

## U.S. COMMISSION ON CIVIL RIGHTS

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## TELEPHONIC BUSINESS MEETING

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TUESDAY, MARCH 3, 2020

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The Commission convened via teleconference at 12:00 p.m., David Kladney, Subcommittee Chair, presiding.

PRESENT:

DAVID Kladney, Commissioner/Subcommittee Chair

DEBO P. ADEGBILE, Commissioner

GAIL HERIOT, Commissioner

MAUREEN RUDOLPH, General Counsel

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COMMISSIONER ASSISTANTS PRESENT:

AMY ROYCE, Special Assistant

ALISON SOMIN, Special Assistant

IRENA VIDULOVIC, Special Assistant

MVLE STAFF PRESENT:

APRIL PINCH-KEELER, President/CEO

KENAN ADEN, Executive VP/COO

CATHY PENNINGTON, Board Director, Treasurer, Small  
Business CPA

JOANNE ACETO, Senior Director of Employment  
Services

MICHELLE LOTRECCHIANO, Senior Director of Program  
Services

LINDA BRINKLEY, Senior Program Manager of  
Operations

JAMES CLARK, Quality Manager

ASHLEY WELSH, Program Manager Transition and  
Training

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## P R O C E E D I N G S

12:03 p.m.

OPERATOR: Good day, and welcome to the United States Commission on Civil Rights Virginia Roundtable on Subminimum Wage. At this time, I would like to turn the conference over to Commissioner David Kladney. Sir, please go ahead.

**I. WELCOME**

SUBCOMMITTEE CHAIR KLADNEY: Thank you very much. This meeting of the Subcommittee of the U.S. Commission on Civil Rights comes to order at 12:03 p.m. Eastern Time on March 3, 2020.

This subcommittee was approved to conduct the site visits for our subminimum wages project. This roundtable has been convened to discuss the business practices with employers and staff regarding workers and disabilities employed in Virginia.

I'm Commissioner David Kladney, and I have been appointed to chair, by Chair, Commission Chair Catherine Lhamon, to chair this subcommittee.

Also serving on the subcommittee are Commissioner Debo Adegbile, Commissioner Gail Heriot, and Commission Chair Catherine Lhamon. In addition to me, Commissioners Adegbile and Heriot

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1 are present. Chair Lhamon will not join us today.

2 Based on that, a quorum of the  
3 subcommittee is present. Is the court reporter  
4 present?

5 COURT REPORTER: Yes, sir.

6 SUBCOMMITTEE CHAIR KLADNEY: Thank you.  
7 I welcome everyone to this roundtable, and  
8 particularly appreciate the professionals here who  
9 have made themselves available to answer our  
10 questions, given us a tour today, and opened your  
11 doors so that we can better understand your  
12 operations.

13 In addition, I'd like to thank  
14 Commission staff who worked to make this meeting  
15 possible. The U.S. Commission on Civil Rights is  
16 collecting information for our report on the  
17 treatment of individuals with disabilities in  
18 different types of employment programs.

19 Established in 1957, the U.S.  
20 Commission on Civil Rights is an independent  
21 bipartisan agency charged with informing the  
22 President, Congress, and the public on the  
23 development of national civil rights policy, and  
24 the enhancement of federal civil rights laws.

25 The Commission is here today as part of

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1 our project on the 14c program, and the payment of  
2 subminimum wages to people with disabilities.

3 We held a briefing on November 15, 2019  
4 where we heard from a range of national experts on  
5 the topic. Materials from this briefing and video  
6 testimony and questions are available on the  
7 Commission's website at [www.usccr.gov](http://www.usccr.gov).

8 We are pleased to supplement our record  
9 with the information we gather today, and thank you  
10 again for your time. Today, each individual  
11 present will make a brief introduction, giving  
12 their name, their role, and the description of  
13 their responsibilities.

14 Please limit your introduction to no  
15 more than three minutes. Following introductions,  
16 we will have approximately an hour for our question  
17 and answer period.

18 I caution all speakers, including our  
19 commissioners, to refrain from speaking over each  
20 other for ease of transcription. I ask everyone  
21 present to please silence your phones. I guess that  
22 includes me.

23 Ms. Pinch-Keeler, we'll start with you,  
24 and go ahead. Please give your name before  
25 speaking or responding to a question here today so

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1 that the court reporter will know who is recording.  
2 So thank you very much.

3 **II. INTRODUCTIONS**

4 MS. PINCH-KEELER: Well, thank you. As  
5 Dave let all of you present know that my name is  
6 April Pinch-Keeler. I'm president and CEO of MVLE,  
7 and MVLE has been around for over 48 years. Of  
8 those 48 years, I covered 25.5 years of those 48  
9 years.

10 My role here has been very eclectic. I  
11 started out as the transitional job training  
12 director. From there, I was program director, from  
13 there, I was vice president for 8 years, and I've  
14 been president and CEO for 17.

15 Our job here is to increase the quality  
16 of life for all the individuals that we serve, and  
17 to do that is that we need a full array of  
18 services, and those services, for us, have covered  
19 from our day support model.

20 In the past, we've had a sheltered  
21 workshop model that we phased out, mostly because  
22 the industry that we were in was mailroom and  
23 fulfillment projects, and in Northern Virginia,  
24 that's very scarce.

25 So we spun off and started working with

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1 digital mail, so individuals got to learn more  
2 about digital mail, as well as scanning and  
3 document services.

4 We have group supportive employment,  
5 which has been a key ingredient to MVLE because  
6 individuals leaving the schools no longer wanted to  
7 be in a sheltered workshop, but a sheltered  
8 workshop, for some, is the right setting, but we  
9 didn't have jobs for that.

10 So where we had jobs was in the  
11 community, and at one point, we had 28 different  
12 job sites for people to tour and experience where  
13 they wanted to have their skills. I think the  
14 Commission needs to hear from our centers.

15 They need to be able to see, feel, and  
16 touch what you've heard in testimony, because one  
17 of the things that I've learned recently, if you've  
18 met a veteran, you met a veteran. If you met a  
19 person with a disability, you've met a person with  
20 a disability.

21 In our lives, we'll change over time.  
22 Individuals with disabilities are no different.  
23 Visually, you might've seen today that that person  
24 didn't look too disabled, so why are they in that  
25 job?

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1           It's all in it, organically, you know,  
2           we don't share everything about ourselves to  
3           everybody all the time. Each individual is unique,  
4           and they may have five or six disabilities that are  
5           prohibitive for them to get a job independently,  
6           but they still have the value of work. They want  
7           to work.

8           The jobs that you saw Jill do today.  
9           Work is an important ingredient in her life. If  
10          this 14c certificate program were to go away, it  
11          would jeopardize many of the jobs that you see.

12          When we started this crusade with all  
13          of you, and many other conversations probably prior  
14          to you, is this dialogue about 14c, and the threat  
15          of it.

16          For us, that we are going to employ  
17          people, and that's what is most important to us,  
18          because their jobs are important to them, as well  
19          as my job is important to me, and being able to use  
20          that and keep sustainability.

21          We're going to be as creative as we  
22          can, but we want to be the experts, and at the  
23          table to help speak on behalf. We have a group  
24          that's called Our Voices Count that meet regularly  
25          in order to be heard, and that we do everything

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1 possible to make sure that those jobs are there for  
2 them as they want and they so choose.

3 It's really about choice. And so when  
4 you see a person who is on one spectrum, and can do  
5 everything independently, that doesn't mean that we  
6 should lose track of those that we call in a narrow  
7 band, that may not be able to be employed if they  
8 don't have this model.

9 I'm going to take a break and give it  
10 back to Dave, and I thank you so much for taking a  
11 tour. I think that this is our moment of Rosa  
12 Parks. It's our moment to say that this is  
13 important. It's important to each of the  
14 individuals we serve, and I know, across the  
15 country.

16 So thank you for coming to take a tour,  
17 and I know it's been a lot, but there, we have a  
18 lot of different variables that go on every day,  
19 and it's hard to do it in three hours.

20 SUBCOMMITTEE CHAIR KLADNEY: Ashley,  
21 have you got something to say?

22 MS. WELSH: I am Ashley Welsh. I am  
23 the program manager of transition and training.  
24 I've been with this organization for almost nine  
25 years, and in my role, I oversee our independent

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1 supported employment program, and I also work with  
2 our families and individuals who are coming into  
3 our programs and services.

4 As I sort of thought about what I  
5 wanted to say this morning, I was thinking about  
6 when I first started in this work. I had just  
7 finished up my master's degree, and I came in, had  
8 done all kinds of research, read all kinds of  
9 articles about what working with somebody with a  
10 disability was like.

11 And then I started working in this  
12 field, and my opinion started to change. I think  
13 the thing that I love about my job the most is  
14 working with individuals and families, and seeing  
15 the different nuances, and being able to offer them  
16 a spectrum and a range of services that are most  
17 suited to their abilities and skills.

18 As I mentioned, I work in our  
19 independent supportive employment program, so I get  
20 the opportunity to work with a lot of folks and  
21 help them achieve their employment goals.

22 We've also worked with a lot of folks  
23 who have made a transition from group supported  
24 employment into individual supported employment,  
25 and I think a lot of our people that we support,

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1 you know, benefitted from being able to start in a  
2 job where they came out of high school, and had a  
3 stepping stone available to them to learn skills  
4 that they may not have been able to learn if they  
5 were put straight into a competitive setting, where  
6 they didn't have as much support as we were able to  
7 offer them.

8 So I'll keep it brief. I just, I think  
9 that, you know, having an array of choices  
10 available to individuals, and I also think it's  
11 important to note that each state is different.

12 The services and funding that is  
13 available in each state, and what it takes to help  
14 support someone, depending on their needs, is  
15 different state to state, and I think that's  
16 important to take into consideration when you think  
17 about a federal rule that impacts each individual  
18 state.

19 SUBCOMMITTEE CHAIR KLADNEY: James?

20 MR. CLARK: Oh, yes. James Clark.

21 SUBCOMMITTEE CHAIR KLADNEY: Hey, that  
22 was pretty good. I remembered that one.

23 MR. CLARK: Great. James Clark. I'm  
24 the quality manager here at MVLE. I also supervise  
25 our 14c compliance. I think that, I think the

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1 thing that I really want to put out there is that I  
2 feel like the, not everyone understands how this  
3 works.

4 Not everybody understands what time  
5 studies and the complexities of that is. It's  
6 easier to say, well, this doesn't appear to be a  
7 fair payment, but it's a, it's a situation where  
8 it's a half cup full, or a half cup empty, you  
9 know, that old saying.

10 And we're meeting people at, when they  
11 come out of school, we're meeting them at their  
12 ability, not at their level of disability. We're  
13 really letting them play to their strengths and not  
14 their weaknesses.

15 We're saying it's okay, you can, you  
16 can have these strengths, and we'll work on the  
17 weaknesses. And watching so many people kind of  
18 come through and matriculate through our system has  
19 been rewarding for me.

20 I've been doing this for going on 20  
21 years now, and it's been one, some of the magical  
22 moments, you know, watching someone get a job  
23 independently, or like one of the young ladies that  
24 was here today, that she's out and she's getting  
25 paid. Not by MVLE, but by a commercial grocery

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1 store, you know, and I can see the pride in her,  
2 and I really feel that this is, this is something  
3 that we should keep.

4 I think it's something that is  
5 valuable. To take it away would be taking away the,  
6 that ability to meet people where they are, rather  
7 than judging them right off the bat and saying,  
8 either you're a, you're going to be working full-  
9 time, and like everybody else, or you're going to  
10 not have that.

