

**MINUTES  
of the  
THIRD MEETING  
of the  
DISABILITIES CONCERNS SUBCOMMITTEE  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**September 29, 2017  
Disability Rights New Mexico Conference Room  
3916 Juan Tabo Blvd. NE  
Albuquerque**

The third meeting of the Disabilities Concerns Subcommittee (DCS) of the Legislative Health and Human Services Committee was called to order at 9:27 a.m. by Senator Nancy Rodriguez, chair, on September 29, 2017 at the Disability Rights New Mexico (DRNM) Conference Room at 3916 Juan Tabo Blvd. NE in Albuquerque.

**Present**

Sen. Nancy Rodriguez, Chair  
Rep. Joanne J. Ferrary, Vice Chair  
Sen. Linda M. Lopez  
Rep. Elizabeth "Liz" Thomson

**Absent**

Rep. Gail Armstrong

**Advisory Members**

Rep. Miguel P. Garcia  
Sen. Elizabeth "Liz" Stefanics

Rep. Deborah A. Armstrong  
Rep. Angelica Rubio

**Staff**

Michael Hely, Staff Attorney, Legislative Council Service (LCS)  
Amy Chavez-Romero, Assistant Director for Drafting Services, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Handouts and other written testimony are in the meeting file. Handouts can also be found at [https://www.nmlegis.gov/Committee/Interim\\_Committee?CommitteeCode=DISC](https://www.nmlegis.gov/Committee/Interim_Committee?CommitteeCode=DISC).

**Friday, September 29**

**Welcome to DRNM**

Senator Rodriguez welcomed members to the third meeting of the DCS, which was hosted by DRNM. Members of the subcommittee and staff introduced themselves. Jim Jackson, executive director, DRNM, welcomed the subcommittee and provided an overview of DRNM's

work. He explained that DRNM is an independent, private nonprofit agency founded in 1979 with a mission to protect, promote and expand the legal and civil rights of persons with disabilities (PWDs).

Mr. Jackson indicated that DRNM has a board of directors composed of 15 members and employs 21 staff members. He said that DRNM has a \$1.8 million budget, mostly composed of funding from federal agencies. Mr. Jackson stated that DRNM is the designated protection and advocacy system for New Mexico and was created in response to a federal government initiative to create agencies to address the rights of PWDs.

Mr. Jackson said that DRNM serves people statewide with a wide range of disabilities, including mental illness, physical disabilities, traumatic brain injuries, sensory impairment and developmental disabilities. DRNM's services include outreach, information and referral, training, investigation of abuse and neglect, individual advocacy and systemic advocacy.

Mr. Jackson highlighted some of DRNM's current priorities. One priority includes reduction of abuse and neglect of PWDs. To address this priority, DRNM is involved in individual and facilitywide investigations of abuse and neglect, quarterly monitoring of developmental disability programs and outreach and training to facility residents. Additional priorities include vocational rehabilitation, transitional services and special education. Mr. Jackson also stated that DRNM is actively involved in addressing violations of the rights of PWDs. He stated that DRNM has provided services to address the rights of residents in mental health facilities and those who have fallen victim in cases of overly restrictive or unnecessary guardianships. Mr. Jackson noted that the Disability Coalition is currently administered as a project of DRNM.

Mr. Jackson indicated that employment issues are a major area of interest for the people DRNM serves. He stated concern about the statistics regarding unemployment of PWDs and noted that PWDs should have the same rights and protections as others in the workforce. He stated that DRNM supports the provision of inclusive settings and competitive wages for workers with disabilities. He further encouraged support for incentives for employment of PWDs, including tax credits and contract bidding preferences. He indicated that, while the State Use Act currently encourages employment of businesses with staff composed of at least 75 percent PWDs, he would encourage additional incentives that support a more integrated workforce. In response to a question from a subcommittee member, Mr. Jackson indicated that there have been some bills introduced in recent years to amend the State Use Act, but they have not become law.

