The Commission convened via teleconference at 12:00 p.m. EST, Norma Cantu, Chair, presiding.

PRESENT:

NORMA CANTU, Chair
J. CHRISTIAN ADAMS, Commissioner
DEBO P. ADEGBILE, Commissioner
STEPHEN GILCHRIST, Commissioner
GAIL HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner
DAVID Kladney, Commissioner
MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director
DAVID GANZ, General Counsel
STAFF PRESENT:
PAMELA DUNSTON, Chief, ASCD
STANLEY CARR, ASCD Contractor
DAVID MUSSATT, Director, RCPU
TINALOUISE MARTIN, Director, OM
TED MAURO, Chair, SC Advisory Committee
SANDRA RODRIGUEZ, Former Chair, NM Advisory Committee

COMMISSIONER ASSISTANTS PRESENT:
JOSHUA DANSBY
ALEC DEULL
ALEXANDER HEIDEMAN
JOHN K. MASHBURN
CARISSA MULDER
JUANA SILVERIO
THOMAS SIMUEL
IRENA VIDULOVIC
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12:00 p.m.

CHAIRPERSON CANTU: Thank you. Welcome to the business meeting for the U.S. Commission on Civil Rights. The Meeting comes to order at noon, Eastern Standard Time on Friday, February 18, 2022.

I am Chair Norma V. Cantu. I thank the staff who completed the Public Notice needed for this meeting and arrange for this public phone call.

I also thank the general public for their interest in attending today. Due to respect for health and safety during the ongoing COVID pandemic, the Commissioners are conducting this business meeting by phone conference.

I would like to confirm the Commissioners are on the line, and I will take roll call. Please say present or here when I say our name.

Commissioner Adams?

COMMISSIONER ADAMS: Present.

CHAIRPERSON CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Present.

CHAIRPERSON CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Present.
CHAIRPERSON CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: I'm here.

CHAIRPERSON CANTU: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Here.

CHAIRPERSON CANTU: Commissioner Kladney?

COMMISSIONER Kladney: Here.

CHAIRPERSON CANTU: Commissioner Yaki?

COMMISSIONER YAKI: I'm here.

CHAIRPERSON CANTU: Thank you. Based on the response, a quorum of the Commissioners is present. Is the Court Reporter present?

COURT REPORTER: Yes, Madam Chair.

CHAIRPERSON CANTU: Thank you. Is the Staff Director Present?

MR. MORALES: Yes, Madam Chair.

CHAIRPERSON CANTU: Thank you. The meeting will now come to order.

I. APPROVAL OF AGENDA

CHAIRPERSON CANTU: I will begin by asking if any Commissioners wish to amend today's Agenda?

COMMISSIONER KIRSANOW: Madam Chair, Kirsanow here.

CHAIRPERSON CANTU: Yes, Commissioner
Kirsanow?

COMMISSIONER KIRSANOW: Thanks Madam Chair, I would move to amend the Agenda to include a discussion, not a vote, but just a discussion on the letter regarding crime increases to Attorney General Garland, which I think we addressed last month.

The Commissioners have had it for at least a month at least. This is a, you know, a pretty important issue as we mentioned before. And it would be helpful if we discussed the letter and whatever changes the Commissioners might want to make to it.

Again, we're not going to vote on the letter, but I just have a discussion on it. The polls that I've seen, show that crime increase is either number one or number two, after inflation, issue out there.

And what we're seeing are significant disparities with respect to which minorities are being affected. Hate crimes are up 339 percent, despite the fact that just about everybody and their mother has got training programs with respect to anti-bias training and DEI initiatives.

And I think as I mentioned once before, at least 16 cities have recorded record homicides. And it's not just homicides, it's arson, carjackings...
are through the roof, mass lootings.

And again, disproportionate affecting mainly the black community, but as I just indicted with the hate crimes, the Asian community is suffering significantly.

And I think some of us have heard from members of the Asian community about the spike in crime. Especially hate crimes.

CHAIRPERSON CANTU: I will ask if there is a second to your motion to amend the Agenda?

COMMISSIONER GILCHRIST: Madam Chair, Gilchrist seconds that motion.

CHAIRPERSON CANTU: Thank you. At this point we can have a discussion about whether this item is appropriate at this time.

The -- just so people understand, I have been in discussion with both Commissioner Kirsanow and Commissioner Gilchrist about this, as well as our Special Assistants have been discussing this.

Is there -- I would like to start this discussion with a question. Is there a matter for why we are breaking procedure?

Because normally before this is posted on a public meeting, we decided, you know, the format that we're going to use it. And we also decide what we're
going to say.

And then we -- we post it, and we have the general public be aware that this is going to be discussed.

Commissioner Kirsanow, is there a reason why we're departing from procedure?

COMMISSIONER KIRSANOW: Well, I don't consider it a departure. I view this as a discussion respect to the letter.

We're not going to be voting on the letter itself. But, just having a discussion about it. There's not going to be any formal action taken.

But, it would help, I think, inform all of us on the Commission as to what format and what the context and the text of the letter will say.

CHAIRPERSON CANTU: We did have a -- we did have this same motion last months. So, and it failed because we did not get adequate notice.

And I -- and I believe that you circulated the documents that you wanted to discuss. Did you circulate the most recent?

What was the date of the most recent draft?

COMMISSIONER KIRSANOW: Well, I think it called --

COMMISSIONER GILCHRIST: Madam Chair?
CHAIRPERSON CANTU: Yes, who is speaking, please?

COMMISSIONER GILCHRIST: I'm sorry, Madam Chair, Gilchrist here. I was just going to say, I don't think this is what we voted on last meeting.

Is that right, Mr. Kirsanow?

COMMISSIONER KIRSANOW: I think that's right. And I don't want to vote on a letter or specific text.

But, there was some discussion last time about, you know, what the text would look like. And whether or not this was appropriate, et cetera, et cetera.

And I think that this would help inform how such a letter may look if it goes out.

CHAIRPERSON CANTU: I'm going to use the Chair's prerogative, and suggest, Commissioner Kirsanow, that we have a subcommittee view, and someone else from the -- from the Progressive Caucus, and work that out, rather than try to resolve this during a business meeting where we have two Advisory Committees ready to present other business meeting for today.