11 You're going to be at home. You know,  
12 and this is, the 14c has really opened doors and  
13 opportunities for our people, and that's all I  
14 really want to say. I think it's something that's  
15 beneficial.

16 SUBCOMMITTEE CHAIR KLADNEY: Well,  
17 thank you, James.

18 MR. CLARK: Yes.

19 SUBCOMMITTEE CHAIR KLADNEY: Linda?

20 MS. BRINKLEY: Good afternoon. My name  
21 is Linda Brinkley. I'm the senior program  
22 operations of employment services. I work with the  
23 employment contractors and business partners to  
24 oversee the work with the individuals, and ensure  
25 that the rate customer service for everyone, first-

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1 rate customer for everyone.

2 Most important to me is seeing the  
3 individuals transition from high school into  
4 employment, and learning new skills with the  
5 support of a job coach.

6 This gives the individuals choices and  
7 opportunities to match their skills to meet the  
8 contractors' needs. Having the support in place  
9 gives them the opportunity to be successful, to be  
10 independent, and to be able to able to develop  
11 their career path and move into integrated  
12 competitive employment.

13 After years of being employed,  
14 employment services, I've had the opportunity to  
15 see many individuals hired in a competitive  
16 setting.

17 This gives the individuals the  
18 opportunity to work, enjoy what they do, which in  
19 turn, makes them valuable, dependable, and  
20 responsible employees.

21 At contract sites, they form  
22 friendships and develop strong work ethic. Both of  
23 them have their choices, and make a difference in  
24 their lives.

25 For example, several individuals we

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1 asked to participate in interviews today chose to  
2 work instead of coming here. If 14c is to end, we  
3 ask that resources are to be put in place to  
4 educate individuals, families, guardians, and  
5 employees to ensure everyone is appropriately  
6 prepared as well to ensure no one wants to work  
7 loses their job and still have a choice of their  
8 decisions in life. Thank you for this opportunity.

9 SUBCOMMITTEE CHAIR KLADNEY: Thank you,  
10 Ms. Brinkley. Michelle, right.

11 MS. LOTRECCHIANO: Okay. Hi, good  
12 afternoon. First, I want to take the opportunity  
13 to thank everybody --

14 SUBCOMMITTEE CHAIR KLADNEY: Can you  
15 state, say your last name?

16 MS. LOTRECCHIANO: Yes, I will.  
17 Michelle Lotrecchiano. I want to thank everybody  
18 for coming here today, and taking the time out of  
19 your busy lives to see what we do, and most  
20 importantly, to talk to the people that we're  
21 supporting, and the different continuum of  
22 services.

23 I am Michelle Lotrecchiano. I'm the  
24 senior director of program services here, and I've  
25 been with this organization for 20 years. I've

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1 been in the human services field in various roles  
2 for 26 years, and seen a lot of the continuum of  
3 services.

4 My current role is to oversee our day  
5 support programs, as well as our regulatory and  
6 compliance for all of our program services. So  
7 that includes our licensing, working with James on  
8 the different projects that he works on for quality  
9 and for DOL, our accreditation.

10 We are very heavily regulated in this  
11 industry, as I'm sure you all know. I am also a  
12 CARF surveyor, and that stands for Commission on  
13 Accreditation for Rehab Facilities, so I also have  
14 the opportunity to go out to different states, and  
15 travel internationally, to Canada, to see what  
16 everybody is doing in this field.

17 I specifically look at employment and  
18 community service programs. So I get to see  
19 programs that are working in the community, in  
20 integrated competitive settings, as well as  
21 programs that still have what are considered to be  
22 sheltered workshops, and accredit them.

23 And I just ask that you take the time  
24 and really talk to people to learn about what the  
25 resources are that are available or not available

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1 in the different states.

2 Ashley hit it on the head. There are a  
3 lot of resources that are not available for people,  
4 and what we would really like to see is for people  
5 to have choice, to be able to progress in their  
6 career path, if that's what they would like to do,  
7 and help support them to be able to do that, and  
8 not have them sit at home or be in a day program,  
9 if that is not their choice. So thank you, I  
10 appreciate the time.

11 SUBCOMMITTEE CHAIR KLADNEY: Thank you.  
12 And I don't know who's next. Joanne Aceto? Aceto.

13 MS. ACETO: Good try. Good afternoon.  
14 I am Joanne Orchant Aceto, senior director of  
15 employment services.

16 I have only been here over, a little  
17 bit over a year with this organization, so compared  
18 to these people, who have been here 10, 15, 20  
19 years, I've only been with the organization for a  
20 little more than a year, but have worked in the  
21 field for at least 25 years, primarily directing  
22 employment-type programs.

23 Here at our organization, we have  
24 individual supported employment in the region, as  
25 well as group employment. As we discussed at the

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1 forum before, we have more than 20 work sites, and  
2 at all times, our organization is the employer.

3 We also have had persons successfully  
4 transition from group employment to ISE, or  
5 individual supported employment, and we have been  
6 very successful in transitioning individual from  
7 14c to commensurate wages out in the community  
8 where they no longer need a job coach on a regular  
9 basis.

10 In Virginia, we know minimum wage is  
11 about to go up over the next few years. You heard  
12 us discussing that earlier on the group tour.

13 It is a major concern within the  
14 Commonwealth to ensure that no one gets left behind  
15 as they make employment choices, and have  
16 opportunities to work, and just have that choice  
17 available for anyone with a disability, regardless  
18 of the level of disability, or the level of support  
19 need.

20 Resources are scarce in Virginia. You  
21 know, we are in the bottom 10 out of 50 states. We  
22 slowly have grown. I think we're no longer like  
23 47th. We might be like 43rd, but we don't, we have  
24 limited resources, and it is our challenge to make  
25 sure that if an option is taken away, how do we

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1 ensure that people can still have their choice of  
2 employment for themselves.

3 So that is our major concern. We see  
4 14c as a mechanism for getting employment, for  
5 getting that first job, and then moving on, if  
6 people so choose and want to work independently.  
7 We want to be able to support people with that.

8 Conversely, we have individuals who are  
9 older, and our challenge is, if they don't want to  
10 work, and really want to retire, where do they then  
11 go? How are they supported?

12 And the thought of people, and we  
13 always talk about, like April said, that narrow  
14 band of folks having no opportunities and wind up  
15 at home.

16 There's just this whole snowball that's  
17 going to happen with the family itself, or an  
18 impact if they were in a residential group home.  
19 There's an impact there on services and supports.

20 So for every choice that there is, for  
21 any choice that is, that is being, you know,  
22 narrowed, we want to just ensure that people have  
23 those opportunities for choices, and have the  
24 resources available.

25 SUBCOMMITTEE CHAIR KLADNEY: Thank you.

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1 Cathy Pennington. I --

2 MS. PENNINGTON: I have an easy name,  
3 yes.

4 MS. ACETO: You're done with the two  
5 Italian names.

6 MS. PENNINGTON: Mr. Chairman, members  
7 of the Commission, thank you for letting me speak  
8 here today.

9 My name is Catherine Pennington. I'm a  
10 certified public accountant, and a member of the  
11 board at MVLE, and thus because I'm the CPA, I get  
12 to be the Treasurer.

13 I will echo what everybody previously  
14 has said about lack of resources. This is not a  
15 business you go into to make money. I work with a  
16 lot of nonprofit organizations in my professional  
17 life, and the other ones all have money, but  
18 they're only professional organizations.

19 They're not actually helping people who  
20 have issues. But really, I want to speak today as  
21 the parent of a child who's here at the location,  
22 and he works here.

23 He's been working here since he was 22,  
24 I think. He's 29 now, and he started out under,  
25 working under 14c, and has slowly progressed his

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1 way up, that now he gets a big \$7.25 an hour.

2 He, actually, I feel that's generous.  
3 When he works for me around the house, he needs a  
4 lot of supervision. He does not really totally  
5 want to complete a task all by himself. He thinks  
6 he's completed it, but he's wrong.

7 For example, if he goes to mow the  
8 lawn, when he's done, there will be tufts of grass  
9 here and there. He will not have gone to the edge  
10 of the lawn, and even when I point things out to  
11 him, he won't necessarily understand that they  
12 didn't quite get it right. So he needs that  
13 supervision.

14 Steven's never going to get faster.  
15 He's probably never going to become more thorough  
16 than he is now, so if he were to try and compete in  
17 the market with people who have no disabilities, he  
18 would not do well.

19 At seven and a quarter, yes, he can  
20 work. Most people will deal with what he needs,  
21 and he can contribute to society. But if the  
22 minimum wage were to rise significantly, or even a  
23 little bit, I expect that Steven would become  
24 unemployed.

25 And work contributes to my family.

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1 There's only two of us in the family at this  
2 moment, but it gives him purpose. It gives him a  
3 sense of being an adult.

4 He is very proud that he is an adult,  
5 and has adult responsibilities, and adult  
6 opportunities. He wants to be the same as  
7 everybody else.

8 He gets up in the morning like I do,  
9 take a shower, get dressed for work, make your  
10 lunch, grabs his, I grab my black bag with my  
11 laptop in it, he grabs his backpack with his comic  
12 books in it. He commutes to work, so he can grouse  
13 about that just the way that I can.

14 And every two weeks, he gets paid. I  
15 don't think Steven has ever actually opened a pay  
16 envelope. He really doesn't care. All he wants to  
17 know is, I got paid. I've got an envelope.

18 But what does he do with that money?  
19 Well, it's not very much. He doesn't work very  
20 many hours, but that's his pocket money. That's  
21 his walking around money that he can be like  
22 anybody else, and walk into the 7-11 and buy  
23 himself his daily Dr. Pepper.

24 He can go to the comic store on the  
25 weekends. I let him, he goes by himself. I go

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1            somewhere else. And he selects what it is he wants  
2            from that comic store, and he can buy those two  
3            Spider-Man comics, and not spend more than the \$15  
4            I've allocated him out of his money.

5                       He can be like anybody else there.  
6            Those are the sorts of things that we, who are not  
7            very disabled, if at all, take for granted, but  
8            it's something that's really important to somebody  
9            who, all his life, has faced challenges and knows  
10           that there's things he can't do.

11                      He's got a younger brother. He can't  
12           do the things that little brother does. Even  
13           though he knows he's the older brother, and he's  
14           accepted that, but work makes him feel like  
15           everybody else.

16                      And the second benefit that our little  
17           family gets from him being able to work is that I  
18           can work. I'm a Certified Public Accountant. I've  
19           got 40 years of experience.

20                      If Steve lost his job, I would not be  
21           contributing to society at the rate that I can now.  
22           Not only am I serving my clients, but I'm also  
23           contributing to the tax base, and if he has to stay  
24           at home, that would be a problem.

25                      But as long as Steve can work for

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1 whatever amount it is, whether it's under 14c or at  
2 minimum wage, you know, he can contribute to  
3 society, and thus, so can I. So thank you for your  
4 attention.

5 SUBCOMMITTEE CHAIR KLADNEY: Mr. Kenan.

6 MR. ADEN: Aden. My name's Kenan Aden.  
7 I'm the Executive Vice President and Chief  
8 Operating Officer at MVLE.

9 I came into this work at the beginning  
10 of my career 25 years ago because of the need that  
11 I saw.

12 I saw that people who I went to school  
13 with, who, that I lived with, didn't have access to  
14 all of the things that I had access to on my path  
15 and through life.

16 And I got really curious about why that  
17 was the case, and I learned a lot of things about  
18 what's going on. I learned that the access to some  
19 of the things that I want to have access to is  
20 something that has to be structured in a certain  
21 way for everyone to have access to it.