### **Work Matters**

Jim Reed, National Conference of State Legislatures (NCSL), and Robert "Bobby" Silverstein, State Exchange on Employment and Disability, discussed a number of initiatives to improve opportunities for PWDs in the workforce. Mr. Reed indicated that, while there is a higher unemployment rate for PWDs, these individuals are a key factor in the ability of states to build inclusive and successful workforces. As such, the National Taskforce on Workforce

Development for People with Disabilities was convened to explore issues, identify key themes and provide policy options for states to foster increased employment of PWDs. The task force was convened by the Council of State Governments (CSG) and the NCSL. The task force oversaw the work of four subcommittees, each composed of 10 to 12 state policymakers and four to six nonvoting private-sector stakeholders and experts.

Mr. Silverstein discussed the policy framework for the work of the task force. A guiding principle for the task force included the principle that disability is a natural part of the human experience. Also part of the task force's policy framework were goals of equal opportunity, full participation, economic self-sufficiency and independent living. The task force also adopted principles that PWDs are underutilized in the workforce and that inclusion of the population of PWDs in the workforce boosts the bottom line for businesses through increased innovation, creativity and productivity.

Mr. Silverstein described overarching themes that guided the work of the task force. One theme included the desire for state agencies to lead by example in adopting the identified policy framework principles. Another theme included a desire to adopt robust reporting requirements to measure progress. Mr. Silverstein identified increased coordination and the provision of seamless systems as another theme. He additionally mentioned the need to design policies for PWDs at the outset rather than adopting policies that are retrofitted to address their needs. The task force also focused on expanding existing diversity and inclusion initiatives to PWDs.

Mr. Silverstein explained that the task force studied about 250 policies developed by the states and organized them by subject matter. He said that those policies are included on the CSG website and can be traced according to the states that adopted those policies.

Mr. Silverstein indicated that, in its work, the task force categorized policy options under five categories. The first category involved laying the groundwork to provide employment opportunities for PWDs. Mr. Silverstein discussed how some state government leaders have passed legislation and issued executive orders to require states to employ policy initiatives to increase opportunities for workers with disabilities. He added that some states have developed task forces to examine their processes in implementing policy initiatives. Mr. Silverstein additionally discussed how private and nonprofit sector participation can be encouraged through tax incentives and expansion of existing government initiatives, initially established for employment of minority populations and women, to workers with disabilities. Mr. Silverstein also discussed how interagency coordination and collaboration can help break down silos and improve the services available for workers with disabilities.

Another category within the task force's policy framework includes policy options to prepare PWDs for the workplace. Mr. Silverstein identified education and career readiness, skill development and family engagement as policy options to assist with this goal.

Mr. Reed discussed various options to improve access to work for PWDs. He mentioned that the task force examined various transportation initiatives, including options to provide for remote work and to improve existing state transportation programs. The task force also examined possibilities for improved coordination among transportation programs, including ridesharing programs. Mr. Reed mentioned that in Florida, a state fund has been established to serve a population that is "transportation disadvantaged". He indicated that since the fund's inception, \$200 million has been dedicated for this purpose. Mr. Reed additionally mentioned that Washington, D.C., and Colorado have developed advisory councils to explore the issue of transportation for PWDs. He also noted that in some states, bills that regulate transportation networks have explicitly prohibited discrimination against PWDs.

Mr. Silverstein discussed how the internet can improve access to work opportunities for PWDs. He suggested that accessible websites and mobile device applications, in addition to technical assistance for households, can assist in improving opportunities for workers with disabilities.

Mr. Silverstein indicated that the task force also examined ways to keep PWDs engaged in the workforce after obtaining jobs. He stated that the task force examined options for stay-at-work programs and return-to-work programs. He also said that the task force discussed possible improvements in retention services and benefit counseling.

The task force also discussed possible initiatives to support increased self-employment and entrepreneurship among PWDs. Mr. Silverstein indicated that the task force discussed encouragement of expansion of businesses owned by PWDs through certification programs. However, the task force also discussed initiatives to ensure that certified businesses meet all requirements necessary for such certification. Mr. Reed added that some states have developed loan and grant programs for businesses owned by PWDs.

