entering the services after school. Mike made it clear that this power point is just a summary and encouraged people to read the full document. He wanted to make sure there are no misconceptions that come out of this summary.

Mike clarified that this settlement is very different than the Rhode Island settlement. Mitch added that the state of Oregon denied being in violation of the allegations. Rhode Island didn't contest they were in violation. There was a trial that was scheduled for December, because a settlement was reached and the parties were able to agree on the terms, there won't be a judge make a decision for everyone at trial.

Cynthia asked if the transition students were notified of this settlement communication. Mike clarified that because the lawsuit targeted two groups only, one of which was for individuals with I/DD who were in a sheltered workshop after July 25, 2012, they were the only groups notified.

The settlement specifically calls out 2100 people will receive employment services; this is pulled from the Executive Order. There are also outcomes that are specified in the Integrated Employment Plan. If at any time the state falls behind on these outcomes, the plaintiffs can argue this and discussions would begin with lawyers again.

Mike summed up the settlement with two different themes: (1) Promote integrated employment. (2) Maximize the amount of hours someone works, with a 20 hour a week standard.

Seth asked about the people who are in their 60's and haven't been shown the benefit of going into a regular job. Mike clarified that they would be included in the Career Development Plan,

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but also asked the group, what is the system going to look like for the people who are going to be retiring?

Mitch suggested adding to the “Remaining Provisions” slide, the independent reviewer does not have authority to require agencies to do anything. They are there to simply monitor and report, Mike also added that this person has to have some knowledge of running state systems and can’t have anything to do with the lawsuit.

Danielle asked if there was a timeline. There isn’t a timeline but it needs to happen soon. Mitch clarified that this is a proposed settlement and the fair hearing is set for December 7th, until this happens this will not be finalized.

Jaimie asked who the monitor will work for. Mike is looking into this and they would be a contractor of some kind, but it is specified that DHS will fund the person. The plaintiff’s council will also do their own monitoring.

Notices of the settlement went to almost 4100 individuals and families, Department of Education also sent out the same notice to all the schools in the state and required to be posted where students and families could see it. The settlement and notices are posted on our web site as well, in several different formats.

Mike believes that this is not an end, but another beginning to keep moving forward.

Provider as Employer - Liz Fox and Roger Hassenpflug

Mike talked about the integrated employment setting. It is defined in the OAR’s (Oregon Administrative Rules) and WIOA (Workforce Innovation Opportunity Act). This discussion came from the idea of the provider paying the paycheck, what that looks like and what an integrated employment setting is.

Liz introduced herself, she is the director of the agency in Eugene, Alternative Work concepts (AWC). 40-60% of their clients are paid by AWC. This is a negotiation piece with the employer; there is still a large fear for employers to hire people with disabilities. So AWC gives

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them a trial period for the individual and takes the financial pressure off the business. This also gives the business time to build their budget and write those positions in. There is a lot of job carving that happens, which means they have to write a new position description. This can be a big hassle, so this allows the individual to work while this gets sorted out. AWC creates an employment agreement, they are to be treated like any other staff, they receive pay raises, appraisals etc.

Cynthia asked who pays the workman's comp. AWC will pay this, which is another perk for the employer to look at. This is included in the insurance at AWC.

Rodger is the last director for Living Opportunities, currently retired, and they have about 120 individuals employed in the greater Ashland/Medford area. They have been focused on individual placements. To reiterate what Liz was saying, this is really a tool for the employer. There is a presumption that people with disabilities are a greater cost in workman's comp. But there is enough data that shows when people have staff with them on the job, this isn't so. The down side of this idea is that sometimes the individuals don't always receive the same benefits as a regular paid employee, such as paid time off. As far as the individual knows, they work for the employer, they don't see any difference. Most of the employees never see people from Living Ops.

The rate of pay is structured by the employers pay structure, and not the agency.

Seth asked if this was always a bridge to direct employment, or do people have this as an ongoing arrangement. Rodger said several of his clients have been doing this for a long time, but it mostly is used as a bridge. Seth wants to make sure that this doesn't become a barrier, the arrangement should be allowed to continue. That using it as a 'bridge' isn't the only way to use this model.

Allison asked if there is a set time to follow up with the employers. Liz and her agency has annual reviews where the employment agreements are updated regularly.

Mike clarified that this isn't the first strategy when you approach an employer, but an option as the discussions continue.

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Cynthia is concerned about individual job developers and being able to support a paycheck for people to get a job. Rodger and Liz added that they could add a small fee so the developer could pay the paystub.

Integrated Employment Settings – Ann Balzell and Allison Enriquez

Mike introduced the topic referring to the last couple of meetings where this was talked about, looking at the different definitions around integrated employment settings. Some time you see who pays the paycheck and sometimes you don't. The question is if this situation is a VR setting for services or another integrated setting. This discussion is to help clarify this issue.

Ann is starting with Workforce Innovation Opportunity Act (WIOA) and competitive integrated employment settings in a power point, copies were available and displayed on GoTo meeting. This was announced by the President and congress also had a lot of work on this. Final guidance on this will hopefully be confirmed in late January.

According to this act, economic self-sufficiency is the reason to go to competitive integrated employment. There are 3 broad issues that have to be address – pay and benefits, who are they working with and where they are working. Ann added a disclaimer that these guidelines are for individuals who are doing the same sort of work in a same sort of way as all the other employees at the business.