22 And so for me, as the Chief Operating  
23 Officer, when I talk about 14c, it's hard for me to  
24 separate that discussion and just make it simply a  
25 wage issue.

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1 I also make it an access issue, and the  
2 reason I say that is because in my role as COO, I  
3 work a lot with our business customers, and our  
4 contract customers.

5 And I get to talk a lot with the  
6 employers who are directly hiring people, and  
7 they're facing challenges with running their  
8 businesses that everyone in business is facing.

9 They're making tough decisions, and  
10 they're often, they don't pay attention to the fact  
11 that someone has a disability or doesn't quite as  
12 much as they do to the fact that someone might not  
13 be able to keep up the pace or keep up the work  
14 tasks, or change from one thing to another the same  
15 way all of the other employees do.

16 And so right now in our industry, we're  
17 facing a little bit of a, not a little bit, a huge  
18 precipice, and a huge challenge, where we have  
19 these people in this narrow band, to use that term  
20 again, who have kind of one foot in, they, of  
21 making that choice, and as you've heard around the  
22 table, MVLE values choice.

23 We value it, and when somebody comes to  
24 us, we want, if they say, I want to work, we're  
25 going to help them follow that path. But if they

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1 have some challenges with the things that they're  
2 able to do, and the career that they want to  
3 choose, our imperative is to help them do that.

4 Much like any business, you kind of  
5 reach the bar or you don't reach the bar, and  
6 often, business is not in a position to lower that  
7 bar.

8 I think to make a very, very long story  
9 short, one of the things that, we're very  
10 interested in this dialogue. Not necessarily all  
11 of the things at every other hearing and testimony  
12 has covered.

13 We're very interested in the gap that  
14 so many people potentially could fall through if we  
15 make an arbitrary change to a system. I don't  
16 think we're going to purport that things need to  
17 carry on as they are.

18 We're not going to purport that things  
19 are perfect, and just leave the system alone.  
20 There's a lot of improvement that can be made to  
21 it, but what we don't want to do is have an  
22 arbitrary decision happen that causes some of the  
23 people, like the people you saw today, to have to  
24 choose between home and a day program if certain  
25 employers don't see their productivity, or their

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1 ability to change tasks.

2 And if they have those barriers, and  
3 they need the support, that's a real barrier to  
4 their access. And that, in turn, becomes a major  
5 rights issue around the right to work and  
6 inclusion.

7 And so for us, all of the work that we  
8 do, managing contracts, helping people learn how to  
9 interview, helping people find the jobs that  
10 they're interested in, I know that our teams have a  
11 blast when somebody says they want to be an  
12 astronaut, and we say, we're going to get there. We  
13 can get you in the building, because we can, you  
14 know, we know that we have things in the  
15 neighborhood, like NASA and other space agencies  
16 and contractors around the world.

17 So we help people reach those dreams,  
18 and it's not fake, it's not make pretend. It's  
19 what they value, and we don't want to arbitrarily  
20 block the box on that.

21 SUBCOMMITTEE CHAIR KLADNEY: Thank you.  
22 Ms. Skelly.

23 MS. SKELLY: Skelly, yes.

24 SUBCOMMITTEE CHAIR KLADNEY: Carol  
25 Skelly.

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1 MS. SKELLY: Thank you for the  
2 opportunity to speak to you today. I'm Carol  
3 Skelly. My nameplate says that I'm the chairperson  
4 of the Intellectual Disabilities Board.

5 It's a, actually a subcommittee of the  
6 Community Services Board in Arlington County that  
7 deals with developmental disabilities. So I'd be  
8 happy to try to answer questions about what's  
9 happening in Arlington.

10 I can tell you, and echo some of the  
11 things that have been said around the table.  
12 Arlington clients, we have many people in day  
13 support who would like to work, certainly more than  
14 we've been able to place, despite our best efforts.

15 And there are a number of barriers, and  
16 those have already been spoken to. Now I'm going  
17 to put on my parent hat and talk to you about my  
18 son, who is here at MVLE.

19 He has autism and seizure disorder,  
20 resulting in severe intellectual disabilities.  
21 He's not verbal. He has extreme sensory  
22 sensitivities, and he has a history of behavior  
23 problems, including aggression and destruction of  
24 property.

25 He's better now, but when MVLE first

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1 took him on, there were some pretty major issues.  
2 Patrick enjoys and benefits from the work that he's  
3 been able to do here at MVLE.

4 He particularly likes shredding paper,  
5 and I have made some photographs so that you can  
6 see. I'll pass these around.

7 SUBCOMMITTEE CHAIR KLADNEY: Are these,  
8 excuse me, are these for us, or do you want them  
9 back?

10 MS. SKELLY: You're, you are welcome to  
11 keep them.

12 SUBCOMMITTEE CHAIR KLADNEY: We can  
13 keep them --

14 MS. SKELLY: Yes, yes.

15 SUBCOMMITTEE CHAIR KLADNEY: -- and  
16 make them as part of the record?

17 MS. SKELLY: Yes. Yes.

18 COMMISSIONER HERIOT: I would like  
19 shredding paper too. I just enjoy that.

20 SUBCOMMITTEE CHAIR KLADNEY: I like  
21 that in tax season.

22 MS. SKELLY: He can sit for a full hour  
23 at a time feeding paper into the shredder.  
24 However, he is not capable of problem solving if  
25 the shredder jams, and he needs assistance emptying

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1 the bin when it's full.

2 He cannot tell us how he feels, but we  
3 can observe that he is at his most calm and  
4 engaged, as you said, when he is working.

5 There's an expression that, for someone  
6 with autism, work is play and play is work, and I  
7 think this applies to Patrick. If we lose these  
8 more flexible work arrangements, such as 14c,  
9 Patrick, in all likelihood, will lose the  
10 opportunity to do this kind of work and other  
11 routine work that he enjoys.

12 It's a basic principle of economics  
13 that the more you charge for a service, the lower  
14 the quantity that will be purchased. In the posed  
15 14c world, the work that Patrick is doing will  
16 either disappear, or it will be done by others who  
17 are more capable and need fewer accommodations to  
18 work.

19 Patrick and those like him will not be  
20 employed. So what I want you to think about is  
21 that money is not the only benefit of work. It  
22 also provides dignity, engagement, and a sense of  
23 self worth, and that those are basic human rights,  
24 as much as being paid a competitive wage.

25 So I'm asking you to please consider

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1 maintaining the 14c as an option for people,  
2 particularly people at the more severe end of the  
3 scale. Thank you.

4 SUBCOMMITTEE CHAIR KLADNEY: Thank you.  
5 Thank you, everyone, for your comments and your  
6 information. Do you have something to say?

7 MS. PINCH-KEELER: Yes, can I do a  
8 rebuttal? Is that possible?

9 SUBCOMMITTEE CHAIR KLADNEY: What are  
10 you rebutting? These are your people.

11 MS. PINCH-KEELER: Yes. Well, it's, or  
12 summation, I could say, and --

13 SUBCOMMITTEE CHAIR KLADNEY: Actually  
14 we only have --

15 MS. PINCH-KEELER: No time for that?

16 SUBCOMMITTEE CHAIR KLADNEY: -- we only  
17 have 55 minutes left, so if you can make the  
18 rebuttal very quick --

19 MS. PINCH-KEELER: I just think that,  
20 as you heard, everybody, is that we support the  
21 full inclusion of integration of individuals with  
22 significant individual, intellectual developmental  
23 disabilities.

24 At the same time, we support choice for  
25 each individual, that we are aware that we have a

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1 tsunami that's heading our way in the field for ID  
2 and DD population at the national and state level  
3 via policies, legislation, and regulations,  
4 particularly around employment.

5 Many of these changes are  
6 philosophically based, and not necessarily  
7 realistic for all segments of the population we  
8 support.

9 Further, the pattern of these changes  
10 ahead creates a system limiting choices and  
11 negatively impacting those individuals with the  
12 most significant disabilities. So thank you.

### 13 **III. QUESTIONS AND ANSWERS**

14 SUBCOMMITTEE CHAIR KLADNEY: I would  
15 call that a summation. Thank you very much. May I  
16 start? My first question actually deals with high  
17 schools and pre-employment training.

18 Does anybody deal, liaise with the high  
19 schools here? Okay. What are you finding, because  
20 I think most school districts now, and I don't know  
21 about Virginia, have their own departments now for  
22 pre-employment training for IDD folks, and start  
23 working with them from age 13 through 22 or 23, I  
24 think.

25 MS. WELSH: Yes, it starts at 14 is the

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1 IEP --

2 SUBCOMMITTEE CHAIR KLADNEY: Right, 14.

3 Yes.

4 MS. WELSH: -- and then, through 22.

5 SUBCOMMITTEE CHAIR KLADNEY: I'm very  
6 bad with accuracy. I mean --

7 MS. WELSH: That's okay.

8 SUBCOMMITTEE CHAIR KLADNEY: -- I'm  
9 good with accuracy. It's just, well, so how,  
10 you've been here for several years. How has that  
11 developed now, because I think there's a real push  
12 on that with school districts?

13 MS. WELSH: Yes.

14 SUBCOMMITTEE CHAIR KLADNEY: And how  
15 many young people come out that can, because I know  
16 you've got the 14c program.

17 You've got supported employment, you've  
18 got individual supported employment, and you've got  
19 competitive employment. And so where on the  
20 continuum do most of these students fall?

21 MS. WELSH: Did you want to say  
22 something first, or --

23 MR. ADEN: No, it's up to you.

24 MS. WELSH: Okay. Well, I can speak to  
25 it to what I have seen, working directly with

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1 students coming out of school, and their families.

2 And the majority of students, well, I  
3 won't say majority, because it's a little bit  
4 different year to year. This year, we have seen  
5 more students who are being referred for group  
6 supported employment, or day support, and again, I  
7 think it varies --

8 SUBCOMMITTEE CHAIR KLADNEY: Day  
9 support, meaning --

10 MS. WELSH: Day support, meaning  
11 therapeutic recreational day program.

12 SUBCOMMITTEE CHAIR KLADNEY: Okay.

13 MS. WELSH: Not employment. But it  
14 does vary year to year. In Fairfax County,  
15 Arlington also has a career center, which maybe you  
16 can provide some information for.

17 There's different career schools where  
18 students can go. I believe after they're 18, they  
19 can go to these schools that train them for  
20 employment.

21 SUBCOMMITTEE CHAIR KLADNEY: In the  
22 school district?

23 MS. WELSH: Correct.

24 SUBCOMMITTEE CHAIR KLADNEY: Okay.

25 MS. WELSH: Yes. So they may graduate

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1 from their high school, and then they can move into  
2 one of these career schools so that they're still  
3 within the school system up until age 22.

4 We start getting referrals from folks  
5 when they're 22, and coming to us, ready to  
6 graduate. What I often see is that a lot of folks  
7 are trained to have a lot of support on the job.

8 They're not necessarily able to be  
9 completely independent, because they have worked  
10 with a job coach, they're used to having a teacher  
11 there who's able to support them and provide the  
12 type of support that they need.

13 And so they often need some kind of  
14 stepping stone to help them reach their competitive  
15 goal, and you know, we say competitive employment,  
16 supported employment. It's often the same.

17 SUBCOMMITTEE CHAIR KLADNEY: I don't,  
18 actually, in my disappointment today was I thought  
19 we were going to see a 14c program, but we saw  
20 supported employment, which I believe is more along  
21 the lines of that, if you did away with the 14c  
22 program, you're not doing away with supported  
23 employment. Isn't that funded differently?