Mr. Reed discussed how the report resulting from the work of the task force could serve as a resource to states seeking options to expand workforce opportunities for populations living with disabilities. He additionally stated that in the context of a task force that examines military and veterans' affairs, the NCSL will examine issues that affect military veterans with disabilities.

Richard Davis, policy advisor, Office of Disability Employment Policy (ODEP), United States Department of Labor (DOL), provided the subcommittee with an overview of the Employment First initiative. He explained that the goal of the initiative is to change systems in a manner that results in increased community-based, integrated employment opportunities for individuals with significant disabilities. He said that the initiative is centered on the premise that all citizens, including individuals with significant disabilities, are capable of full participation in competitive, integrated employment and community life. The initiative focuses on all disabilities, including physical, mental, intellectual and developmental disabilities.

Under the Employment First approach, publicly financed systems are urged to coordinate policies, practices and funding mechanisms to make competitive, integrated employment a priority, with respect to the use of publicly financed day and employment services for PWDs. Mr. Davis noted that many states have committed to this approach by passing legislation or through the issuance of executive orders. Mr. Davis stated that the ODEP defines "competitive integrated employment" as "work paid directly by employers at the greater of minimum or prevailing wages with commensurate benefits, occurring in a typical work setting where the employee with a disability interacts or has the opportunity to interact continuously with co-workers without disabilities, has an opportunity for advancement and job mobility, and is preferably engaged full time".

Mr. Davis described the work of the ODEP's Employment First State Leadership Mentor Program (EFSLMP). The program was initiated in October 2012 to provide mentoring, intensive technical assistance and training from a national pool of subject matter experts and peer mentors, with emphasis on an Employment First approach. Under this program, training is also provided on effective practices. Mr. Davis said that 22 states have received intensive technical assistance under this program since 2012.

Mr. Davis mentioned that states may receive assistance in implementing Employment First principles by becoming designated as "core" states. States can obtain this designation by submitting an application and enlisting at least six agencies to formally commit to work together on Employment First initiatives. Core states may receive technical assistance in developing policies for provider transformation, capacity building, school-to-work transition and employment engagement. Subject matter experts will assist core states to facilitate systematic changes. Methods to implement such changes may include funding diversification, stakeholder engagement, program and staff development, use of best practices and a focus on sustainability.

Mr. Davis noted that if states cannot qualify as core states, they might qualify for designation as "vision quest" states. In a more limited capacity, the federal government works with those states on policy development.

Mr. Davis described the results of a study of the effectiveness of the implementation of Employment First principles in Iowa. He provided some statistics showing job placement for PWDs. He noted that in 2014-2015, there were 725 of those placements. Of those placements, 150 were identified as customized placements. Wages also increased from \$7.81 per hour in 2013-2014 to \$8.31 per hour in 2014-2015.

Mr. Davis indicated that states can apply to get involved with the EFSLMP by filing an online application by October 13, 2017. He also indicated that additional information and resources, including individual state profiles, are available at the Employment First website.

A subcommittee member asked why a probationary period of two or three years might exist for some workers with disabilities before they are designated as permanent employees under

some employment programs. Mr. Silverstein explained that a probationary period is required under the federal Schedule A program.

A subcommittee member asked what opportunities might be available for PWDs who live in rural areas without internet connectivity. Mr. Davis responded that states may explore the provision of transportation for individuals in rural communities. Mr. Davis and Mr. Reed suggested that in tight-knit communities, community members may be more inclined to assist each other. Mr. Reed also indicated that autonomous vehicles may present an opportunity to provide PWDs with transportation and increase their employment options. He suggested that, as a state initiative, another option is the continued development of access to broadband infrastructure in rural areas. A subcommittee member suggested that nonprofits could also play a role in increasing accessibility for PWDs in rural areas.