COMMISSIONER KIRSANOW: Madam Chair, I appreciate that suggestion. But, I do think that this is something that wouldn't take long.
And we can get it all resolved now and have our Special Assistants produce text of a letter that I think everybody could sign off on.

We have a very sparse Agenda that I think that we could insert this. And it would take, you know, maybe five minutes to discuss.

COMMISSIONER HERIOT: Madam Chair?

COMMISSIONER ADEGBILE: Madam Chair, Commissioner Adegbile.

CHAIRPERSON CANTU: Commissioner Adegbile and then Commissioner Heriot.

COMMISSIONER ADEGBILE: Madam Chair, to the extent that the discussion that Commissioner Kirsanow wants to have wouldn't take long, the way that we proceed is to work these things out before our meetings to be in dialog between Commissioners and Special Assistants.

And we've had a month to do that and it hasn't happened. So, to do this type of editing on the fly, is not typically the way we proceed.

And I would recommend that we put up Commissioner Kirsanow's request for a discussion to a vote so that we can see if he has the votes to have the discussion.

And if he doesn't, we can move on with the
agenda.

CHAIRPERSON CANTU: And I'm thumbing through Robert's Rules of Order, and that the -- once the discussion about having the discussion is starting to become repetitive, then we can have a vote.

Does someone have a different item to -- to recommend about the discussion at this point? About whether we amend the Agenda?

COMMISSIONER HERIOT: This is Commissioner Heriot.

CHAIRPERSON CANTU: Yes, Commissioner Heriot?

COMMISSIONER HERIOT: You know, I just wanted to point out that we're getting frustrated here with months passing by and not hearing about what it is that everybody on the Commission is concerned about with the letter.

We thought it was pretty straightforward.

And think that if everybody participates, you know, we can get this taken care of very quickly.

This shouldn't be a controversial issue.

CHAIRPERSON CANTU: I believe feedback has been given back from Special Assistant to Special Assistant. And -- and --

(Simultaneous speaking)
COMMISSIONER HERIOT: But not from all the Commissioners.

CHAIRPERSON CANTU: And we're trying to get this done. You know, we're trying to get this done.

The author of the letter could circulate that to all of the Commissioners. And then all the Commissioners could provide feedback.

So far, I understand it's been sent to me. I am not aware whether it's been sent to all eight Commissioners.

It was sent, you know, a month ago.

COMMISSIONER ADEGBILE: Madam Chair, I was under the impression that what Commissioner Kirsanow said he was moving was different than what was sent a month ago, which is what we just heard from another Commissioner.

So, either it was sent a month ago and we've discussed it at the last meeting, or it's different, and it hasn't been shared.

COMMISSIONER HERIOT: So, what Commissioner Kirsanow is saying, he just wants to discuss it rather than approve it today.

COMMISSIONER ADEGBILE: Right.

COMMISSIONER HERIOT: That's how it's different.
COMMISSIONER KIRSANOW: Correct.

CHAIRPERSON CANTU: My concern is just that we're having this conversation that we had last month. People do not know, because we've not been given the same document.

COMMISSIONER HERIOT: But how?

CHAIRPERSON CANTU: Do not know which document we're talking about. I received a document two days ago.

(Simultaneous speaking)

COMMISSIONER HERIOT: The document --

CHAIRPERSON CANTU: And I don't believe that others have received it. This is getting silly.

All right. I think we're repeating ourselves at this point, and we are ready to take a vote on whether to amend the Agenda today.

I want to --

COMMISSIONER YAKI: Madam Chair?

CHAIRPERSON CANTU: Yes, please?

COMMISSIONER YAKI: Madam Chair, Commissioner Yaki.

CHAIRPERSON CANTU: Who's speaking?

Thank you.

COMMISSIONER YAKI: This is Commissioner Yaki. To the extent that this has been a rather moving
item, whether it's the letter, or now a discussion, I am not prepared to have a discussion today.

If they want to make a broader discussion about this issue, I would want some time to gather my thoughts and think about this. Because certainly there are issues in the past that have been raised that pertain to this issue.

Whether it's the availability of guns. Whether it's the role model set by executives in the -- in the Oval Office with regard to the respect for the rule of law, that I have not had the chance to adequately prepare for.

So, I am not prepared to vote for this item to day.

CHAIRPERSON CANTU: Thank you. All right. I'm going to -- I'm going to call for a vote. And by roll call, please.

Commissioner Adams, how do you vote? To amend?

COMMISSIONER ADAMS: Yes.

CHAIRPERSON CANTU: Thank you. Yes is to amend. Commissioner Adegbile?

COMMISSIONER ADEGBILE: Nay.

CHAIRPERSON CANTU: Commissioner Gilchrist?
COMMISSIONER GILCHRIST: Yes.

CHAIRPERSON CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIRPERSON CANTU: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIRPERSON CANTU: Commissioner Kladney?

COMMISSIONER KLASDNEY: No.

CHAIRPERSON CANTU: Commissioner Yaki?

COMMISSIONER YAKI: For the reasons stated, no.

CHAIRPERSON CANTU: I also vote no. The majority was not reached. The motion does not pass.

So, for our first order of business, we're going to turn to presentations from the Advisory Committees to the Commission.

And these presentations, first we'll hear from Sandra Rodriguez, the former Chair of our New Mexico State Advisory Committee. And they have an Advisory Memorandum on the wage theft and subminimum wages.

Welcome Chair Rodriguez. You've got ten minutes, and you've got the floor.

MR. MORALES: Madam Chair?
CHAIRPERSON CANTU: Yes?

MR. MORALES: Sorry to interrupt, but I'm not sure that we got a vote on the Agenda to proceed.

CHAIRPERSON CANTU: Ah, thank you.

You're right. Please, I appreciate your reminding me of that.

There -- are there any other --

COMMISSIONER ADAMS: Commissioner Adams, so moved.

CHAIRPERSON CANTU: Are there any other amendments?

(No response)

CHAIRPERSON CANTU: Hearing none, let's vote to approve the Agenda as amended. All in favor say aye if you are approving the Agenda, which was not amended.