24 MR. ADEN: If I may, this is Kenan  
25 Aden. One of the misnomers, I think, is that

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1 there's an idea that there's a 14c program. One of  
2 the, one of the comments that made --

3 SUBCOMMITTEE CHAIR KLADNEY: Well,  
4 where people are not just authorized, and let me  
5 make this clear.

6 I understand 14c, I can be authorized  
7 as a 14c client, and make competitive wages, or a  
8 prevailing wage, or I can make less than prevailing  
9 wage, depending on my productivity.

10 I, what I saw today, mostly, was  
11 supported employment with people who can earn a  
12 living, okay? So to me, even though some of those  
13 people may be classified as 14c, I don't, I don't  
14 consider that part of the 14c program, I mean, in  
15 my own head.

16 Now, if they fall back, you spoke about  
17 that this morning, they can then be put on a 14c  
18 certificate, or whatever.

19 MR. ADEN: Supports and --

20 SUBCOMMITTEE CHAIR KLADNEY: Correct.  
21 So I see supported employment as being different,  
22 because even in competitive integrated employment,  
23 there is supported employment, right?

24 MR. ADEN: Correct.

25 SUBCOMMITTEE CHAIR KLADNEY: So that,

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1 and so go ahead.

2 MR. ADEN: So, and that's okay.

3 SUBCOMMITTEE CHAIR KLADNEY: I mean, I  
4 just wanted to set out some --

5 MR. ADEN: Right. One of the other  
6 comments I made this morning was that, you know,  
7 once you've seen one community employment program,  
8 you've seen one community employment program.

9 The way that MVLE utilizes this  
10 certificate right now is in the places where people  
11 need to be met where they are, as Mr. Clark said so  
12 eloquently.

13 At that particular site this morning,  
14 many of those people who you saw started on 14c,  
15 and matriculated, and are on that path, as we saw  
16 in that one particular area, on the path to getting  
17 a competitive job directly employed with another  
18 employer.

19 So one of the, and I'll say this very  
20 bluntly and candidly, one of the challenges with  
21 this debate in our industry is that the definitions  
22 move and morph a little bit, depending on which  
23 group you talk to.

24 There are groups out there who don't  
25 consider that some things are competitive. They

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1 don't, some people don't think that some things,  
2 you know, for example, that minimum wage is a  
3 sufficient wage.

4 There's other people who, there's a lot  
5 of different fields of thought. So in our world,  
6 as a service provider, a competitive wage and  
7 competitive placement typically means that I've, as  
8 we've talked in the, we gave the example earlier  
9 about an individual who wants to go apply for a job  
10 on their own, and they might have a support person  
11 just for the application process.

12 That support person might stay with  
13 them just for the initial orientation. That still  
14 qualifies as supported employment, even though my  
15 job coach might only see them a couple of times a  
16 month.

17 SUBCOMMITTEE CHAIR KLADNEY: I know,  
18 but the point I'm making is supported employment,  
19 whether it's that, or whether it's someone helping  
20 out on the job, or like the lady, Barbara, today,  
21 who was supporting five people. That's supported  
22 employment.

23 MR. ADEN: Correct.

24 SUBCOMMITTEE CHAIR KLADNEY: And to me,  
25 that is different than working at a, at a job where

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1 you may have a job coach, but you can't be  
2 competitive. And 14c, to me, means you can't be  
3 competitive. And I understand that.

4 So I'm trying to ask about high  
5 schools, and your answer was, more people come out  
6 needing supported employment.

7 MS. WELSH: Yes.

8 SUBCOMMITTEE CHAIR KLADNEY: Is that  
9 right?

10 MS. WELSH: Yes.

11 SUBCOMMITTEE CHAIR KLADNEY: Okay. And  
12 --

13 MS. WELSH: And maybe other --

14 SUBCOMMITTEE CHAIR KLADNEY: -- because  
15 I understand the definitional issues.

16 (Simultaneous speaking)

17 SUBCOMMITTEE CHAIR KLADNEY: And that's  
18 going to be for us to sort through, I think.

19 MR. ADEN: Yes, it's, you know, 14c is  
20 kind of an a la carte item. It's not something  
21 that we kind of swath across an entire program.

22 From a regulatory standpoint, we have  
23 to make sure that we're compliant, and sometimes  
24 that is a swath, to make sure we're measuring  
25 things properly.

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1           But you know, we're dealing with  
2 business arrangements where we have contracts where  
3 we have labor. We're paying that laborer a fair  
4 wage, and for people who don't reach the  
5 requirement for the work site, we know that they  
6 have an opportunity to get to that level in a short  
7 period of time if we get them to that site and give  
8 them, put them in that environment.

9           Some of you got to see that  
10 environment. It's hard to teach some of those  
11 things. And if you've ever worked in a restaurant,  
12 you don't learn restaurant services in a classroom.

13           Part of it you do, but it's really a  
14 stepping stone for people, and it's just one kind  
15 of step in the process.

16           SUBCOMMITTEE CHAIR KLADNEY: Right. I  
17 think we get that.

18           MR. ADEN: Got it. Okay.

19           SUBCOMMITTEE CHAIR KLADNEY: Okay.

20           MR. ADEN: Thank you.

21           SUBCOMMITTEE CHAIR KLADNEY: So what  
22 reporting do you have to do regarding 14c to the  
23 government entities, whichever ones you report to?  
24 James?

25           MR. CLARK: Yes, there's a --

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1                   SUBCOMMITTEE CHAIR KLADNEY:    This is  
2                   James --

3                   MR. CLARK:    James Clark.

4                   SUBCOMMITTEE CHAIR KLADNEY:    -- Clark.

5                   MR. CLARK:    And, well, typically the  
6                   Department of Labor oversees everything we do.  An  
7                   organization has to be ready at all times to get  
8                   that drop-in inspection from DOL.

9                   Every two years, we have to apply for  
10                  our 14c certificate.  In that, within that process,  
11                  they really look through your documentation.

12                  They look through whether you're using  
13                  the correct techniques for measuring, time-  
14                  measuring workers, whether your time studies are  
15                  being completed on time, which is a requisite of  
16                  every six months.

17                  They are, they're pretty serious  
18                  audits.  You know, so the audit is built into the  
19                  application every two years.  On top of that, we  
20                  have other organizations that, for example, for our  
21                  CARF certification, there's certain standards we  
22                  have to meet when it comes to time studies.

23                  SUBCOMMITTEE CHAIR KLADNEY:    What was  
24                  that?  Cart?

25                  MR. CLARK:    CARF.  C-A-R-F.  C-A --

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1 COMMISSIONER HERIOT: What's that stand  
2 for?

3 SUBCOMMITTEE CHAIR KLADNEY: That's for  
4 time studies?

5 MR. CLARK: Yes, and they have, they  
6 have certain standards that we have to meet. They  
7 also --

8 SUBCOMMITTEE CHAIR KLADNEY: Can you  
9 tell us a few?

10 COMMISSIONER HERIOT: What is CARF?  
11 What is CARF?

12 MS. LOTRECCHIANO: It's the Commission  
13 for Accreditation on Rehab Facilities.

14 MR. CLARK: Yes. And it's kind of a --

15 MS. LOTRECCHIANO: It's literally just  
16 an acronym now, and they no longer go by that.

17 MR. CLARK: Yes.

18 MS. LOTRECCHIANO: It's just CARF.

19 COMMISSIONER HERIOT: That's deeply  
20 evil when they do that.

21 MS. LOTRECCHIANO: It is, I know.

22 MR. CLARK: That's another organization  
23 that oversees us, and that accreditation --

24 SUBCOMMITTEE CHAIR KLADNEY: That's a  
25 federal corporation?

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1 MR. CLARK: It's --

2 MS. LOTRECCHIANO: They're a private  
3 nonprofit accreditation service. They're an  
4 international --

5 SUBCOMMITTEE CHAIR KLADNEY: Okay, like  
6 a hospital accreditation --

7 MS. LOTRECCHIANO: -- accreditation,  
8 very similar, yes.

9 SUBCOMMITTEE CHAIR KLADNEY: Okay.

10 COMMISSIONER HERIOT: But are they the  
11 ones that make it possible to get federal funding  
12 if you're not accredited by them?

13 MS. LOTRECCHIANO: We have to be  
14 accredited with several of our contracts in the  
15 state. They require accreditation.

16 SUBCOMMITTEE CHAIR KLADNEY: The state  
17 contracts do?

18 MS. LOTRECCHIANO: Our DARS, our VR --

19 SUBCOMMITTEE CHAIR KLADNEY: Right.

20 MS. LOTRECCHIANO: -- does require it.

21 SUBCOMMITTEE CHAIR KLADNEY: So go  
22 ahead, James. I'm sorry.

23 MR. CLARK: Sure. And then some of the  
24 things that they've looked at, for example, are,  
25 you know, are you reporting out to the families and

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1 team members of the, of the 14c worker?

2 Are you, again, turning them in every  
3 six months, every 30 days for someone who's just  
4 starting out?

5 SUBCOMMITTEE CHAIR KLADNEY: This is,  
6 six months to the families? Is that what you're  
7 saying?

8 MR. CLARK: Yes, time study results.

9 SUBCOMMITTEE CHAIR KLADNEY: Oh, right.  
10 Okay.

11 MR. CLARK: Yes. You know, like for  
12 example, if the worker's rate goes up, you know,  
13 that's one of the things we have to report out to  
14 their family, to their team --

15 MS. LOTRECCHIANO: Discuss it with the  
16 individual.

17 MR. CLARK: -- yes, discuss it with the  
18 individual.

19 SUBCOMMITTEE CHAIR KLADNEY: Do you  
20 report to the government on that?

21 MR. CLARK: Yes, every two years.  
22 That's part of the --

23 SUBCOMMITTEE CHAIR KLADNEY: Well, but  
24 that's --

25 MR. CLARK: -- Department of Labor --

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1                   SUBCOMMITTEE CHAIR KLADNEY:     But in  
2     the, in the interim, it can go up without a report?  
3     When you do it six months down the road, if they're  
4     doing better, and they get more money, you don't  
5     have to report that until --

6                   MR. CLARK:     Yes.     Yes.

7                   SUBCOMMITTEE CHAIR KLADNEY:     -- you  
8     reapply?

9                   MR. CLARK:     That's right.     That's  
10    right.     But you know, that's, like I said, we have  
11    to be always ready for that DOL drop-in.     We also  
12    have Source America, which is sort of our link to  
13    governmental work, and they also look at our  
14    standards.

15                   They actually provide training for us  
16    when it comes to the time study process, setting  
17    standards.     They also look at our, whether we're  
18    doing --

19                   SUBCOMMITTEE CHAIR KLADNEY:     What other  
20    standards besides time study?

21                   MR. CLARK:     Well, standards are when  
22    you measure able workers doing the same tasks at  
23    the, as the disabled worker would be doing.

24                   SUBCOMMITTEE CHAIR KLADNEY:     So that's  
25    the standard?

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1 MR. CLARK: Yes.

2 SUBCOMMITTEE CHAIR KLADNEY: That's the  
3 standard for the time study?

4 MR. CLARK: Yes, that would be your --

5 SUBCOMMITTEE CHAIR KLADNEY: Okay.

6 MR. CLARK: -- 100 percent, you know --

7 SUBCOMMITTEE CHAIR KLADNEY: You keep  
8 saying standards, and I think there's other  
9 standards.

10 MR. CLARK: Oh, yes, sorry about that.  
11 Yes.

12 SUBCOMMITTEE CHAIR KLADNEY: Okay.

13 MR. CLARK: But you know, that's pretty  
14 --

15 SUBCOMMITTEE CHAIR KLADNEY: So it's  
16 basically the time study is the federal  
17 requirement?

18 MR. CLARK: Yes. Yes.

19 SUBCOMMITTEE CHAIR KLADNEY: Okay. And  
20 do you have to, do you have to report to the  
21 government if people move to supported employment?