A subcommittee member asked how many states have a Work Matters task force. Mr. Silverstein indicated that Kentucky and Oregon have such task forces. Mr. Reed added that Colorado is conducting a Work Matters transportation study of two counties. Mr. Silverstein added that, while they might not have a Work Matters task force, some states have special committees or task forces to study policies to improve employment for PWDs.

A subcommittee member asked whether New Mexico has applied for status as a core state, but Mr. Davis indicated that he was not aware of any applications that had been submitted by New Mexico to date. However, Mr. Reed indicated that a collaborative of western states is being developed to get more states involved in the Work Matters program.

A subcommittee member asked for recommendations to better integrate policies and resources to assist PWDs in the workforce. Mr. Silverstein suggested implementation of Employment First policies, including policies that are transition inclusive, that support professional development and that provide options for self-employment.

A subcommittee member asked whether trends are reflecting an increased number of employed PWDs. Mr. Davis indicated that employment and graduation rates among PWDs generally show an increase. He further suggested that chambers of commerce and others from the business community should become more integrated in the employment of PWDs.

A subcommittee member asked for clarification of the definition of "significant disability" in the context of the ODEP's mission to increase community-based, integrated employment opportunities for persons with "significant disabilities". Mr. Davis explained that the use of the term "significant disability" is derived from language included in the federal Workforce Innovation and Opportunity Act. The subcommittee member expressed concern that the manner in which such a term is defined could have the effect of limiting access to resources for certain PWDs. The subcommittee member commented that accommodation of PWDs in the workforce must be coupled with integration. Mr. Reed indicated that recent proposals to move

vocational rehabilitation agencies into state employment agencies might act as a catalyst toward this goal.

A subcommittee member said that state, local and federal governments should work together to provide more young PWDs with opportunities to get experience in the workforce. Another subcommittee member commented that experiences for workers with disabilities should also build in an element of flexibility.

### **Public Comment**

Robert Kegel spoke in support of the contribution made by workers with disabilities. He said that he employed several staff members who were disabled, and those staff members were good workers who were punctual and honest. He suggested that the Workforce Solutions Department take a more active role in fostering employment opportunities for PWDs. He also suggested that the state should take a more active role in hiring PWDs. Mr. Kegel subsequently discussed the process for public input with respect to the state's developmental disabilities waiver program and the Centennial Care Medicaid waiver program. Mr. Kegel additionally described difficulties some schoolchildren in wheelchairs have faced in receiving school bus transportation when school buses are ill-equipped or in disrepair. He also spoke in favor of increased oversight of government contracts that provide goods or services for PWDs. A subcommittee member suggested that increased transparency is needed from agencies with respect to such contracts.

Phillip Cordova, who works as an employment specialist for PWDs, expressed concern about difficulties PWDs face in obtaining employment. He also expressed support for a fair and equal wage for workers with disabilities.

Molly Madden, a parent of a worker who is disabled, expressed support for a wide spectrum of employment opportunities for PWDs. She stated that some PWDs, particularly those with severe impairments, primarily want to work to be a part of the community.

Patrick Murray discussed the opportunities for his daughter, a person with a disability, to work under the program available pursuant to Section 14(c) of the federal Fair Labor Standards Act of 1938 (14(c) program). He expressed support for the program and stated that the program provides some individuals with opportunities that would not otherwise be available in an employment setting.

Bob Thompson, a parent of a son with a learning disability, indicated that he was interested in changing the community perspective on the right to work for PWDs. He expressed support for opportunities available through the 14(c) program and said that workers with disabilities are able to achieve and earn a minimum wage through the program. He added that a place to belong, rather than a specific wage rate, is what is most important to some workers with disabilities.

Jill Beets explained that she supervised a team of PWDs. Ms. Beets expressed support for employment choices and a range of services for PWDs. She also stated that PWDs should be afforded an opportunity to work their way up in their places of employment.

A subcommittee member discussed how employers could increase engagement with workers with disabilities as part of an integrated staff. Another subcommittee member expressed concern that wages below the statutory minimum for workers with disabilities could provide an implication that their work is not as valuable as the work of others.