(Chorus of Ayes)

CHAIRPERSON CANTU: Do I hear any nos?

COMMISSIONER KIRSANOW: Kirsanow, no.

CHAIRPERSON CANTU: Thank you. I vote aye. So, seven ayes, one no.

II. BUSINESS MEETING

A. PRESENTATION BY STATE ADVISORY COMMITTEE

CHAIRS ON RELEASE REPORTS AND MEMORANDUMS

1. NEW MEXICO ADVISORY MEMORANDUM ON
WAGE THEFT AND SUBMINIMUM WAGES

CHAIRPERSON CANTU: So, for our first order of business, we'll turn to the presentations. Former Chair Sandra Rodriguez from New Mexico State Advisory Committee, you've got the floor.

(No response)

CHAIRPERSON CANTU: Chair Rodriguez? I can't hear you.

(No response)

CHAIRPERSON CANTU: Hello?

OPERATOR: Hi, this is Sam. I don't think she's on the line yet. That's correct.

CHAIRPERSON CANTU: Thank you. So, we will -- we can pivot.

2. SOUTH CAROLINA ADVISORY MEMORANDUM ON SUBMINIMUM WAGES FOR PEOPLE WITH DISABILITIES

CHAIRPERSON CANTU: And we're going to turn then to the presentation from South Carolina. We're going to hear from Ted Mauro, Chair of the South Carolina State Advisory Committee, who will present the report on subminimum wages for people with disabilities.

I know you're on the line, Commission -- Chair Mauro. So, you have ten minutes, and welcome.

MR. MAURO: Thank you so much Chairwoman...
Cantu. My name is Ted Mauro, Dr. Ted Mauro. I am the Chairman of the Advisory Board here in South Carolina.

I'd like to take this opportunity to speak to you and keep my comments brief, because I know you have looked deeply at this issue and know it well. And it's actually been a guidepost to us here in our State as well.

I'd like to share with the Committee quickly that we have pretty much mirrored your own findings here in South Carolina. We particularly focused upon the issue of 14(c), the subminimum wage issues.

And we called various members of our disabled people with disabilities community, members of vocational training programs, people with disabilities, and members of our State Representatives.

During our hearings, we focused specifically on the Fair Labor Standard Act, and the idea of the supreme challenges we face here in South Carolina when it comes to issues surrounding people with disabilities.

Right now in South Carolina, we have about 2,187 individuals with disabilities in work settings where they earn less than $1.00 per hour. Our
unemployment gap unfortunately is very high, with 42.2 percent of those with disabilities in South Carolina, compared to, you know, a gap between those who are employed here in the State.

We have, unfortunately, one of the highest unemployment rates for people with disabilities in the country. And of those 725 thousand approximate people with disabilities in South Carolina, 34 percent of them presently are unemployed.

This has -- these numbers were shocking to the members of our committee. And the closer and closer we got to the issue, the more and more we found that the need to support integrated employment settings was vital to the long term success of not just people with disabilities in our State, but in issues of equity.

The one area in particular I like to focus on with my limited time, is to point out one of our shining stars here in South Carolina, which is the Walgreens Distribution Center in Anderson, South Carolina.

This to us was a demonstration, and is a demonstration to the future of employment for people with disabilities.

And following the lead of the U.S. Commission, we also responded by reaching out to
members of our local government, who wisely have been
addressing this issue as well. We have a very active
community here in South Carolina who support
employment.

As Chairman -- or I'm sorry, Commissioner
Gilchrist could share with you, we are proud of our
State. And we really see ourselves as a future place
in the 21st Century for business and for finance and
for an improvement of the lives of all our citizens.

I encourage you, if you're interested in
finding out more about the initiatives in our State,
to go to hiremesouthcarolina.org, where you'll see that
businesses are now joining together with educational,
government, and advocacy groups to seek a real movement
to turn these numbers around.

Quickly, to just cover the actual report
itself, page 85, and I know that all the Committee
Members have -- are already well aware of the issue,
and have read our report, that we recognize the humanity
of all of our citizens.

And ultimately, I have to stress that our
Committee Members voted unanimously that the South
Carolina General Assembly should eliminate the use of
Section 14(c).

And while we acknowledge the fact that this
was a well-attended Act, the continuance of this Act was to use the word, unconscionable.

We really felt that it was an issue of pure ethical and moral rightness that we do not, by continuing subminimal wages, we continue this concept of subminimal citizens. And it's just to us, something that isn't -- isn't appropriate in the 21st Century.

I think the words of Justin Burrow (phonetic), who was with SOS Care, a young man who, with a disability, who was in a sheltered workshop for -- for the first -- almost 12 years of his life, who then really had the opportunity to move into a supported, integrated situation, and all he could talk about, was how he wasn't even aware of the issues around the use of 14(c) subminimal wages.

And that when he became aware of, of the actual concept of it himself, he really had stated that he found it, I think I have that right in front of me here, that he found it as degrading.

And you'll see the quotes, and I'm sure you're aware of that section in our report. That it really created a scenario where he -- and made him feel inferior and unloved.

So, at this point, in this time, I can't stress to you again, how strongly we felt that these
-- the final rule and other elements have to be supported.

And too once again, backup the findings of your own Committee, and state that we really feel that you've set a very high bar. And we encourage the State of South Carolina to continue moving towards reaching equal rights of all its citizens.

With that said, on page 85 of the report, you'll see our recommendations. One, that the South Carolina General Assembly should pass legislation that prohibits employees from paying subminimal wages. That 14(c) certificate programs need to end.

And the repeal will not -- should not be retreated on. And finally that to continue to support those wonderful changes that are taking place here in South Carolina as we await and push forward this idea of placing rules for final rules here in the State.

Thank you again for this opportunity to speak. And I'm now open for any questions the Committee might have.

CHAIRPERSON CANTU: Thank you, Chair Mauro. Commissioners we have time for questions. Any questions?

COMMISSIONER KLADNEY: Madam Chair, Dave Kladney here.
CHAIRPERSON CANTU: Yes, Commissioner Kladney, please proceed.

COMMISSIONER Kladney: Chair Mauro, I'd like to thank you and thank your committee for the excellent report. And I'd like to thank them for their findings and recommendations as well.