22 MR. CLARK: We don't, but it's  
23 something that we're trying to push for. You know,  
24 that's kind of our goal is to work our way out of a  
25 job when it comes to coaching.

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1 SUBCOMMITTEE CHAIR KLADNEY: Right.

2 MR. CLARK: Yes. So it's, you know,  
3 and it's something that, as an organization, we  
4 have to hang our hat on. You know, it's like,  
5 well, that's what we sell ourselves on. How many  
6 people have made it through these levels? You  
7 know, how many made it to competitive wage?

8 MS. ACETO: If we can add, this is  
9 Joanne Aceto. Also at the state level, the  
10 Department of Behavioral Health is one of the  
11 entities who, which we report to. We do an annual  
12 report, biannual?

13 MS. LOTRECCHIANO: Biannual.

14 MS. ACETO: Biannual of persons who are  
15 employed, and what their wages are. So some of  
16 what James is capturing, when someone moves from  
17 one program to another, or a different wage.

18 MR. CLARK: Oh, right.

19 MS. ACETO: That would be captured in  
20 the state report, which we are required to do twice  
21 a year.

22 SUBCOMMITTEE CHAIR KLADNEY: James,  
23 where do you --

24 COMMISSIONER HERIOT: Could you list  
25 the name of that agency?

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1 MS. ACETO: Department of Behavioral  
2 Health --

3 SUBCOMMITTEE CHAIR KLADNEY: And James  
4 --

5 MS. ACETO: -- and Developmental, oh,  
6 I'm sorry, DBHDS.

7 MS. SKELLY: Behavioral Health and  
8 Developmental Services.

9 SUBCOMMITTEE CHAIR KLADNEY: Where do  
10 you take your time standard? How do you get your  
11 standard for the non-disabled worker?

12 MR. CLARK: Well, you measure people  
13 that already work in the industry.

14 SUBCOMMITTEE CHAIR KLADNEY: Right. So  
15 how do you do that?

16 MR. CLARK: You literally get out a  
17 stopwatch, set up a standard for a, for a task  
18 that's measurable. Not all tasks are measurable.  
19 You know, some --

20 SUBCOMMITTEE CHAIR KLADNEY: Right.

21 MR. CLARK: -- there's too much of a  
22 variable. But if it's cleaning 10 tables, for  
23 example, you know, you find people with at least  
24 one year's experience, and they like, and measure  
25 them wiping the tables, and you can --

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1                   COMMISSIONER HERIOT: Do they know that  
2 you are measuring them at the time? Because that's  
3 really going to affect somebody's productivity.

4                   MR. CLARK: Yes.

5                   COMMISSIONER HERIOT: If you're like  
6 being measured, it's like --

7                   MR. CLARK: Oh, yes. Well, I typically  
8 not want to do that. And then even with our  
9 workers ourselves, we don't, we don't really  
10 announce that we're measuring your work, because  
11 that's exactly what happens.

12                   COMMISSIONER HERIOT: No, no, no.  
13 Right, right, right.

14                   SUBCOMMITTEE CHAIR KLADNEY: But the  
15 non-disabled worker, how, I mean, like for  
16 instance, today, people were getting setups ready.  
17 Knives, forks, and napkins.

18                   MR. CLARK: Yes.

19                   SUBCOMMITTEE CHAIR KLADNEY: How do you  
20 do that without somebody knowing you're timing  
21 them?

22                   MR. CLARK: Oh, well --

23                   SUBCOMMITTEE CHAIR KLADNEY: I mean,  
24 because you're there, right?

25                   MR. CLARK: Yes. Yes. I mean, we look

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1 at our experienced workers. Usually, typically,  
2 you can have a coach that's been there for, you  
3 know, that's been there, and you can measure --

4 SUBCOMMITTEE CHAIR KLADNEY: I'm  
5 talking about the non-disabled person.

6 MR. CLARK: Yes, yes, that's right.

7 SUBCOMMITTEE CHAIR KLADNEY: The  
8 standard.

9 MR. CLARK: Yeah, you can you can use a  
10 coach for that. You know, and typically we have a  
11 coach, a site manager, and you know, all  
12 experienced workers doing those tasks. And that's,  
13 we have to measure it three times, and we average  
14 that out --

15 SUBCOMMITTEE CHAIR KLADNEY: Okay.

16 MR. CLARK: -- to set the standard.

17 SUBCOMMITTEE CHAIR KLADNEY: And is it  
18 longitudinal? Is it, like you said, it's 10  
19 tables, 20 setups, something like that?

20 MR. CLARK: Yes. Yeah, whatever --

21 SUBCOMMITTEE CHAIR KLADNEY: It's not -  
22 -

23 MR. CLARK: -- we can capture --

24 SUBCOMMITTEE CHAIR KLADNEY: It's not a  
25 long period of time, but it's, but it's a several -

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1 -

2 MR. CLARK: Yeah.

3 SUBCOMMITTEE CHAIR KLADNEY: -- period  
4 of time.

5 MR. CLARK: Yeah, exactly. Yeah, we  
6 try to, you know, use the tasks that are most  
7 prominent in that job.

8 SUBCOMMITTEE CHAIR KLADNEY: Okay. I  
9 don't know, you guys don't have any questions yet?  
10 I've got plenty.

11 COMMISSIONER HERIOT: I've got a  
12 question. I've got questions, yeah.

13 SUBCOMMITTEE CHAIR KLADNEY: Go ahead -  
14 -

15 COMMISSIONER HERIOT: I mean --

16 SUBCOMMITTEE CHAIR KLADNEY: --  
17 Commissioner Heriot.

18 COMMISSIONER HERIOT: -- to me, the  
19 biggest question is, you know, are there people who  
20 want to work on, and are capable of work, that are  
21 not getting these jobs?

22 I mean, is there a, is there a backlog  
23 of people that you'd like to be able to place in  
24 jobs like the one that we saw, but you haven't been  
25 able to find the slots for them?

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1 MS. ACETO: Yeah. It's not just finding  
2 the slot. It's the --

3 SUBCOMMITTEE CHAIR KLADNEY: You've got  
4 to say your name.

5 MS. ACETO: I'm sorry. Joanne Aceto.  
6 It's also the availability of funding and how the  
7 different funding sources work together or do not  
8 work together in terms of, because they're like  
9 separate silos, each state entity. DARS has  
10 thousands of people on their waiting list.

11 COMMISSIONER HERIOT: DARS is what?

12 MS. ACETO: DARS. The Department of  
13 Rehab, an entity. I'm sorry.

14 (Simultaneous speaking)

15 COMMISSIONER ADEGBILE: Wait, wait,  
16 wait, wait, wait. Wait, wait --

17 COMMISSIONER HERIOT: And is that a  
18 state thing?

19 COMMISSIONER ADEGBILE: -- folks, for  
20 the court reporter. Can we just go one at a time?

21 SUBCOMMITTEE CHAIR KLADNEY: Yes.

22 COMMISSIONER ADEGBILE: It's very hard  
23 when we get crosstalk for him to report.

24 MS. ACETO: DARS is D-A-R-S. That is  
25 our vocational rehabilitation.

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1 COMMISSIONER HERIOT: Is that the  
2 Commonwealth or is that the county, or --

3 MS. ACETO: It is through the  
4 Commonwealth. So they --

5 COMMISSIONER HERIOT: And they have a  
6 backlog of thousands?

7 MS. ACETO: Probably thousands, because  
8 they do it by categories of disability as to who  
9 will be and right now, they've opened up a category  
10 that hadn't been opened up for quite a while, and  
11 they're trying to get 700 people served across the  
12 Commonwealth.

13 COMMISSIONER HERIOT: You --

14 MS. ACETO: Then you have DBHDS, which  
15 we referenced before, who oversees, in some  
16 respects, oversees our Medicaid waiver programs.

17 There are currently probably over  
18 10,000 people. Carol might be able to get more,  
19 know more accurate numbers. There are at least  
20 10,000 people waiting for some sort of service  
21 that's not broken down. I don't know how many  
22 people are waiting for like employment in a day,  
23 but there are at least 10,000 people.

24 SUBCOMMITTEE CHAIR KLADNEY: Are those  
25 IDD people?

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1 MS. ACETO: Yes. Yes, sir.

2 SUBCOMMITTEE CHAIR KLADNEY: So they're  
3 mostly intellectual disabilities?

4 MS. ACETO: Correct.

5 SUBCOMMITTEE CHAIR KLADNEY: Okay.  
6 That's --

7 MS. ACETO: And then we are, we are  
8 fortunate in Fairfax County, as well as with  
9 Arlington, and some of our neighboring counties,  
10 that we have opportunities to sometimes use county,  
11 local dollars to support people.

12 But that, again, it depends each year  
13 on the, what they have. We know we'll have funding  
14 for the people we currently support, but every  
15 year, we go through the process, or the county  
16 goes, the counties go through their own budgetary  
17 process to see how many of the school grads they  
18 will have money to support, because those kids are  
19 not necessarily going to be eligible for Medicaid  
20 waiver funding, because of the limitation on  
21 funding and slots, nor have the ability to get DARS  
22 funding because of a limitation of available  
23 funding and slots available.

24 So Ashley can also speak to that as can  
25 Michelle, if there are more.

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1 COMMISSIONER HERIOT: Yeah, I feel like  
2 I don't understand all where all of the money comes  
3 from. I mean, who gives money, you know, to this  
4 organization? Who pays your salaries?

5 You know, I was under the impression  
6 that the Green Springs was paying the people that  
7 we saw there. But like, where's all of the money  
8 come from? That's my general question.

9 SUBCOMMITTEE CHAIR KLADNEY: Okay. Let  
10 me see if I can straighten that out, because I  
11 actually have --

12 COMMISSIONER HERIOT: I don't trust  
13 you, David.

14 SUBCOMMITTEE CHAIR KLADNEY: I have a  
15 list that they printed. So your financials in your  
16 annual statement printed online, and from DARS, you  
17 get 800,000, 6.1 million from CSB. That's --

18 (Off microphone comments)

19 SUBCOMMITTEE CHAIR KLADNEY: -- and the  
20 Medicaid VA waivers, 2.7 million. Their  
21 contributions are 184,000. Production services,  
22 I'm not sure what that is, but that's 4.6 million,  
23 and then \$37,000 in other.

24 Now my question is, so Green Springs  
25 pays for those employees. Okay. Where does the

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1 money come to pay Barbara and the other coach?

2 MR. ADEN: This is Kenan Aden. The  
3 funding that Joanne is mentioning is the funding  
4 for the support service. The support service for  
5 someone who has the needs is critical in them being  
6 able to transition into the job.

7 So there is that kind of a firewall  
8 that we have to use when we have the discussion  
9 about funding. We really have to, on some  
10 instances, separate out the contract performance,  
11 and the pay for performing on the contract from the  
12 support service and the performance around  
13 providing, sorry, the funding around providing the  
14 support service.

15 SUBCOMMITTEE CHAIR KLADNEY: So does  
16 MVLE make money on your contract with Green Springs  
17 over and above the salaries?

18 MR. ADEN: We not at all cover, yeah --  
19 we try our best to get close to break-even to cover  
20 the costs of the labor.

