

# Employment First Legislative Meeting Minutes

January 30, 2025, 9-11am

## Contents

Employment First Legislative Meeting Minutes .....	1
Welcome and introductions .....	2
Representative Ellyn Hefner opening statement .....	2
Deborah Copeland, Dale Rogers Training Center (DRTC) .....	3
RoseAnn Duplan, Oklahoma Disability Law Center (ODLC) .....	3
Mary Ogle, A New Leaf .....	4
Blending, Braiding and Sequencing of Services discussion .....	5
Rebecca Snellen, DDS .....	5
Janie Fugitt, OKDRS .....	6
Provider concerns .....	7
Joel Bain, Mid-Del Group Home .....	7
Missy Rice, Mid-Del Group Home Board of Directors .....	8
RoseAnn Duplan, ODLC .....	8
Virtual attendee .....	8
Related legislation & meetings .....	8
Rep. Hefner .....	8
Deborah Copeland, DRTC .....	9
Rebecca Snellen, DDS .....	9
Rep. Hefner .....	9
Closing Remarks .....	9
Rep. Hefner .....	9

## Welcome and introductions

### Representative Ellyn Hefner opening statement

Good morning. Thank you for being here today.

As of May 1, 2024, Oklahoma is among the 38 states where employers hold Section 14(c) certificates, which allow the payment of subminimum wages to workers with disabilities. As of August 1, 2024, Oklahoma had 43 providers holding 14(c) certificates, employing over 1,221 individuals with disabilities at subminimum wages.

We are at a pivotal moment as we prepare for the transition from 14(c) certificates to Competitive Integrated Employment (CIE). This shift represents a significant change in how we support individuals with disabilities in the workforce.

It's important to acknowledge that within our community, there are varying levels of readiness for this change. Some stakeholders have already begun preparations, while others are still considering the implications. This disparity has led to some friction, which is understandable given the magnitude of the transition.

However, it's crucial that we do not allow these differences to divide us into opposing groups. Our shared goal is to enhance employment opportunities and outcomes for individuals with disabilities. Achieving this will require collaboration among all stakeholders—employers, service providers, advocates, and policymakers. We must collaborate, leveraging our collective strengths and perspectives. Additionally, we must recognize that many policymakers and legislators may not fully understand the complexities of Section 14(c) licenses. It's our collective responsibility to educate and inform them, ensuring that our advocacy is clear and effective. Being mindful of the influence of external interests that do not prioritize the well-being of individuals with disabilities. Such influences can hinder our discussions and impede progress. Our focus must remain steadfast on the individuals we aim to support.

Today's discussion will focus on strategies such as braiding, sequencing, and blending services to facilitate a smooth transition. By coordinating multiple funding streams and services, we can create a comprehensive support system that meets the different needs of those we serve.

We will also outline a transition timeline, ensuring that all stakeholders have a clear understanding of the steps ahead and the roles we each play in this process.

Let us approach this journey with unity and a shared commitment to the individuals who depend on our collaboration. Together, we can navigate this change effectively and create a more inclusive and supportive employment landscape.

Let's approach today's discussion with open minds and a collective commitment to work together, bridging any gaps and ensuring a smooth and successful transition for all Oklahomans.

Thank you.

## Deborah Copeland, Dale Rogers Training Center (DRTC)

- 14c is a difficult discussion
- It has been foundational for many services offered through DRTC
- Emphasized the importance that we not get high centered on whether 14c exists or doesn't exist
  - Instead, it's more important to navigate providing choices of employment for people living with disabilities
- The onus is on us to come up with a solution

## RoseAnn Duplan, Oklahoma Disability Law Center (ODLC)

- Since we met last, the Wage and Hour Division (WHD) issued a Notice of Proposed Rulemaking (NPRM) regarding 14c
  - The proposed rule changes outlined:
    - Why we have 14c, along with a historical context
    - Phasing out 14c certificates (which allows employers to pay subminimum wages to people living with disabilities)
    - 14c originally passed in 1933, predating the Americans with Disabilities Act (ADA) and other modern-day disability legislation
    - Suggested phaseout proposal: 3 year period
      - WHD would cease issuing new certificates upon an effective date, which was not provided
    - WHD: proposing the phase-out of 14c due to advances in the ADA and other job opportunities
    - Grants to assist people with transition to community integrated employment (CIE)
    - WHD sought input on transition needs
    - Employers must pay at least the federal minimum wage
      - No change to the setting itself, just the pay component
  - Comments were due January 17, 2025
    - Oklahoma Disability Law Center submitted comment

### *Deborah Copeland, DRTC*

- DRTC also submitted comment, suggesting the following:
  - Acknowledged a 3 year phaseout is a short timeline
  - Up to a 2-year extension period would be appropriate
  - That the WHD would consider a state-by-state exception approach instead of by certificate holder

### *RoseAnn Duplan, ODLC*

- The last thing we want to see is a timeline that is too short
- Some states may need more time to develop a plan
  - State statutes take time
- Highlighted the wonderful things happening in Duncan