I led our Commission on this subject. And I was wondering, how does the school -- the school system in South Carolina, as well as the Department of Rehabilitation, evaluates the disabled people and direct the -- and teach skills to obtain integrated employment in your State?

Did you look at that?

MR. MAURO: While we did not focus specifically on the educational component, I originally was a special education teacher for 14 years. And I taught at Clemson University on issues around special education.

As you well know, when it comes to vocational rehabilitation and the interaction with vocational rehabilitation here in South Carolina with the school systems, it is an issue of concern.

And I think one of the biggest issues of concern, and the reason we really didn't look at the educational side of IDEA and the requirements there,
was because we found that the greatest vocational support and greatest avenues of interpersonal relationships was, until the age of 21, in the school system.

And that drop off that took place when aged out of IDEA and moved into the work world, that was an area of particular concern for our Committee, because that is where, you know, that first placement coming out of school is so vital.

But, we still found that a lot of people would leave, our citizens with disabilities would leave the public schools, and then really fall into very hard times just finding a job. Or being in a position which, you know, particularly small businesses, have unique challenges in hiring these young people.

So, I believe that's really one of the major reasons that we decided to focus outside of the age of 21 and higher. Because we really felt that the business community needed to be supported as we tried to encourage them.

And point to models which they could use, and supports they could have as a small business owner in particular. Or less than, you know, family owned businesses, people who want to work.

We're a rural State where, you know, we
have people who want to open farms, or work on farms.
That these elements really were the area that we needed to support.

COMMISSIONER KLADNEY: You mentioned that there were more than 2,000 people in workshops today.
Was there any kind of measurement or criteria that you could -- that you found as to how many workers actually transitioned to integrated employment from the work centers?

Was it very high, low, in between? And do you have any feeling on that? Did you get any -- any direction?

MR. MAURO: Well, I thought your Committee, the findings of your Committee were actually very insightful in that.

When it talks about how -- you mentioned in your report this idea that as people -- that there was different levels of employability within the sheltered workshop settings that was mis -- and that was a misconception.

That in fact the research was stating that it was not an issue of these people's ability to work.
It was the issue of them unable to find the right type of work for them.

And we have, in this State, our Employment
Commission really has worked with this idea of expanding the type of employment opportunities. And looking at starting actually businesses run by people with disabilities for people with disabilities.

I highly recommend Able South Carolina. One of the members, you know, one of the people who work at Able South Carolina is actually a member of our Committee.

They really have focused on this idea that we need to create employment opportunities for people with disabilities, led by business owners who are people with disabilities.

So, I think that issue, that measurement issue really is one in which, you know, I thought your -- your Committee also made a wonderful point that as we help people move into this supported employment model were actually, hopefully, and this is probably one of those shortfalls we should be looking at, is this idea of how many of these people are now going to be moving into some sort of independent living scenarios?

Which lead -- you know, lead them to a position where they can have a living wage and no longer have to rely on any sort of public assistance.

So yes, I -- I understand the question.
We need more data and research on this issue. And hopefully South Carolina can be one of those places that are looked at as one of the innovators in this area.

COMMISSIONER KLADNEY: You mentioned Walgreens Distribution Center, now of course, that's a -- that's a large company. And they can provide supported employment.

But, it's my understanding that the Department of Rehabilitation should be supplying supported employment to smaller businesses. And provide supported employment for integrated employment with disabled folks.

Is that happening in your State at the State level? The State Department level?

MR. MAURO: It -- it is always an avenue for improvement. Voc Rehab, I was also appointed here in the State to the Anderson County Department of Disabilities and Special Needs, where we ran a sheltered workshop and a residential component.

I think the largest issue that we face in a rural State like this, is transportation issues. And I think that was one of the largest challenges you're going to see as well for small businesses.

It's very difficult for Voc Rehab or the
Department of Disabilities and Special Needs to support people with disabilities who are working independently in different locations around a large rural county by, you know, the cost is so high.

So, and particularly transportation issues are a challenge. Our budgets unfortunately are not -- are not as strong as we'd like to see them.

And as you know, the challenges in finding people who are willing to work, for us at least in Anderson County, were very difficult with the -- with the limited amount of funds we had.

The idea though that the greatest challenge once again we did face though, would be the availability of businesses and their willingness to consider putting a person with disabilities on the payroll.

And I can say from personal experience that once I did place my students with disabilities, you know, in that transitional period when they are leaving high school, I consistently would come back to those companies, and they would be asking for more.

It's overcoming stigma, I think, is our largest challenge. And that is going to be very difficult. But, an area of particular focus, I think, all of us in the room would agree, is something that
we need to focus on.

And the fears that businesses have, small businesses have of problems with lawsuits and numerous other issues that might actually cause them not to truly understand the benefits they have backing them.

COMMISSIONER KLADNEY: And finally, did you see these work centers, workshops? Are there -- are any in South Carolina transitioning to the role of labor contractors, contracting their workers, their disabled people into -- as a group into a job, rather than getting them into integrated employment?

What I mean by that is, is they would move to do a group of ten would be sent out to do landscaping work. Or some such project, rather than trying to get them integrated into a landscaping crew.

MR. MAURO: I'm personally familiar with that. Unfortunately, most of our work was done during COVID. So, I can't really comment on that within the last two, three years.

However, I would agree with you that the model needs support and public knowledge of the need for integrated, truly integrated employment scenarios, like you mentioned.

And we're hoping that this report is one step we can take here in South Carolina. To not only
encourage our legislatures to move towards supporting more innovative programs, but to move away from pseudo-change.

COMMISSIONER KLADNEY: Well, thank you, Mr. Chairman. And again, thank your Committee for the great work and the great report and their support.

I think it's a very important subject. And one that deserves change. Thank you again.

MR. MAURO: Well, thank you too, Commissioner, for your advocacy for the people with disabilities, and your continuing knowledge of those challenges that we will continue to face.

CHAIRPERSON CANTU: And thank you very much for those interventions, Commissioner Kladney. Would our Commissioner whose home State is South Carolina, would Commissioner Gilchrist like to ask a question or make a remark?

COMMISSIONER GILCHRIST: Absolutely, Madam Chair. And thank you for that. Mr. Chairman, it's great to hear your voice.