### **Minimum Wage Exemptions**

Jackson Brainerd, policy associate, Fiscal Affairs Program, Labor and Economic Development Committee, NCSL, provided the subcommittee with an overview of state minimum wage exemptions. Mr. Brainerd indicated that minimum wage debates have been prevalent across the country, and in the last four years, there have been 30 minimum wage increases. There have not yet been any increases enacted in 2017. However, Mr. Brainerd noted that the New Mexico Legislature was one of three legislatures in the country to pass a minimum wage increase that was subsequently vetoed.

Mr. Brainerd indicated that six states and Washington, D.C., have minimum wages exceeding \$10.00. About one-half of the states have minimum wages between \$7.50 and \$10.00, while the rest of the states mirror the federal rate of \$7.25. Mr. Brainerd said that some states have sought to raise wages for certain types of employees who are allowed to be paid at rates below the statutory minimum. Such employees may include tipped workers, youth workers or workers with disabilities.

Mr. Brainerd provided the subcommittee with an overview of the federal Fair Labor Standards Act of 1938 (FLSA). The FLSA provides for a national minimum wage, along with exemptions to the minimum wage rate for certain types of employees, including PWDs. Mr. Brainerd explained that states may establish standards that provide additional protections to workers beyond those provided through the FLSA. He added that states can also regulate the wages and hours of employees who are not subject to the FLSA. Mr. Brainerd said that, for the most part, states have chosen to adopt the exemptions included in the FLSA, but some states have sought to limit them.

Mr. Brainerd discussed contexts in which wages below the statutory minimum are allowed. He stated that, while tipped wages are considered "subminimum wages", the FLSA requires that the total of tipped earnings and the subminimum wage be equal to or exceed the minimum wage. Mr. Brainerd also informed the subcommittee that the FLSA provides for subminimum wages for workers under the age of 20, as well as full-time students, student-learners and apprentices.

Mr. Brainerd also provided the subcommittee with an overview of the 14(c) program. He explained that Section 14(c) of the FLSA authorizes an employer to pay subminimum wages to a



worker with a disability after receiving a certificate from the DOL. The 14(c) program does not apply unless a disability impairs the worker's productive capacity for the work being performed. The DOL determines special minimum wage rates using a comparison of the production of workers with and without disabilities. The rates are reviewed and redetermined at least once every six months.

Mr. Brainerd said that, according to the National Council on Disability, the 14(c) program is used mostly by nonprofit or state-operated social service providers. He stated that about 5,600 employers pay subminimum wages to 424,000 workers with disabilities nationwide. Seventy-four percent of those employees have an intellectual disability. Forty-six percent of those workers have multiple disabilities.

The 14(c) program previously had a wage floor of 50 percent of the statutory minimum rate, which was eventually repealed. Currently, the program requires wage rates "commensurate with those paid to non-handicapped workers" and "related to the individual's productivity".

Mr. Brainerd described federal efforts to reduce the use of subminimum wage certificates under the 14(c) program. He explained that the DOL has increased standards for providing exemptions to employers and has required the provision of transitional services for workers receiving a subminimum wage. In addition, Mr. Brainerd mentioned that there have been recent efforts in Congress to phase out special wage certificates and raise the minimum wage for workers with disabilities.

Mr. Brainerd provided the subcommittee with an overview of various state approaches with respect to the 14(c) program. Those approaches include:

- adoption of the provisions of Section 14(c) of the FLSA by reference;
- requirements for state-issued subminimum wage certificates; and
- explicit provisions for subminimum wage floors.

Mr. Brainerd suggested that state efforts to direct funding away from sheltered workshops could have a relationship to a phaseout of subminimum wages. He described state initiatives to:

- close sheltered workshops;
- allow persons with developmental disabilities to choose to remain in sheltered employment;
- eliminate subminimum wages for PWDs;
- phase out existing certificates authorizing a subminimum wage; and
- require the state to subsidize the employers of workers with disabilities in a manner that permits them to pay those workers a minimum wage.