21 SUBCOMMITTEE CHAIR KLADNEY: Right.  
22 Commissioner Heriot?

23 COMMISSIONER HERIOT: I'm just not sure  
24 what that meant. I mean, Green Springs pays MVLE.  
25 Out of that, some of that money goes to the actual

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1 workers, and some of it goes to --

2 MR. ADEN: No, ma'am. It operates just  
3 like any other laborer contract. So if I were a  
4 commercial provider, which I am in this case, I've  
5 given Green Springs a price, which is the  
6 prevailing price to get people to place, to work at  
7 their site.

8 They pay me for that, but I manage the  
9 management of the people. So I sub, I staff. They  
10 don't worry about call-outs and all those other  
11 things. So it's not --

12 COMMISSIONER HERIOT: This is all  
13 jargon to me, and --

14 MR. ADEN: I apologize. Well, I think  
15 it's very important for us to make sure that we  
16 separate out, first off, the job coaching, and the  
17 support services, and the funding that we're  
18 discussing. So when we talk about  
19 someone having access to one of the jobs that MVLE  
20 offers, every single time a staff person helps a  
21 person get into a job, that touch, that help is a  
22 support service, whether it's just going to help  
23 fill out the application --

24 SUBCOMMITTEE CHAIR KLADNEY: And I  
25 think it's important to explain, that is not paid

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1 for under the Green Springs contract.

2 MR. ADEN: Correct.

3 SUBCOMMITTEE CHAIR KLADNEY: That is  
4 paid for under --

5 COMMISSIONER HERIOT: And that's what I  
6 want to know. Yeah.

7 SUBCOMMITTEE CHAIR KLADNEY: -- some of  
8 this other funding --

9 COMMISSIONER HERIOT: Okay. So --

10 MR. ADEN: Right.

11 SUBCOMMITTEE CHAIR KLADNEY: -- by the  
12 government, whether it be --

13 MR. ADEN: Correct.

14 SUBCOMMITTEE CHAIR KLADNEY: -- the  
15 federal government, it will come to the state, from  
16 the feds, or whatever.

17 COMMISSIONER HERIOT: So does that mean  
18 every dollar that comes from Green Springs is then  
19 dispersed to the workers, or benefits for the  
20 workers, and not for the support staff? That's --  
21 okay.

22 MR. ADEN: Correct.

23 SUBCOMMITTEE CHAIR KLADNEY: Okay.

24 MR. ADEN: April, I'm sorry, did you  
25 have anything you wanted to add?

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1 MS. PINCH-KEELER: This is --

2 MS. SKELLY: No, I can't trust you.

3 MS. PINCH-KEELER: This is April Pinch-  
4 Keeler. This is April Pinch-Keeler again, and  
5 there's a couple things I want to make sure that we  
6 all understand.

7 There is no, we don't just run a 14C  
8 program, that it's about the supports that the  
9 individuals need. What you saw today is, yes, they  
10 may get paid through the 14C.

11 That's a mechanism to be able to  
12 operate our programs, because we need it for some.  
13 We don't need it for every one. But without the  
14 support services, those jobs will go away for those  
15 individuals.

16 Ideally, Gail, what we're trying to do is,  
17 the contracts we have, cover all our costs, but  
18 ideally, that's too grandiose, because as people  
19 increase in skill, their wages increase, so I'm  
20 paying for a service in order to meet the  
21 customers' demand as they contract out for me to  
22 fill those jobs.

23 And so we're also training and  
24 teaching, so that's the skills that we're trying to  
25 teach. So there isn't just a 14C program. The

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1 other clarity --

2 SUBCOMMITTEE CHAIR KLADNEY: They were  
3 the supported employment program, which is mostly  
4 what we saw today.

5 MS. PINCH-KEELER: Correct.

6 SUBCOMMITTEE CHAIR KLADNEY: I mean,  
7 it's still support, whether it goes to the 14C  
8 person or to the person who's employed.

9 MS. PINCH-KEELER: Correct. And if I  
10 may, also, just to clarify, did you have something?

11 COMMISSIONER HERIOT: Yeah, I still  
12 have more questions.

13 MS. PINCH-KEELER: Okay. Just out of  
14 clarity is that, for schools, because of WIOA, is  
15 that people don't get to just come out of school  
16 into programs anymore, that they have to be, make  
17 sure that they follow a counseling.

18 They're not able to just go directly to  
19 work anymore, and that's been part of that policy  
20 change, part of that system change that's causing a  
21 lot of difficulty for someone to go get a job  
22 directly out of school.

23 And it's because of some of those  
24 policy changes that are causing disruption in order  
25 for them to get to the job.

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1                   SUBCOMMITTEE CHAIR KLADNEY: But that's  
2 not a 14C issue.

3                   MS. PINCH-KEELER: But understanding  
4 your question on how people are transitioned from  
5 school to work.

6                   SUBCOMMITTEE CHAIR KLADNEY: Okay.

7                   COMMISSIONER HERIOT: I mean, I'm still  
8 just trying to figure out, you know, where the  
9 bottlenecks are when you're talking about, you  
10 know, changes in policy.

11                   Some of that's the Commonwealth, and I  
12 had asked earlier, is there a backlog of people who  
13 are capable of working, and want to work, but are  
14 yet not doing it, and someone said, you know, but,  
15 you know, there's a shortage of funding.

16                   Is there a shortage of employers who  
17 want such employees, or is it just, you're not  
18 getting enough funding from the Commonwealth to be  
19 able to supervise that many? Because there's a big  
20 difference in those two problems.

21                   MS. PINCH-KEELER: From our being able  
22 to extrapolate, this is April Pinch-Keeler again,  
23 is that people with disabilities in this area are  
24 75 percent unemployed, because we can't even figure  
25 out who they are, because they're not counted.

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1           They didn't have a job before, so I  
2           can't count them in the unemployment rate, some of  
3           which because of transition from school to work,  
4           getting through the paperwork in order for them to  
5           be transitioned into the supported employment  
6           program isn't happening directly, and the  
7           employer's waiting to hire people.

8           COMMISSIONER HERIOT:     Are employers  
9           waiting to hire people?

10          MS. PINCH-KEELER:     Some places, like  
11          Green Springs, would be willing to work with us to  
12          hire more people with disabilities, yes.

13          But it comes down to some of the, I  
14          guess, Michelle, some of the paperwork, like making  
15          sure everybody's received counseling to go through  
16          in order to get to the next --

17          MS. LOTRECCHIANO:    Okay.    So if may,  
18          this is Michelle Lotrecchiano.    To go back there,  
19          we definitely have employers that do want to work  
20          with, but it's also very challenging to find other  
21          employers who are willing to work with us, and to  
22          work with somebody that may need some support  
23          during the day, or drop-in support, might have some  
24          challenges with medical issues.

25          If you, for example, if you have a G-

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1 tube, you can't expect an employer necessarily to  
2 help you during a lunch break. There are some  
3 states that I found workarounds for drop-in  
4 personal support services.

5 Virginia doesn't currently have that.  
6 We're working towards some workplace assistance and  
7 training, so there are some barriers with things  
8 like that.

9 There are also some barriers with some  
10 larger corporations, who we would love to be able  
11 to work with, and we've tried in the past, but  
12 sometimes it's, when you get to that top level to  
13 get somebody in there, that it kind of fizzles out.

14 There's a ton of paperwork, and  
15 documentation, as April was saying, with everything  
16 we do, because we are very highly regulated.

17 We're trying to make sure that  
18 everybody's gone through their career counseling,  
19 and that's not only for the people that are coming  
20 out of school in special education programs.

21 It is also for people that are  
22 currently making less than minimum wage. They have  
23 to also continue to go through the career  
24 counseling.

25 It's giving them the opportunity to

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1 work with our state vocational rehab program, and  
2 do some one-on-one counseling with them, as well as  
3 the partnership for people with disabilities  
4 through the Virginia Commonwealth University are  
5 coming in and doing some counseling as well.

6 And we've seen some progression with  
7 that with a couple of people, I believe, who have  
8 moved through, from group supported employment into  
9 individual supported employment.

10 SUBCOMMITTEE CHAIR KLADNEY: So you  
11 have 55 people in the 14C program, and the  
12 counseling is a once a year requirement. How long  
13 does the counseling take for each client,  
14 approximately, you know --

15 MS. LOTRECCHIANO: Okay.

16 SUBCOMMITTEE CHAIR KLADNEY: -- if you  
17 had to average?

18 MS. LOTRECCHIANO: When they come in,  
19 depending on the --

20 SUBCOMMITTEE CHAIR KLADNEY: This is to  
21 kind of, by the way, in case someone doesn't know,  
22 this is counseling to show them options that they  
23 have regarding employment.

24 MS. LOTRECCHIANO: So when they come  
25 in, they do do a couple of group sessions, where

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1 they talk and show a video, and then they do the  
2 one-on-one with each of the separate with VR, and  
3 as well as with VCU and the local, well, VR is the  
4 local DARS.

5 It can take anywhere, it can be as  
6 short as 5 minutes to as long as 30 minutes. It  
7 depends on what they're discussing and how  
8 communicative the people that they're speaking with  
9 are.

10 COMMISSIONER ADEGBILE: I have a  
11 followup supply-and-demand question of Gail's  
12 question. What is the minimum level, minimum  
13 number of jobs that you would look to an employer  
14 to provide in order to onboard them?

15 So for example, if you're looking to  
16 partner with Acme company, is it, is it your  
17 judgement that you, that you would need them to be  
18 interested in perhaps employing five of your  
19 people, or do you go one by one? Is there some, is  
20 there some minimum --

21 MS. LOTRECCHIANO: Right.

22 COMMISSIONER ADEGBILE: -- threshold  
23 that makes the investment in onboarding the  
24 opportunity worthwhile for you?

25 MS. LOTRECCHIANO: I'll take a shot at

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1 this, and then I'm probably going to give it to  
2 Kenan. There is a push in something that we're  
3 trying to do as well within the state of Virginia,  
4 as well as the different localities.

5 If it is group supported employment, to  
6 have a smaller group number, and that number is  
7 three, so that would be what we would be looking  
8 for.

9 But if it's individual supported  
10 employment, we would certainly want to do that, as  
11 well. So we might say, could we have one group and  
12 one individual, so maybe we could make it work for  
13 four people? Maybe somebody from that group could  
14 move into that individual slot.

15 MR. ADEN: This is Kenan Aden. I  
16 think, you know, definitively, that the baseline is  
17 one position, or you know, one hire. And you have  
18 tiers that you approach.

19 So my first option is to try to get  
20 someone to get hired directly by this employer.  
21 They want to talk to me about their disability  
22 inclusion in hiring, and in their diversity hiring,  
23 then hire someone with a disability.

24 And I usually start there, when we, you  
25 know, we all, when we start talking to businesses.

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1 Usually when a business has a larger need, and  
2 they're talking about developing an actual  
3 workforce, that they're not just filling a  
4 position, that's when I start talking about, you  
5 know, we continue that discussion about hiring  
6 people directly.

7 The ideal scenario for us is not always  
8 for us to be the employer. Sometimes it might be  
9 for the other company to be the employer. That  
10 takes 14C off the table for --

11 SUBCOMMITTEE CHAIR KLADNEY: Well,  
12 that's the ultimate, isn't it?

13 MR. ADEN: It is.

14 SUBCOMMITTEE CHAIR KLADNEY: Right.

15 MR. ADEN: And so to go back to  
16 Commissioner Heriot's question about, is there a  
17 backlog of people waiting for jobs, it's actually  
18 the same thing that the general market is facing.

19 You know, we haven't hit a point where  
20 we have a zero percent unemployment rate. We are  
21 constantly in a position where we have people that  
22 are looking for a place to work.