And I want to thank you guys so much for your work in our State, and more specifically highlighting the opportunity regarding the public/private partnerships. That is something that we're very proud of here in the State of South Carolina.
In the comments that you referenced several times, our Voc Rehabilitation centers here, and one of the questions I wanted to ask you, is whether or not you think that Voc Rehab in South Carolina should be more of an advocacy agency regarding some of these issues?

I know, you know, they tend to focus on many issues relative to --

(Off mic comments)

COMMISSIONER GILCHRIST: I'm sorry?

CHAIRPERSON CANTU: We have someone -- someone needs to mute. Thank you. Continue Commissioner Gilchrist.

COMMISSIONER GILCHRIST: Yes. Okay. And so I -- my quick question to you, Mr. Chairman, is do you think the agency needs to be more of an advocate around some of the issues in the State?

MR. MAURO: Of course. And I do believe that they are in some ways. I think like many government groups, and even businesses, we are in some very major changing times right now.

And with these changes and the use of technology, it's a real challenge to reinvent oneself. And businesses themselves are going through challenges.
And I think it's fair to say that government too. I try to stay away from government politics, if possible. Other than to say that we have some fantastic advocacy groups here, as you know, Commissioner.

And I think that the first step is a very simple but difficult one sometimes. And that's to listen.

We really need to listen to some of our great professors and researchers at the University at South Carolina, at Clemson, at the College of Charleston. We have some of the best advocates and some of the best researchers in the country here, who have been looking at this issue.

We have a wonderful, wonderful committees and business leaders who are dedicated to this. And I think what the best thing Voc Rehab could really do, is to put themselves under their -- under their command.

And to basically say to them, look, help us, redesign us to be effective. And with the support of -- and I think the support is there in many ways in, at the State House, to see these changes.

You know, our Representative Collins from Pickens County in his H.R. 3244, he is -- he is pointing to -- he's telling -- he told us when he
testified at our Committee, this is a bipartisan issue.

And, you know, we're ready to make some changes. We just need to have the State of South Carolina's House to feel like its money is going to be used wisely. And the changes that are going to take place have -- are going to have long term impacts.

And I think where we could start is by having Voc Rehab get onboard with that idea that, you know, maybe we need to change the way we've done things. And maybe a focus on people with disabilities and a partnership with DDSN and mental health.

COMMISSIONER GILCHRIST: Yes.

MR. MAURO: One of the most disturbing things I saw when I was, you know, on the board with DDSN in Anderson County, was that the Department of Mental Health here in South Carolina refused to provide services to people who, you know, with intellectual disabilities or disabilities who were part of a DDSN Program.

And to me, I couldn't understand how two agencies of government work together to better the needs of this population.

So yes, we have things to change here Commissioner. And I appreciate you asking me the question.
COMMISSIONER GILCHRIST: Well, -- no, well thank you for that. And I want to thank you again for your work on this, and certainly delighted to know that you all used the backdrop of the Commission's report as your foundation for the work that you did.

So again, hats off to you. And thank you so much for sharing the information with us today. Thank you, Madam Chair.

CHAIRPERSON CANTU: Thank you Commissioner Gilchrist.

COMMISSIONER YAKI: Madam Chair?

CHAIRPERSON CANTU: Yes?

COMMISSIONER YAKI: Commissioner Yaki.

CHAIRPERSON CANTU: Thank you. Please proceed Commissioner Yaki.

COMMISSIONER YAKI: Thank you. Mr. Chairman, thank you for your report and I echo the comments of the two previous Commissioners.

I have just a quick question to explain. It's a quick question but may require a long answer. The term, you know, individual with disabilities is a very broad term encompassing a whole range of issues.

In your -- in your experience in South Carolina, is there any one particular subset that has sort of the most difficulty, or the most challenges
in being able to break through and enter into the workplace?

MR. MAURO: Oh, that's a tough question.

I think you're very accurate, Commissioner, with your understanding of the diversity of the term people with disabilities.

And oh, that's a very difficult question.

I think that one area that -- while it might not be the biggest challenge to employment, one of the areas of greatest of concern, needs to be people with intellectual disabilities who are being exploited in the work world.

There unfortunately, has this --

(Simultaneous speaking)

COMMISSIONER YAKI: And that's kind of --
I think -- I think you kind of answered where I was going. But, please elaborate.

MR. MAURO: Unfortunately there has been a tendency for sometimes for law enforcement, and we know the difficulties faced with, you know, any sort of court action and includes a person with intellectual disabilities, for our ability to fully understand the challenges they face.

I think that the challenge that we're talking about is beyond unemployment though. The bias
issue, I think, is a serious issue.

I think the challenge of the whole person, a whole person approach is really what we need to be looking at. And that includes things like housing and living conditions.

Issues around medical care, and the access to medical care. The -- the need, the emotional and psychological needs of people with intellectual disabilities who are still adults, and still have the needs and desires and wishes of any other adult.

However, unfortunately, as I mentioned, sometimes disregarded, rejected, or exploited or preyed upon. It is a -- an issue which really is a challenge to government, because government naturally is compartmentalized.

And it's so difficult when they have these teachers and educators, we have wonderful special education teachers across the country, who are really assigned too fortunately a small group of people to walk them to adulthood, but they really fall off cliffs.

I will say that the Arc of South Carolina, and some of the other groups here in South Carolina, have really been going in and understanding this idea of wraparound services.

And I really believe the answers are out
there. And it's more about the willingness to try new things and to look at ways in which we can reach out to law enforcement.

And I think the prosecutor, solicitors and others, to make sure that the preying upon, the exploitation of, the subminimal wages or, you know, the charging for uniforms.

I do think we need oversight and we do need some sort of oversight group in the State to specifically focus upon those issues of people with disability within our State who might be in a civil, you know, legal issues that have no support. Or even in a criminal position where they have nowhere to turn.

Did that answer your question, Commissioner?

COMMISSIONER YAKI: It does. It does in part. But, I realize that there -- that wasn't exactly the focus of your report.

And I also realize that this is a bit on time. But, thank you for -- for your honesty. And I really appreciate again, what you and the Committee have done.