Mike Kivitz, chief executive officer, Adelante Development Center, suggested that a wage below the statutory minimum wage does not necessarily constitute a "subminimum wage",

but instead constitutes a "commensurate wage". He said that people who have certain disabilities, such as deafness or blindness, are just as productive as other workers and should earn the minimum wage or higher. However, he said that individuals with severe intellectual disabilities or with a loss of cognitive ability may find it difficult to find a job in the workforce. Mr. Kivitz said that, while there is a preference to assist PWDs in finding competitive, integrated jobs, he also believes it is important to help PWDs find jobs when other opportunities are not otherwise available. He expressed concern that a phaseout of the 14(c) program might result in a loss of employment options for many PWDs. He stated that, often, placements for PWDs who leave employment are difficult. He additionally stated that for many PWDs, the value of work is important, and he is concerned about the potential elimination of workforce options for those individuals.

Mr. Kivitz stated that the State Use Act is a successful program that employs 600 to 700 workers with disabilities at or above the minimum wage. Mr. Kivitz recommended that data regarding the relationship between the 14(c) program and employment of PWDs be carefully studied.

Tim Gardner, legal director, DRNM, said that there is a trend toward elimination of a subminimum wage. He said that an equal wage is necessary to ensure that PWDs in the workforce are equally valued. He added that a Centers for Medicare and Medicaid Services rule has been explicit about eliminating sheltered workshops and a subminimum wage. He also stated that the ODEP has recommended a phaseout of the 14(c) program.

Mr. Gardner suggested that existing data do not indicate that elimination of a subminimum wage results in diminished opportunities for workers with disabilities. He also suggested that customized employment options should be explored for workers with disabilities. Additionally, he suggested that agencies are currently receiving funding under the state's developmental disabilities waiver program, which could potentially be used to assist individuals with developmental disabilities to find jobs.

Subcommittee members and presenters discussed reports on the results of a phaseout of the 14(c) program in Vermont. Mr. Gardner and Mr. Kivitz also elaborated on the wage payment requirements for workers with disabilities in New Mexico. In response to a question from a subcommittee member, Mr. Brainerd indicated that state oversight is not required with respect to the 14(c) program. The subcommittee members and the presenters also discussed local minimum wage requirements and the manner in which wage rates are determined through the 14(c) program.

Subcommittee members discussed the possibility of providing a contract bidding preference in conjunction with a mandate to employ workers with disabilities at a minimum wage rate. They also discussed how to change business perceptions in employment of workers with disabilities and in provision of customized jobs for PWDs. Mr. Brainerd suggested that tax credits, in addition to contract bidding preferences, might encourage business involvement in

employing workers with disabilities. Subcommittee members additionally discussed the need for compromise on the issue of wage rates for workers with disabilities.

### **New Mexico Employment of PWDs**

Karen Courtney-Peterson, director, Governor's Commission on Disability (GCD), provided the subcommittee with an overview of the work of the GCD. The commission is composed of 15 members, nine of whom have disabilities. Ms. Courtney-Peterson indicated that the commission is working on several initiatives, including:

- a project to provide certification for federal Americans with Disabilities Act of 1990 (ADA) coordinators;
- a technical assistance program for PWDs seeking employment;
- architectural assessments of public facilities to improve access for PWDs;
- information technology access improvements in schools and workplaces; and
- preferences for PWDs applying for state jobs.

Joe D. Cordova, executive director, Vocational Rehabilitation Division (VRD), Public Education Department, discussed unemployment rates for PWDs. He indicated that 50 percent of people with general disabilities are unemployed, while that percentage increases to 60 to 70 percent for individuals with severe disabilities.

Mr. Joe Cordova indicated that the ADA has not necessarily improved employment rates for PWDs. As such, he indicated that the VRD has been increasing services for its clients. He expressed that a high level of training makes a difference in employment levels for PWDs. He also indicated that training for individuals with severe cognitive disabilities should be customized.