## Mary Ogle, A New Leaf

- Does not believe we need to transition away from 14c
- We are at the assumption 14c is going away
- What A New Leaf wants to stand for is that they don't want 14c to go away
- Believes it will strip money-earning possibilities from the people in their programs
- Urges us not to use the term "transition" because nothing is set
- Concerned about the funding source(s) to provide the transition to CIE/hourly wages

### *Rep. Ellyn Hefner*

- Acknowledges concerns over the term "transition" because it's different for everyone
- Employers don't know they can be employers of people living with disabilities

### *RoseAnn Duplan*

- There is no funding mechanism/allocation in this NPRM
  - Recognizes funding is needed
- Transformation to Competitive Integrated Employment Act (TCIEA) did include funding
  - We need it to pass to secure funding for this
  - *Note: the TCIEA has not been re-introduced for the 119<sup>th</sup> Congress (current) as of this meeting*

### *Deborah Copeland*

- This is an Employment First task force
- 14c is a part of the discussion, but not the only thing
- Employment is first and foremost offered
- We're emphasizing that employment would be offered first

### *Melinda Bunch, DRS*

- Where would technical assistance come from?
  - RoseAnn: that would need to be developed
  - Deborah: Assistance is currently available through Association of People Supporting Employment First (APSE), National Expansion of Employment Opportunities Network (NEON), and Office of Disability Employment Policy (ODEP). Training assistance is also offered.
  - Rep. Hefner: Us opening these doors can lead to more conversations
  - RoseAnn: Oklahoma has had an Employment First statute since 2015
    - Text: All state agencies shall coordinate efforts and shall collaborate within and among such agencies to ensure that state programs, policies, procedures and funding support competitive integrated employment of individuals with disabilities. All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward full implementation of this act.
    - Despite this being a statute, Employment First in Oklahoma has not been fully maximized

### *Mary Ogle, A New Leaf*

- Our (state) system is not working that our folks are so unemployed
- Does not think Oklahoma's system works
  - Never sees or hears from DRS
- Doesn't want to see us use the term "transition"
  - Wants to see focus on employment
- Rep. Hefner: the way we've been using programs and services needs to be examined

### *Melinda Bunch, DRS*

- Career Techs have a lot going on in this space, and should be involved
- Rep. Hefner: they do a great deal of work

## Blending, Braiding and Sequencing of Services discussion

### Rebecca Snellen, DDS

- They are doing braiding and sequencing at DDS
- Asked Deborah to expand on blending, braiding and sequencing
  - Deborah (more info on these is in the handout):
    - Sequencing is like a relay race
      - Funding follows the person
      - DDS to DRS to another pre-determined point, then back to DDS
      - Good place to start
    - Braiding is like a team sport
      - Funding can be intertwined
      - Someone could get job funding from DRS/DDS at the same time
    - Blending is like baking bread—all ingredients go in
      - All those services go into the person
      - This is a more sophisticated way
- DRS and DDS have done well to bridge and bond on missions
- They are identifying where does the baton start and stop
- Finding middle ground has been positive
- Some agencies have phased out of 14c
- Their job is to assist nonprofit agencies
- Want to make sure it's a good environment for individuals
- RoseAnn: where are you with braiding?
  - Rebecca: want to identify milestones first
  - Helps the individual get the service without feeling like a barrier
- Attendee: Is Enhanced Payment Program (EPP) on the radar?
  - Designed to improve the intermediate care facility (ICF)
  - Interested in seeing DRS, DDS, OHCA in these discussions
    - ICF is regulated by OHCA (an entitlement program)
  - Melinda: agrees, and wants those people at the table

### *Rep. Ellyn Hefner*

- There's a lot more information we need on sequencing, braiding and blending
- Suggested looking at what other states are doing
- If DRS & DDS can provide examples, that would be great

### *Mary Ogle*

- Doesn't know about the sequencing, braiding or blending
- Asks if DDS/DRS has data on this
- Rebecca: they're looking at the framework currently
  - We're in elementary blocks to see where the start & stop points are
- Rep. Hefner: would be helpful to see visually what this looks like
  - Let us know what's there
  - Let's use this to look at another opportunity to expand opportunities

### *Robin Arter, Think Ability*

- We're already doing a little sequencing
  - Used DDS funds at first, then move to DRS once a person gains new skills
- RoseAnn: APSE has good presentations about sequencing, braiding and blending what it looks like in other states
  - We don't have to re-invent the wheel
- Deborah: Sequencing, braiding and blending is not something we created
  - In 2022 multiple federal agencies signed a letter encouraging agencies to utilize these methods (reference to the handout)
  - DRTC has people in our sheltered workshop who have shifted to DRS
    - However, this is a cumbersome process; many roadblocks
    - Sequencing means the person can choose to move from one path to another, and the funding follows
- While we're defining things, recognize our people are individuals who need individualized resources
- Mary agrees with Deborah and Robin
  - Doesn't think DDS needs to spend time on this
  - We need to spend time getting people jobs
  - Funding is not flowing to help people get jobs
  - Thinks the system needs to be flipped on its head and help people get jobs
- RoseAnn: Focus needs to be on employing people with disabilities
  - We need funding for this
  - What is the barrier keeping funding from flowing?
- Rep. Hefner: it's important to recognize the work from DRS and DDS