MR. MAURO: And well thank you. And if I had to segue on that, I would say that you will see that many advocacy groups, particularly the powerful,
aggressively successful ones, are ones led by parents of children with disabilities who seek to find a future for their child beyond their time on the -- or short time on this planet.

And those led by people with disabilities, who see themselves as protectors of those with intellectual disabilities and other needs.

These two groups of people are really going to be the source of our innovation.

COMMISSIONER YAKI: Great. Thank you so much.

MR. MAURO: Thank you so much, Commissioner.

CHAIRPERSON CANTU: Would any other Commissioner wish to be recognized? Any questions?

COMMISSIONER KIRSANOW: Madam Chair, Kirsanow here.

CHAIRPERSON CANTU: Yes, Commissioner Kirsanow, please proceed.

COMMISSIONER KIRSANOW: Thanks, Madam Chair. Thank you, Dr. Mauro for your hard work. This is an impressive report. And a pretty comprehensive one.

I think I've got one or two questions. And one is, and maybe a little bit of a technical
question. I didn't see it in the report, but it maybe in there.

Did you adduce any evidence or testimony from any economists or experts who opined as to the employment levels or the employment rates of individuals with disabilities if Section 14(c) were repealed?

MR. MAURO: We did have a section in there. I believe, I believe there is a section where we address that.

And again, because of COVID, it really put us in a very difficult position. Because really, there was a lot of scrambling going on within -- amongst us all.

I believe we did have something addressing that issue.

COMMISSIONER KIRSANOW: That's okay. I'll take a closer look.

MR. MAURO: Yes.

COMMISSIONER KIRSANOW: And I was just curious, as I said, because I'm not sure if we had in our report, any type of analysis, economic analysis as to what would happen to the employment levels if -- of the disabled if 14(c) were repealed.

What we did have, and I think you alluded
to caregivers and others, is we had some testimony from
caregivers, and some testimony from experts. And then
after the hearing was over with, we were inundated by
more than 1,000 letters from -- some of it may have
been organized, some not.

But, from -- from interested individuals.
Mainly caregivers. And the tenor of those letters
was overwhelmingly in favor of retaining 14(c).

The fear of these individuals, as
expressed in their letters, being that without 14(c)
as an option, because nothing compels anyone to take
the subminimum wage job, nothing compels anyone to
offer a subminimum job.

But, if they're not there, then it may
cause their, meaning the concerned individuals, their
children, or family members, or others, to not have
that available option. That those jobs might dry up
if they were paid at a level that might not be
commensurate with productivity.

Did you receive any kind of testimony or
any other type of input from individuals who maybe
caregivers of disabled individuals?

MR. MAURO: We did not have that testimony
given to us directly. And I completely understand what
you're talking about.
And I think what you're talking about is the fear that if we remove and not have the scaffolding set up in such a way that with that removal, a vacuum is created. I believe in your own report actually, you all did some polling.

And one of the statements I saw was about how the idea is that those -- those unsuccessful attempts to create an independent employment scenario, which I would say parallels an independent living scenario, was more of an issue of not having the proper support set up to lead into the right type of job and the right type of setting.

So, I completely understand what you're talking about. And that's the fear that if services are withdrawn, that there will be nothing there to take care of those other elements of what employment really is. And that is, it is a source of income, but it's a source of so much more for all of us.

And because of that, I do understand the fear you're talking about. I personally have worked with parents who were fearful of their child going out and leaving the high school and going into the world.

And I agree with you, you know, you'll see for instance, and during deinstitutionalization, literally people being placed out into the streets to
fend for themselves. I saw it, you know, when it happened in the '80s.

And I agree with you, we do need to have the proper support set up so that when 14(c) is eliminated, that there are avenues for these young people, and people of all ages, not to be left alone or behind.

And also those things, you know, those combined facilities where they don't just provide employment and supportive, and you know, and workshops. But, are next door to, you know, the residential components or other components of support.

That they are given the financial ability to hire job coaches, to provide transportation to these work sites.

To have somebody who can make sure that there's social events and other ways in which they can be integrated into their work environments and made as, you know, given an equal footing for success.

And I would argue these things aren't just the needs of people with disabilities however, it's the needs of all American workers and all of us.

I think that the issue of the subminimal wage being tied to the ethical problem of the sub-citizenship of these members of our nation was so
aborrent to our Committee, that we really felt that there was no other choice but to demand, unanimously demand the end of 14(c).

COMMISSIONER KIRSANOW: Thank you, Doctor. And thank you, Madam Chair.

CHAIRPERSON CANTU: Thank you. Are there any other questions from Commissioners?

(No response)

CHAIRPERSON CANTU: Here again, thank you Chair Mauro. The report is nuanced and very, very intensive in terms of examining all of the different variables.

The questions from the Commissioners show how keenly interested they are and how well they do understand. We do understand what a serious problem this is.

So, I thank you for presenting your hard work, and presenting the recommendations to us. And --

MR. MAURO: Thank you to the Committee, Madam Chair. To David, and Barbara. And I would encourage you all to continue your wonderful work, and God bless.

CHAIRPERSON CANTU: And God bless you for your service and your leadership on the South Carolina
State Advisory Committee. And for taking the time to speak with us today.

We're going to ask for our next speaker, and if you'd like to stay on and listen, please, you're welcome to sir. But Chair, if you need to leave, I understand that as well.

So, now -- now I ask for --

MR. MAURO: Thank you.

CHAIRPERSON CANTU: Thank you so much. Now I ask to see if we have former Chair Rodriguez on the line?

MR. MORALES: Madam Chair, this is Staff Director Morales. We've been informed that Ms. Rodriguez will not be available.

And so, please feel free to move forward with the rest of the Agenda.

CHAIRPERSON CANTU: Thank you for the information. So, now we can move to the next part of the Agenda, which is a discussion and vote on State Advisory Committee appointments.

B. DISCUSSION AND VOTE ON STATE ADVISORY COMMITTEE APPOINTMENTS

CHAIRPERSON CANTU: As you know, the Commission depends on advice from highly qualified persons who serve in each of our 50 States, plus the
District of Columbia, and most recently the U.S. Virgin Islands, Puerto Rico, Northern Mariana Islands, Guam, and American Samoa.