Carrie Roberts, community inclusion manager, Developmental Disabilities Supports Division (DDSD), Department of Health, indicated that the DDSD issued a new "Employment First" policy in 2016, which is currently being implemented. She stated that the DDSD is implementing an outreach plan and is in the process of providing widespread information on the policy through statewide presentations and webinars. She also indicated that the DDSD is in the process of incorporating policy requirements into the state developmental disabilities waiver program standards.

Ms. Roberts indicated that the DDSD has worked with the Supported Employment Leadership Network to redesign how to capture outcome data, including data on employment hours and community participation, in a supported employment database. The DDSD is also collecting data pertaining to wages, paycheck sources and time in job development.

The DDSD is now in its sixth quarter of collecting data for the database. Ms. Roberts said that the database provides a mechanism that allows the DDSD to review outcomes and compare them with billing numbers.

The DDS has also been working with the Institute for Community Inclusion (ICI) on a "community life engagement" (CLE) project. The ICI developed guideposts to support PWDs with community integration. The CLE project tracked progress toward those guideposts, which include:

- individualized supports for each person;
- promotion of community membership and contribution;
- use of human and social capital to decrease dependence on paid supports; and
- provision of supports that are outcome-oriented and regularly monitored.

The ICI provided technical assistance from experts, and the DDS identified specific goals for measurement. Ms. Roberts discussed the following results of the project:

- time spent in facility-based non-work fell by 65.5 percent;
- the number of people in facility-based non-work decreased by 7.25 percent;
- the average number of hours spent in community participation increased by 25.42 percent; and
- the number of people in community participation increased by 6.12 percent.

Ms. Roberts stated that the DDS has undertaken an initiative to determine the level and quality of community participation for *Jackson* class members. This initiative involves completion of an individual service plan and other document review, followed up with a site visit to compare the documentation to field observations. Ms. Roberts indicated that the DDS's goal is to follow up with every *Jackson* class member on an annual basis.

The DDS is additionally working with national subject matter expert Linda Rolfe to establish new expectations for providers. Ms. Roberts explained that the DDS is seeking to redesign provider applications under the state developmental disabilities waiver program, which will score, among other things, a provider's business model. Providers would also be responsible for providing the required information on a quarterly basis. Ms. Roberts indicated that several entities will work with the DDS on a focus group to review the redesigned application before it is instituted.

Ms. Roberts provided the subcommittee with an overview of the "transition to employment" grant program. She stated that the program is designed to provide opportunities for employment to individuals who are exiting or graduating from high school and who might not otherwise have employment supports. The program provides "follow-along" and transportation supports to recipients.

Ms. Roberts stated that the VRD is working with the DDS to provide outreach and vocational counseling to *Jackson* class members who:

- earn less than minimum wage;

- work less than 10 hours per week; or
- receive a paycheck from a provider agency, rather than a community business.

Ms. Roberts also talked about the DDS's "informed choice" project. She stated that the DDS intends for the project to use discovery strategies to assist individuals in assessing their interests in integrated, community employment. Ms. Roberts indicated that through this project, individuals might determine that they would like to engage in customized employment. However, she added that through the assessment process, individuals could also decide on other alternatives.

John Block, executive director, Developmental Disabilities Planning Council, provided the subcommittee with an overview of the council's work. He stated that the council is working on integrating students in junior-high-level grades into the job market. He also described the work of the Advocate Leadership Academy, which is designed to provide mentoring and tools for self-advocacy. Mr. Block suggested that employers should operate from a premise that PWDs, with accommodation, are able to perform in the workplace. Mr. Block also suggested that the state should adopt policies that foster the hiring of more PWDs for state jobs. He additionally suggested that some employer practices that require driver's license numbers on job applications may inadvertently leave out workers with disabilities who do not possess driver's licenses.