23 The challenge might be, in some cases,  
24 that different people need different levels of  
25 support. So when I go to that employer that has

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1 that one job available, and I say, hey, please hire  
2 my person.

3 The person I bring to the table is not  
4 necessarily going to be a person that needs someone  
5 to support them all day long.

6 COMMISSIONER ADEGBILE: But doesn't,  
7 you just said that it's the same challenge that we  
8 face in the regular labor market, but at a 75  
9 percent unemployment rate for people with  
10 disabilities, isn't the degree of the problem much  
11 more substantial.

12 MR. ADEN: It is, because of a, it is.  
13 And that goes back to my initial comment during my  
14 opening about access to the job, to where someone  
15 who is able to, during a quick, you know, if you've  
16 ever tried out for an entry-level service job, and  
17 you get that quick half hour to an hour to try it  
18 out, and you adapt, you transition from task to  
19 task, and you move on.

20 If you've got a need for  
21 accommodations, and even just that interview  
22 process, you need some support, or you need an  
23 advocate, someone who can be present with you, just  
24 say to the employer, in a way that you might, may  
25 or may not be able to articulate, this is what my

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1 need is, or this is what the person's need is for  
2 getting into this application.

3 SUBCOMMITTEE CHAIR KLADNEY: You know, I  
4 mean, I understand all that, but that's really not  
5 what we're after regarding like 14C. That's  
6 supported employment. I consider that to be  
7 different.

8 I mean, 14C is supported, but it's more  
9 -- according to everybody here, a training kind of  
10 area, where you're trying to get people to do the  
11 job, as opposed to supported employment, where the  
12 person can do the job, but they need a coach, or  
13 they need an advocate, or something like that. So,  
14 thank you.

15 MR. ADEN: You're welcome. Yeah.

16 SUBCOMMITTEE CHAIR KLADNEY: I have,  
17 are you leaving?

18 COMMISSIONER HERIOT: Yeah, we've got  
19 to get to the airport.

20 SUBCOMMITTEE CHAIR KLADNEY: Just for  
21 the record, Commissioner Heriot is on the road, and  
22 we'll see you in Vermont.

23 COMMISSIONER ADEGBILE: Commissioner  
24 Kladney, can I just followup --

25 SUBCOMMITTEE CHAIR KLADNEY: Sure.

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1                   COMMISSIONER ADEGBILE:  -- one, because  
2                   I have one more question on this, on this point  
3                   that we were talking about with the onboarding of  
4                   new employers.

5                   Now I understand that in some cases,  
6                   the minimum level is one, because we're looking,  
7                   we're chasing every opportunity we can to employ  
8                   our people.  I get that.

9                   Is there any data about how much time  
10                  it takes to cultivate that opportunity of one?  
11                  What I'm trying to get to is, we have a major  
12                  underemployment issue.

13                  We have a supply and demand issue.  And  
14                  so one way one could look at it is, what is the  
15                  best approach?  How can you find the most jobs with  
16                  the least effort, understanding it's challenging in  
17                  every context?

18                  I take that as given, but one way you  
19                  could look at it is, how could you have the most  
20                  bang for your buck in your cultivation efforts?

21                  And so one thing I'm wondering is, you know,  
22                  is this just like a lemonade stand on the corner?  
23                  You know, you knock on every door, or have we begun  
24                  to think about how we can try and find the broader,  
25                  the broader set of opportunities so that when

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1 you're using your cultivation time, not just you,  
2 we're here talking to you.

3 I know there are many people that do  
4 this, so we want the benefit of your experience,  
5 but we're thinking about, how can best attack this  
6 problem to try and open doors?

7 I recognize all of the challenges, but  
8 I'm just trying to think about how we approach the  
9 scale of the inquiry as rational business actors.

10 MS. PINCH-KEELER: This is April Pinch-  
11 Keeler again. I think that, you know, ideally,  
12 we're looking at -- we have 100 and, I think it's  
13 37 people graduating from the school system, coming  
14 into employment, coming, and this is primarily  
15 Fairfax County.

16 And of those, we don't have, you know,  
17 they take them on tours, but ideally, everybody  
18 wants to work. And if the unemployment rate for  
19 people with disabilities is 75 percent, there is a  
20 disconnect for sure, is that what you saw today  
21 wouldn't have the job if they didn't have the  
22 support.

23 I get that you're getting that support  
24 of employment, but there was a vehicle that helped  
25 them to get there, and that was the 14C

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1 certificate.

2 Taking that away, people lose jobs, and  
3 adding, you know, when I go out and cultivate, I  
4 open the door, and I take a look at, how can I  
5 maximize?

6 How can we increase the efficiency of  
7 all of your staff so we can create jobs? And --

8 COMMISSIONER ADEGBILE: That's where my  
9 question goes to.

10 MS. PINCH-KEELER: Right. And how do  
11 you do that? Well, an employer, if they're going  
12 to, off the street, have to pay 7.25 right now, or  
13 get this group supportive employment to be able to  
14 help the skills of each productivity, because  
15 someone's making 50 percent.

16 If they're doing 50 percent, paying  
17 full 7.25, that makes it really hard to do on their  
18 own merit. And I try to take a look at, how can we  
19 maximize and hire as many people as possible to get  
20 a job?

21 And the employer needs to buy in to  
22 support a contractor versus hiring directly. If we  
23 have to look at each one of those individuals one  
24 by one, the 50 percent is not measuring up to being  
25 able to be competitive and have that employee.

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1           So this model provides the opportunity  
2           for skilled development that an employer's not  
3           going to pay out of the gate. And so, you know, in  
4           my 26 years for MVLE is that we have, we had 28  
5           employers.

6           We're down to 22, because it's  
7           sometimes easier just to have that one position and  
8           go out and hire it. I think we're facing that  
9           tsunami where it's going to be harder and harder to  
10          hire, because people are looking for, you know, I  
11          sat and listened to panels and panels in Richmond  
12          during their general assembly.

13          The same people are competing, non-  
14          disabled and disabled competing for the same job  
15          market.

16                 SUBCOMMITTEE CHAIR KLADNEY: Well, you  
17          wouldn't pay -- if someone is in supported  
18          employment, and is needing the time study, right,  
19          you wouldn't pay them less than minimum wage, would  
20          you?

21                 MS. PINCH-KEELER: No, absolutely not.

22                 SUBCOMMITTEE CHAIR KLADNEY: Right. So  
23          today, we were being told about the \$15 minimum  
24          wage. Are you saying that we shouldn't raise the  
25          minimum wage for these supported employment people?

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1 MS. PINCH-KEELER: I'm saying that I  
2 believe that there, just as there should be some  
3 exemption --

4 SUBCOMMITTEE CHAIR KLADNEY: For  
5 supported employment?

6 MS. PINCH-KEELER: -- for supported  
7 employment.

8 SUBCOMMITTEE CHAIR KLADNEY: So they  
9 should make less than what the minimum wage is,  
10 even though they're producing as much as a regular  
11 person?

12 MS. PINCH-KEELER: They may not be able  
13 to without --

14 SUBCOMMITTEE CHAIR KLADNEY: A person  
15 without disabilities.

16 MS. PINCH-KEELER: -- that support.  
17 Without the supports, we take the supports away,  
18 they're not going to be able to compete with that  
19 productivity level.

20 SUBCOMMITTEE CHAIR KLADNEY: But the  
21 support's being paid for by the government. It's  
22 being provided to you.

23 MS. PINCH-KEELER: But we are also  
24 providing the mechanism in order to augment that  
25 employment opportunity.

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1                   SUBCOMMITTEE CHAIR KLADNEY:     Right,  
2     right.     That's being paid for by the government.  
3     So you're saying that even though I am able to put  
4     10 setups together in a minute, I should be paid --

5                   MS. PINCH-KEELER:     But the, but the --

6                   SUBCOMMITTEE CHAIR KLADNEY:     Let me  
7     finish.

8                   MS. PINCH-KEELER:     Okay.     Sorry.

9                   SUBCOMMITTEE CHAIR KLADNEY:     I should  
10    be paid less than Debo, who's able to put together  
11    10 setups in a minute, and he's not disabled.

12                  MS. PINCH-KEELER:     But there isn't a  
13    job for just doing setups.     So therefore, we're job  
14    carving here.

15                  SUBCOMMITTEE CHAIR KLADNEY:     No, I'm  
16    just making an example, ma'am.     I mean, if I said,  
17    set up the tables, do the setups, fill the pepper  
18    and the salt, and set up the tables, and they can  
19    do that as well as a person without a disability,  
20    even though they have a job coach for five people,  
21    are you saying they should make less than \$15 an  
22    hour if that's the minimum wage?

23                  MS. ACETO:     Can I --

24                  MS. PINCH-KEELER:     Yes, go ahead.

25                  MS. ACETO:     Sir, can I --

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1                   SUBCOMMITTEE CHAIR KLADNEY: Well, I'd  
2 like an answer.

3                   MS. PINCH-KEELER: I think that we  
4 should pay them a fair wage to do their job, and  
5 that's going to be different for each person.

6                   And so they may not be able to make \$15  
7 an hour. I find some employers would find it very  
8 difficult due to their productivity rate.

9                   SUBCOMMITTEE CHAIR KLADNEY: My example  
10 is productivity is equal.

11                   MS. PINCH-KEELER: Okay. If it's  
12 equal, yes. If it's equal.

13                   SUBCOMMITTEE CHAIR KLADNEY: Okay. So  
14 I have --

15                   COMMISSIONER ADEGBILE: It's Ms. Aceto.  
16 Ms. Aceto wanted to get in --

17                   SUBCOMMITTEE CHAIR KLADNEY: I'm just  
18 running out of time here. I've got a couple more  
19 questions.

20                   MS. ACETO: Okay. I just wanted to  
21 perhaps offer some clarifying information. Joanne  
22 Aceto. If people are producing at that 90, 100  
23 percent, they have to be paid minimum wage.

24                   They absolutely have to be, you know,  
25 they're going to be paid that. What our role then,

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1 our job is then having to renegotiate our contract  
2 so that that gap, from whatever our contract  
3 originally was for the work.

4 So that's part of our, that was, that  
5 is something that we, as the employer, would have  
6 to take on with the contract.

7 SUBCOMMITTEE CHAIR KLADNEY: I  
8 understand that. So I have another question about  
9 why MVLE decided to have a one-member person in the  
10 form of Fedcap.

11 MS. PINCH-KEELER: Okay. I'll take  
12 that. This is April Pinch-Keeler, again. Just as  
13 I opened with this morning about disruption, our  
14 industry has incredible disruption ahead.

15 And some of, as I also mentioned,  
16 there's about nine other vendors similar to us that  
17 may have access to foundations, and foundation  
18 boards.

19 We don't have that, and funding is  
20 getting harder and harder, and tighter and tighter.  
21 And one of the things that happens in this neck of  
22 the woods is inclement weather, whether it is a  
23 snowstorm, or a rainstorm, or simply it's too cold  
24 to have people outside. Every day that we don't  
25 provide a service, we lose money on it.

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1           And so we were looking at a gap, and we  
2 saw 5 years down the road, and I will want to take  
3 our 48 years moving forward, and we knew a lot of  
4 the contracts that we were competing for, for the  
5 large federal contracts, we didn't have the large  
6 balance sheet to be able to support it.

7           So we looked then, how do we maintain  
8 our history, which is behind me? Having maintained  
9 our history, we still maintain our own board, we  
10 still have our own PAC status.

11           It was a way that we can combine and  
12 leverage all of the experience that they have, and  
13 the experience that we have, so that we can compete  
14 against those, you know, I guess, talents and  
15 expertise, and draw from a larger base so we can  
16 leverage our partnerships, leverage the experience,  
17 and the dollars.