Today we're going to appoint two Advisory Committees for the States. One for the State of Louisiana and one for the State of Missouri.

I would move to appoint the following persons to serve as State Advisory Committee Members in the State of Louisiana, based on the recommendations of the Staff Director, and their names are Alexandra Bruce, new appointee and nominated for Chair; C. Renee Amar, new appointee; Maria de la Cruz, new appointee; Melanie Donahue, new appointee; Monique Edwards, new appointee; Marjorie Eastman, returning appointee; Robert Garda, returning appointee; Robert Lancaster, returning appointee; Tia Mills, new appointee; Jerome Smith, new appointee; Frank Torres, new appointee, Raheem Williams, new appointee.

All these individuals will serve as uncompensated government employees. If the motion passes, the Commission will authorize the Staff Director to execute the appropriate paperwork.

Do I have a second for this motion regarding the State of Louisiana State Advisory members?
COMMISSIONER KLANDNEY: Kladney seconds, Madam Chair.

CHAIRPERSON CANTU: I heard Kladney. Is that correct, Commissioner?

COMMISSIONER KLANDNEY: Yes.

CHAIRPERSON CANTU: Thank you. Thank you. I'll open the floor now for discussion.

COMMISSIONER KLANDNEY: Call for the question.

CHAIRPERSON CANTU: Thank you, unless there's further discussion, I have a call for the question, I hear that.

I'll call you all by roll call. Please indicate your vote aye or nay.

Commissioner Adams?

COMMISSIONER ADAMS: Yes.

CHAIRPERSON CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.

CHAIRPERSON CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Yes.

CHAIRPERSON CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIRPERSON CANTU: Commissioner
Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIRPERSON CANTU: Commissioner

Kladney?

COMMISSIONER KLABAN: Yes.

CHAIRPERSON CANTU: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIRPERSON CANTU: And I vote yes. The motion passes eight to zero. Congratulations to our new members and returning members of the Louisiana State Advisory Committee.

I now move --

COMMISSIONER YAKI: Madam Chair? Madam Chair?

CHAIRPERSON CANTU: Yes, please? Yes --

COMMISSIONER YAKI: I'd like to switch my vote to a -- to a --

CHAIRPERSON CANTU: Abstention?

COMMISSIONER YAKI: Abstain.

CHAIRPERSON CANTU: Thank you. And this is Commissioner --

COMMISSIONER YAKI: Yaki.

CHAIRPERSON CANTU: Yaki? Thank you.

COMMISSIONER YAKI: Yes.

CHAIRPERSON CANTU: So the vote is seven
and one abstention.

I now move to appoint the following persons to serve on the State Advisory Committee as members of the Committee in the State of Missouri, based on the recommendations of the Staff Director, David Achtenberg, nominated for chair and new appointee; Lauren Bartlett, new appointee; Mark Bremer, returning appointee; Michael Duff, new appointee; Justin Dyer, new appointee; Edward Greim, returning appointee; Emily Huntley, new appointee; Domingo Martinez Garcia, returning appointee; S. David Mitchell, returning appointee; David Partenheimer, new appointee; David Rose, returning appointee; and Sam Swisher, new appointee.

These individuals will serve as uncompensated government employees. If the motion passes, the Commission will authorize the Staff Director to execute the appropriate paperwork.

Do I have a second for this motion?

COMMISSIONER GILCHRIST: Gilchrist seconds, Madam Chair.

CHAIRPERSON CANTU: Thank you, Commissioner Gilchrist. I'll now open the floor for discussion.

COMMISSIONER KLADNEY: Kladney, call for
the question.

CHAIRPERSON CANTU: Thank you, Commissioner Kladney. I'll take a roll call vote.

Commissioner Adams, how do you vote?

COMMISSIONER ADAMS: Yes.

CHAIRPERSON CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.

CHAIRPERSON CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Yes.

CHAIRPERSON CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: I vote yes.

CHAIRPERSON CANTU: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIRPERSON CANTU: Commissioner Kladney?

COMMISSIONER KLASDENY: Yes.

CHAIRPERSON CANTU: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIRPERSON CANTU: The motion passes eight to zero. And congratulations to the new and returning members of the State Advisory Committee for the State of Missouri.
Is that correct? Did I get Missouri right?

MR. MORALES: Yes.

CHAIRPERSON CANTU: Thank you. The third item on the Agenda is a Discussion and Vote to appoint Raul "Danny" Vargas as Interim Chair of the Virginia Advisory Committee.

C. DISCUSSION AND VOTE TO APPROVE RAUL (DANNY) VARGAS AS INTERIM CHAIR OF THE VIRGINIA ADVISORY COMMITTEE

CHAIRPERSON CANTU: Due to the resignation as Chair by Chris Powell because of time commitments, we have an opportunity to appoint a new chair for the Virginia State Advisory Committee.

I really want to express my deepest thanks to Mr. Powell for his service and his continued contribution as a member of the Virginia State Advisory Committee.

I move to appoint Raul "Danny" Vargas as Interim chair of the Virginia Advisory Committee at the recommendation of the Staff Director. Is there a second?

COMMISSIONER Kladney: Kladney seconds.

CHAIRPERSON CANTU: Commissioner Kladney seconded. Thank you.
(Off mic comments)

CHAIRPERSON CANTU: I'll open the floor for discussion.

(Off mic comments)

CHAIRPERSON CANTU: Oh, we're hearing -- again, I'm sorry, we're hearing -- someone didn't mute. I'm now opening for discussion. If you have a comment to make on this motion, please do.

COMMISSIONER Kladney: Kladney calls for the question -- calls for the question.

CHAIRPERSON CANTU: Thank you Commissioner Kladney. Without further discussion I'll take a roll call vote.

Commissioner Adams?

COMMISSIONER ADAMS: Yes.

CHAIRPERSON CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.

CHAIRPERSON CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Yes.

CHAIRPERSON CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: I vote yes.

CHAIRPERSON CANTU: Commissioner Kirsanow?
COMMISSIONER KIRSANOW: Yes.

CHAIRPERSON CANTU: Commissioner Kladney?

COMMISSIONER Kladney: Yes.