### *Janie Fugitt, OKDRS*

- No formal presentation
- DRS has been sequencing services
  - Looking at making it a seamless process
  - Once a person completes services, they move to DDS

- But this is not seamless yet
    - It's all about communication
- DDS and DRS meets monthly to coordinate services and work together

#### *Mary Ogle, A New Leaf*

- We don't need the process
- DRS is not at the table
  - Wants DRS to provide a formal presentation with data

#### *Sue Gill, DRTC*

- Has served as Community Integrated Employment Coordinator at DRTC for 3 years
  - The process through DRS has improved
  - The gray area remains of funding needs

#### *Melinda Bunch, DRS*

- DRS is overseen by RSA
- How can we change things in our state?
- Would like the DRS transition coordinator to participate in the conversation
- Still need to address benefits:
  - Transportation
  - Social security
- We have improved communication with DDS
- There are form and steps
  - Discussion on how to improve their processes

## Provider concerns

### *Joel Bain, Mid-Del Group Home*

- Brought two people in their program, JJ (22 years old) and Steve (70 years old)
- Steve works in their workshop
- They have 5 contracts
- Workshops have to be part of the discussion
- Issue they have is where states have phased out, only Minnesota has provided funding
- To say we need to budget better is not accurate
- Doesn't want to take the employment opportunity of a sheltered workshop
- Blending and braiding doesn't meet all needs
- They're only using the tools provided by the government
- Rep. Hefner: We are looking at what we need to do legislatively or via rules
- Rebecca: DDS is not trying to close workshops
  - How you are paying them would change; not the setting
  - Need to make sure we have the funding component identified
  - How does the 14c change occur?
  - DDS wants to be a support for providers
- Special ed teachers in Mid-Del don't know how 14c works

- Parents don't know the steps needed to get their kids services
- We need to get on the same page
- All comes back to the communication

## Missy Rice, Mid-Del Group Home Board of Directors

- Special ed teacher with 20 years experience
- Worked in transition services
- When a child is under Individuals with Disabilities Education Act (IDEA), education provides a continuum of services
  - Without 14c, how can we move forward and provide that same continuum of services?
  - Without 14c workshops, it breaks a branch of that tree
- Rep. Hefner: We're not talking about taking the workshop away.
  - This is about pay

## RoseAnn Duplan, ODLC

- There used to be a transition folder guide provided by DRS
  - Went through the lifespan of someone with a disability as a checkpoint/milestone as they need services
  - Need to look at updating that folder
  - Janie: checking with their transition coordinator
- There is a real fear over the loss of benefits
- Benefits planning entities like Oklahoma Work Incentives Planning Assistance (OWIPA) need to be involved
  - As people earn more wages, they need benefits navigation assistance
  - If people lose benefits as a result of higher paychecks, we need to look at how to supplement those benefits
  - Need a range of services if people don't fit a box
- Rep. Hefner: the spectrum of care is very large

## Virtual attendee

- The transition plan (handout reference) seems inconsistent with the conversation
- Rep. Hefner: the handout is a conversation starter
  - The setting (sheltered workshop) is not changing; the pay is
  - We need other employers here as well

## Related legislation & meetings

### Rep. Hefner

- Introduced two pieces of legislation notable to this group:
  - HB1833 – 14c Task Force
    - Some discussion over trimming the task force from 20 people to 12
    - We can't do anything formally until this bill passes



- HB1837 – Medicaid claw back bill
- It's going to take a lot of education due to the complexity of 14c
- Disability Caucus meets every other Wednesday beginning February 12
  - First meeting will focus on transportation
  - Future meetings will discuss ABLE accounts and 14c

## Deborah Copeland, DRTC

- The three things to look at are:
  - Current agency policy within the state
  - Needed legislation
  - National policies (through the Rehabilitation Services Administration - RSA)
- Oklahoma is one of the few states that does priority levels
  - There are different ways to do this
- Students graduation from high school are not eligible for 14c unless there are exceptions
- Transition services, in her opinion, need a revision
  - Students reach a cliff

## Rebecca Snellen, DDS

- Starting up communication with Oklahoma State Department of Education again
  - Identifying barriers
- Also conducting quarterly meetings with DRS and DDS providers
  - When you're a dual DRS/DDS provider, it helps with sequencing

## Rep. Hefner

- People with Intellectual/Developmental Disabilities (IDD) need a different path to access services
  - There are already pathways specifically for people who are blind/Deaf

## Closing Remarks

### Rep. Hefner

- Bigger issue is community
- We want to support the people we love
- Contact Rep. Hefner directly with questions/discussion
- Need a more formalized way to conduct meetings
- Asked for volunteers to provide research on other states
  - RoseAnn: that already exists
- We're going to start putting things together next