Tanya Baker-McCue, director, Family and Community Partnerships Division, Partners for Employment, Center for Development and Disability, University of New Mexico, stated that resources should be maximized for workforce providers to remove barriers for PWDs. Ms. Baker-McCue said that perceptions about workforce composition are changing. She stated that New Mexico's state agencies are on the cutting edge of breaking barriers for workers with disabilities, citing training and technical assistance initiatives and initiatives to encourage customized employment through discovery programs and paid internships. Ms. Baker-McCue discussed initiatives to educate the workforce and to provide school-to-work transition programs.

Richard Bailey, M.A., community engagement specialist, Commission for Deaf and Hard-of-Hearing Persons, described his work in assisting students in their transitions from high school to the workplace. Mr. Bailey stated that he thinks the Work Matters program is a positive step for such transitions. Mr. Bailey indicated that the results of a study of employment rates for those graduating from high school and college reflect low employment numbers for individuals with hearing loss. He stated that one-half of the individuals with hearing loss who earned college degrees were employed. Mr. Bailey indicated that to facilitate successful school-to-work transitions, students should have increased exposure to the workforce. He also stated that technology and communication barriers need to be addressed. He cited the use of jargon and monolingual assessments as specific communication barriers. He also addressed barriers for PWDs in rural areas without internet access. He stated that social attitudes can present additional barriers to PWDs.

Mr. Bailey discussed how PWDs might use the resources available through the VRD to achieve employment. He noted, however, that once these individuals enter employment, the resources that were once available often disappear. He stated that PWDs will sometimes experience isolation or may not feel comfortable remaining at work. As such, he suggested that ongoing resources be provided to individuals once they have obtained positions in the workforce. He also suggested that best practices be established to encourage placement and retention of workers with disabilities.

Greg Trapp, J.D., executive director, Commission for the Blind, discussed the work of that commission. He stated that much of the commission's funding is targeted toward employment of its constituent base. He also indicated that the commission provides early intervention services to individuals. For instance, the commission has a program that provides technology, such as video magnifiers, to children. He stated that a goal of the commission is to assist individuals in ceasing to receive supplemental security income benefits and to become taxpayers. He also said that pre-employment transition services at the federal level are critical to the experience of eligible individuals and provide an understanding of workforce participation.

Subcommittee members and panelists engaged in a discussion of various topics. A subcommittee member suggested that additional supports should be provided for autistic individuals who are seeking employment.

Another subcommittee member asked how the VRD and the DDSD, under their *Jackson* class outreach project, provide counseling services to severely impaired individuals. Ms. Roberts indicated that, through the project, counseling services are mostly provided to individuals who are currently employed and that a holistic approach is taken. In response to a request from a subcommittee member, Ms. Roberts indicated that she would make an additional inquiry as to what steps are taken with respect to class members who are severely impaired.

A subcommittee member asked about the extent of planned changes to the state developmental disabilities waiver program application for providers. Ms. Roberts indicated that six new items are proposed for the application, including a requirement for use of data. In response to another question, Ms. Roberts indicated that a rate study will be conducted in one and one-half years with respect to provider rate changes.

A subcommittee member asked Ms. Roberts whether the initiatives undertaken by the DDSD are offered only to individuals receiving a waiver under the state developmental disabilities waiver program. Ms. Roberts stated that the DDSD's transition to employment grant program is not limited to individuals who have the waiver, but the majority of the DDSD's other projects are limited. The subcommittee member suggested that other initiatives be offered to individuals who are not currently on the waiver, such as those who are currently on the waiting list for the waiver. The subcommittee member also suggested that some programs available to *Jackson* class members should be expanded and offered to other PWDs as well. In response to

this suggestion, Mr. Kegel spoke in favor of making the waiver available for individuals upon exit from school.

Mr. Trapp commented that the state should seek certain creative funding strategies that leverage existing resources for these individuals. Ms. Baker-McCue stated that PWDs who achieve employment are less reliant on traditional services and are happier. She stated that it is important to operate from a premise that all people can work.

### **Adjournment**

There being no further business before the subcommittee, it adjourned at 4:50 p.m.