CHAIRPERSON CANTU: Commissioner Yaki?

COMMISSIONER Yaki: Aye.

CHAIRPERSON CANTU: And I vote aye.

Congratulations to Danny Vargas as our new Interim Chair for the Virginia Advisory Committee.

And now we turn to our Staff Director, Mr. Morales. Would you like to make any comments regarding the monthly Staff Director's Report?

D. MANAGEMENT AND OPERATIONS

STAFF DIRECTOR'S REPORT

MR. MORALES: Thank you, Madam Chair. In the interest of time, I don't have anything further to add than what's already contained in the report.

Of course, if a Commissioner has a specific question or questions, I'm more than happy to speak with him or her about the item.

And with that, I thank you, Madam Chair.

CHAIRPERSON CANTU: Thank you, Staff Director. That concludes our business on the management and --

COMMISSIONER KIRSANOW: Madam Chair?
CHAIRPERSON CANTU: Yes? Who am I hearing?

COMMISSIONER KIRSANOW: Commissioner Kirsanow here. I think this is pertinent to the Staff Director's Report.

I just want to note for the record, because it was placed on the record in the previous meeting, or at least I think maybe it was the November meeting.

That the memo from the Commission's General Counsel that was sent around to all Commissioners a couple of weeks ago, that the alleged, or question with respect to a potential conflict of interest that Commissioner Adegbile had placed on the record regarding the recommend -- that Commissioner Adams recommending voting for Clia Mitchell (phonetic) to serve on the Board of Advisors for the Election Assistance Commission.

And whether such referral, whether that should be referred to either the OIC or the DOJ. And the memo had indicted, without going into great detail, that after the GC examined the facts of the issue and reviewed the emails related to the FOIA requests, et cetera, regarding Ms. Mitchell's appointment to the EAC Board of Advisors, that there was no conflict of interest.
And for that reason, there would be no referral or other independent action made on this matter.

And I think also, the very good piece of advice in that memo is that whether something is an actual or potential conflict of interest could always be resolved prior to such issue being raised at a public hearing by just consulting with the OGC.

COMMISIONER ADEGBILE: I'm sorry, was that a question to me? Or I'm --

COMMISIONER KIRSANOW: No, it was not a question. It was just simply a statement for -- just so we have it on the transcript.

Because the question with respect to a conflict was on the record also. And the OGC had answered that question.

CHAIRPERSON CANTU: It was not on the Agenda. But, it is -- it is fair to report that we did follow the procedures.

That we do ex -- we have high expectations of each of our Commissioners. If they see either an actual conflict or even an appearance of a conflict, we are obliged to report that.

And I complement the Commissioners for doing their duty. And I also complement the staff for
following up.

And it does turn on facts. And in this instance, I am happy to report that we went through the process, and you correctly state the conclusion.

So, it's just a for your information that there was no conflict of interest determined. The determination was that there was no conflict or even appearance of conflict.

So, thank you for that. So, on the --

COMMISSIONER ADEGBILE: Madam Chair, Commissioner Adegbile.

CHAIRPERSON CANTU: Yes, Commissioner?

COMMISSIONER ADEGBILE: This is directed to the -- to the General Counsel, just so we can have clarity. And I appreciate Commissioner Kirsanow's statement for the record.

And I just want the record to be clear. Can the General Counsel make clear whether or not any opinion was sought prior to the vote by Commissioner Adams?

And if so, that would just be good to know. Particularly because Commissioner Kirsanow said that the -- the best practice is to seek that advice prior to any vote where there is a potential conflict or an appearance of a conflict.
So, can we just have clarity on the record for those purposes?

CHAIRPERSON CANTU: It would be up to Commissioner Adams if he wants us to put it on the record.

COMMISSIONER ADEGBILE: No, it's not actually up to Adams. I'm putting my question to the General Counsel since it's been put at issue.

COMMISSIONER ADAMS: Well, I'm able to answer it too. Maybe you don't want that answer.

COMMISSIONER ADEGBILE: No, no, no. You can answer it. But my question is to the General Counsel. And you can of --

COMMISSIONER ADAMS: Well, of course it is. But, either you want the answer from me or you don't.

COMMISSIONER ADEGBILE: Well, my question Commissioner Adams, was to the General Counsel, the opinion that was invoked by Commission Kirsanow.

We're happy to take your answer. But, I just would like an answer to my question first.

CHAIRPERSON CANTU: Commissioner Adams --

COMMISSIONER ADEGBILE: Can I make an observation? Chair Cantu, please let me know how you'd like him to respond?
CHAIRPERSON CANTU: Commissioner Adams, would you like to go first? Or would you like the General Counsel to go first?

COMMISSIONER ADAMS: I would be happy to go first. First of all, the opinion was not sought. Secondly, --

(Simultaneous speaking)

COMMISSIONER ADEGBILE: Madam Chair, could you clarify -- Madam Chair, can you clarify why I can't get an answer to the question that I put to the General Counsel?

COMMISSIONER ADAMS: The Chair has ruled. The Chair has ruled, out of order.

CHAIRPERSON CANTU: We are -- we are not out of order. We are showing respect to each other as a point of privilege.

As a point of privilege, I am allowing the Commissioner to say something first. But, I am also allowing you to get your answer, Commissioner Adegbile.

So, both of you all are getting yeses.

COMMISSIONER ADAMS: Okay. This is Adams. First of all, the opinion was not sought. Secondly, the question was contemplated prior to the vote.

That's the answer.
CHAIRPERSON CANTU: Thank you. Our General Counsel? David, are you on?

MR. GANZ: I am, yes. Yes, I -- I agree with what Commissioner Adams just stated. There wasn't an opinion sought prior to the nomination or the vote by the entire Commission.

CHAIRPERSON CANTU: Commissioner Adegbile, do you have any follow up questions?

COMMISSIONER ADEGBILE: Nope.

CHAIRPERSON CANTU: Thank you. That concludes our business on today's agenda.

III. ADJOURN MEETING

CHAIRPERSON CANTU: And I hereby adjourn the meeting at 1:11 Eastern Standard time. Thank you all very much. We are adjourned.

(Whereupon, the above-entitled matter went off the record at 1:07 p.m.)