The most important thing for WIOA is the co-workers. Does everyone have the opportunity to interact with people who do not have disabilities? Mike asked how disability was defined, there is some concern about WIOA changing these parameters – someone in a wheel chair for example. Ann clarified that it has to be someone without a self-disclaimed disability.

Ann continued to read the 3 broad issues, when discussing the location of the worksite, Mike talked about 'reverse integration'. According to RSA (Rehabilitation Services Administration) if a worksite is specifically set up to employ people with disabilities, and even if there are

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people without disabilities working there, if the number of people with disabilities is higher, it is by definition not integrated.

Ann encourages people to internet search for the WIOA document and look at competitive integrated employment settings to look at more information. The Employment First group can send out the link to the document and the four pages that address this topic.

Mike clarified that the definitions of competitive integrated employment matches the definition that is pointed out in the settlement. It is important to keep having conversations so we can talk about what this looks like. Ann and Allison are here to frame these discussions so during future meetings we can continue these discussions.

Liz believes that the conversation about business' within business' is a huge discussion right now. Chris agrees that it's time to start this discussion as providers are being assessed as sheltered workshops.

Allison talked about the CMS slides in the power point with setting requirements from Home and Community Based Settings (HCBS). Regulations issued in January have providers coming into compliance with the state transition plan. Mike clarified that a lot of these settings are crossing thresholds of other populations (aging, mental health etc...) so these definitions and practices are not necessarily confined to the I/DD community, this adds to the complexity. Allison continued to talk about the definition of competitive integrated settings and how to align these definitions with WIOA and what ODDS is offering. Slide 12 is what Allison would like this group to focus on, titled 'Non-Residential HCBS'. She anticipates that by definition there will be several settings in Oregon that will not fall into this integrating setting, so they will need to adapt and transition to come into compliance. This isn't just for the Employment First compliance, but also for these new federal regulations. Oregon is a leader in this field and would like to help us stay that way and support the providers as they need.

Michelle is asked frequently about what happens if they choose to not do employment right away, will they receive more benefits if they choose to do employment? The group clarified that k plan services will stay the same, if they choose to do employment, they will get employment services along with the k plan.

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Mike would like to add this to the agenda for the next meeting, relating to the provider controlled situations.

	Membership:		
G	Seth Johnson Opportunity Foundation of Central Oregon – Service Provider	X	Sarah Jane Owens Association of Oregon Community Mental Health Programs - Counties
X	Cynthia Owens Oregon Council on Developmental Disabilities – Advocacy		Paul Partridge Yamhill County Developmental Disability Program - Counties
X	Chris Burnett Oregon Rehabilitation Association (ORA) – Providers		Bill Uhlman Eastern Oregon Support Services Brokerage – Support Services
G	Heather Hopkins - Slechta Full Access Brokerage High Desert – Support Services Brokerages	X	Michelle Markle Portland Public Schools - Education
	Senator Sara Gelser Oregon Senate – Legislature		Trina Lee DHS – Vocational Rehabilitation
	Dacia Johnson Oregon Commission for the Blind – Vocational Rehabilitation	X	Liz Fox Oregon State Rehabilitation Council – Vocational Rehabilitation

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X	Ross Ryan Oregon Self Advocacy Coalition – Self Advocates		Laurie Kash Rainer School District – Education
X	Jaime Daignault Oregon Council on Developmental Disabilities – Advocacy		Jessica Leitner Edwards Center – Providers
	Marcia Ingledue The ARC Oregon – Advocacy Organization – Self Advocacy	G	Sydney Shook Families Connected – Families
	Sarah Drinkwater Department of Education – Education	G	Roberta Dunn Family and Community Together – Family Members
	Lilia Teninty DHS – Office of Developmental Disabilities (ODDS)		Senator Lee Beyer Oregon Senate – Legislature
G	Jordan Ohlde Oregon Self Advocacy Coalition – Self Advocate		Phil Stone Oregon Self Advocacy Coalition – Self Advocate
	Jordana Barclay Oregon Workforce Partnership – Workforce		
	Invited Guests		
	Robert Costello - VR		Julie Sobel – ORA
X	Angela Yeager – Employment First	X	Ann Balzell - VR
G	Andre Harboe – Employment First	X	Danielle Vander Linden - ORA
	Tim Acker – Employment First		Julie Huber - ODDS
	Corissa Neufeldt – Employment First	X	Mitch Kruska - ODE
X	Allison Enriquez - ODDS	G	Brean Arnold – Employment First
X	Anna Lansky – Deputy Director ODDS		Mike Harmon - ODDS
X	Ryley Newport - OCDD		Rodger Hassenpflug
	Acacia McGuire Anderson - ODDS		Myley Ken...
X	Heather Lindsey - ODE		Sue Heart

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Stephanie Roncal - ODDS	Chris Sals
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Future Agenda Items	Owner	Discussion/Decision
Provider Paid Paychecks – Provider controlled settings and the definition of integrated settings <i>Continued discussion (added 10/7/15)</i>		Discussion
Employment Department Reporting <i>Pros and Cons list to recommend to the department (Added 8/5/15)</i>		
Self-Employment <i>Enhance the experience to promote (added 8/5/15)</i>		
How do we reach employers successfully?	All/Angela	Discussion
Family to Family Networks	All	Discussion
Definition of what an integrated setting is	All	Discussion

Outstanding Action Items			
Complete	Items for follow-up action	Due	Assigned

Completed Action Items – <i>To be removed when no longer relevant and added to tracker.</i>			

Decisions	
Date	<i>To be removed when no longer relevant and added to tracker</i>

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