18           SUBCOMMITTEE CHAIR KLADNEY: I noticed  
19 they do have like a career school, and they have a  
20 couple other things. They also have control of the  
21 corporation, but are you going to be able to take  
22 advantage of those kinds of things?

23           Are they going to come here and assist  
24 you in setting up career schools, and supported  
25 employment situations, and things like that?

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1 MS. PINCH-KEELER: This is April Pinch-  
2 Keeler again.

3 SUBCOMMITTEE CHAIR KLADNEY: I mean,  
4 what, exactly what have they agreed to do? That's  
5 what I'm asking, because they were on the WIA  
6 committee, and they also voted for all of the WIA,  
7 WIOA, I'm sorry, W-I-O-A, recommendations, which  
8 talk about 14C and things like that.

9 MS. PINCH-KEELER: Right.

10 SUBCOMMITTEE CHAIR KLADNEY: So are  
11 they going to help you do transitions and things  
12 like that?

13 MS. PINCH-KEELER: Absolutely, and  
14 that's the goal of the program. They look to us.  
15 The model that we've had over the years in Virginia  
16 is different than that of New York, and they  
17 understand that there's gaps, that narrow band.

18 They understand, they don't want to see  
19 the folks that we have end up sitting at home. So  
20 they're in support of that, and support of us  
21 participating in this tour that we scheduled so  
22 that you can see a person actually working, and  
23 looking for ways, preparing to take a look, that's  
24 why our incubator lab, you know, sampling, and  
25 taking a look at what our individuals want to do.

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1           They have their own hospitality and  
2           culinary arts program, and we're utilizing that  
3           curriculum to use for our TANF program in Loudoun.

4           So we're leveraging the expertise.  
5           They have an education component. I believe that  
6           one of the things in the gaps as we go is going to  
7           be training differently than how we trained 30  
8           years.

9           The luxury that we have has been around  
10          48 years. Also the difficulty is, is that we have  
11          to change, too, and in order to change, we've got  
12          to find ways to help provide the experience of  
13          work.

14                    SUBCOMMITTEE CHAIR KLADNEY:        And  
15          they're in favor of transitioning to competitive  
16          integrated employment. Isn't that correct?

17                    MS. PINCH-KEELER:    Yes, they are, but  
18          also, they also are an advocate of those, they  
19          don't want to have those narrow band that people  
20          who want to work get to work.

21                    SUBCOMMITTEE CHAIR KLADNEY:        Okay.  
22          Now, changing the subject, your day services has  
23          two tracks. We were unable to view them today, so  
24          I was wondering if you could explain them to me,  
25          because I read about them, and I'm not exactly sure

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1 what I read.

2 MS. PINCH-KEELER: Okay. So someone  
3 else's voice?

4 MS. LOTRECCHIANO: Sure. Hi, this is  
5 Michelle Lotrecchiano, again. So we do have two  
6 tracks with our day services. We have a  
7 therapeutic day program, which is really focused  
8 more so on therapeutic activities, community  
9 activities, volunteering, where we provide a lot of  
10 different therapeutic supports, including actual  
11 therapy services, nursing services, and behavioral  
12 supports.

13 And then we have another track, which is  
14 sort of an employment training program, but we have  
15 a variety, a vast variety and diverse population of  
16 people in that program.

17 So we have people who, as Ashley  
18 mentioned, may have recently graduated from a  
19 program and aren't quite ready to work. Maybe they  
20 need those essential, critical soft skills to be  
21 able to be employed. So we're working on those with  
22 them, to people, Joanne, I think, had mentioned,  
23 retirement.

24 People who are aging, who maybe want to  
25 work once a week, but then they want something else

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1 to do, and they might be in that program, to people  
2 who have pretty intensive support needs to be able  
3 to be employed.

4 They are also offered, Carol mentioned  
5 her child, he was in one of those programs, they may  
6 need some medical support, so they're provided  
7 nursing support.

8 They provided behavioral support. There  
9 may be some speech and language therapy services.  
10 But our goal is to use that as a continuum to help  
11 people move to where they want to be. So there are  
12 two different, those are the two different tracks.

13 SUBCOMMITTEE CHAIR KLADNEY: So the  
14 therapeutic program is socialization, things like  
15 that, and then the --

16 MS. LOTRECCHIANO: Community inclusion  
17 activities.

18 SUBCOMMITTEE CHAIR KLADNEY: -- medical  
19 program is --

20 MS. LOTRECCHIANO: Medical is offered to  
21 everybody --

22 SUBCOMMITTEE CHAIR KLADNEY: Okay.

23 MS. LOTRECCHIANO: -- if they need it.

24 SUBCOMMITTEE CHAIR KLADNEY: Okay. Just  
25 one more thing about Fedcap. They seem to have a

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1 lot of corporations in three states, Texas, New  
2 Jersey, New York, and New Hampshire. And wasn't  
3 that the one, wasn't that the case, the state where  
4 the case where competitive integrated employment?

5 So do you know, do you work with the  
6 rest of these 15, 20 companies?

7 MS. PINCH-KEELER: This is April Pinch-  
8 Keeler again. We run our own companies, but we have  
9 the expertise and subject matter experts that we  
10 rely on and pull from.

11 What goes on in each state is not  
12 necessarily -- that's why we kind of have our  
13 separate combination and our separate agreement on  
14 what, how we're functioning. But we have the  
15 leverage of the experience, so they've also gone on  
16 to the UK and are working with some of the TANF  
17 model that they've helped, so it's leveraging the  
18 experience and the expertise.

19 SUBCOMMITTEE CHAIR KLADNEY: All right.  
20 I thought I saw something that said they actually  
21 can appoint people to your board, and decide who's  
22 on it and who's not. They actually pay you  
23 directly? You're not paid by MVLE?

24 MS. PINCH-KEELER: I'm --

25 SUBCOMMITTEE CHAIR KLADNEY: I mean, I

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1 read that. I don't know if that's accurate.

2 MR. ADEN: If I may, this is Kenan Aden.  
3 Everyone who works directly at MVLE is paid by MVLE.  
4 We outsource our back office to Fedcap, so saying  
5 that we don't get paid by Fedcap --

6 SUBCOMMITTEE CHAIR KLADNEY: I mean, I'm  
7 just trying to understand.

8 MR. ADEN: Yeah, I want you to understand  
9 the mechanics of it.

10 (Simultaneous speaking)

11 SUBCOMMITTEE CHAIR KLADNEY: Right. So  
12 that's fine.

13 MR. ADEN: Yeah, I want you to  
14 understand the mechanics of it. So yes, they are  
15 the sole member, and that's a legal term that  
16 probably bears some research.

17 They can, and that comes with appointing  
18 different people within the organization. And then  
19 on the pay portion of that, it is specific to each  
20 company, but because they're our back office, we  
21 actually utilize a similar payment system.

22 SUBCOMMITTEE CHAIR KLADNEY: No, I mean,  
23 my concern, basically, is that it is local. I mean,  
24 because I think you made a good point about that,  
25 that you have, each community or jurisdiction is

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1 different. Things like that.

2 And I just wanted to know why you would,  
3 went with the, actually, a company that went from a  
4 New York corporation to a Delaware corporation. So  
5 obviously it's growing. It's a growing company --

6 MS. PINCH-KEELER: This is April Pinch-  
7 Keeler again.

8 SUBCOMMITTEE CHAIR KLADNEY: -- that's a  
9 nonprofit.

10 MS. PINCH-KEELER: Yes, but growing in  
11 numbers, when you have numbers, you can effect  
12 policy more. And so we're all struggling with the  
13 same stories but in different localities.

14 Our issues are no different than other  
15 states, and what we're trying to do is learn from  
16 them, strengthen them, be able to have a larger  
17 footprint and leverage, so we'll lead with MVLE as  
18 the main prime on a contract, but we have the  
19 expertise of their custodial and janitorial  
20 experience and fundraising experience, and pulling  
21 together -- together we achieve more.

22 And we viewed it as competition from my  
23 local, it's hard to, we didn't want to see us be  
24 absorbed and totally gone from the universe. Just  
25 like in business, there are different entities to

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1 make that partnership work.

2 The partnership is a sole member, but  
3 it's going to take the recommendation of us, because  
4 we have the experience for 48 years. They're not  
5 just going to pluck Cathy off because --

6 SUBCOMMITTEE CHAIR KLADNEY: Right. I'm  
7 just --

8 MS. PINCH-KEELER: Yeah.

9 SUBCOMMITTEE CHAIR KLADNEY: -- asking.  
10 Michelle?

11 MS. LOTRECCHIANO: Yes?

12 SUBCOMMITTEE CHAIR KLADNEY: Michelle --

13 MS. LOTRECCHIANO: Lotrecchiano.

14 SUBCOMMITTEE CHAIR KLADNEY: Right. So  
15 one more thing on the day services, and then I will  
16 let my colleague ask whatever it is that --

17 MR. ADEN: I was going to start calling  
18 him Columbo. Just one more thing.

19 SUBCOMMITTEE CHAIR KLADNEY: On your day  
20 services, how many, you have like, you have close to  
21 200 clients, I think.

22 MS. LOTRECCHIANO: Yes.

23 SUBCOMMITTEE CHAIR KLADNEY: Is that  
24 correct, just as a number?

25 MS. LOTRECCHIANO: It's about, in day

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1 services, it's about 220.

2 SUBCOMMITTEE CHAIR KLADNEY: 320, so --

3 MS. LOTRECCHIANO: 220.

4 SUBCOMMITTEE CHAIR KLADNEY: 220.

5 MS. LOTRECCHIANO: 220.

6 SUBCOMMITTEE CHAIR KLADNEY: So how  
7 many, so all of the clients, pretty much, take  
8 advantage of the day services?

9 MS. LOTRECCHIANO: They are offered all  
10 of those therapeutic services on --

11 SUBCOMMITTEE CHAIR KLADNEY: Right.

12 MS. LOTRECCHIANO: -- both tracks.  
13 People often need them, not just on the, you used  
14 the term medical model.

15 It's not really a medical model to us,  
16 but I think it makes sense to the general public,  
17 where people really do need those therapeutic  
18 services, but what we found is that people need them  
19 in employment training services as well.

20 They don't often get them, and those are  
21 one of those things that, when we talk about  
22 resources, they don't necessarily get in group  
23 supported employment, or individual supported  
24 employment.

25 So if they can get them here, in that

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1 track with us, maybe it helps them move into those  
2 other programs.

3 SUBCOMMITTEE CHAIR KLADNEY: So I guess  
4 my biggest question is the socialization model. Can  
5 you do things outside, you encourage your --

6 MS. LOTRECCHIANO: Yes. Yes.

7 SUBCOMMITTEE CHAIR KLADNEY: -- clients  
8 to volunteer places.

9 MS. LOTRECCHIANO: We encourage --

10 SUBCOMMITTEE CHAIR KLADNEY: They go to  
11 the Humane Society, the ASPCA --

12 MS. LOTRECCHIANO: Sure. We do a lot of  
13 --

14 SUBCOMMITTEE CHAIR KLADNEY: -- parks.

15 MS. LOTRECCHIANO: -- volunteering. We  
16 go to Meals on Wheels, Food for Others, we have  
17 volunteered with United Way, when there are specific  
18 events.

19 We volunteered with animal services,  
20 doing socialization. We do a lot of integration  
21 activities, and try to build those relationships  
22 that people are interested in building in whatever  
23 they consider to be the community of their choice.

24 SUBCOMMITTEE CHAIR KLADNEY: And you do  
25 that in groups or individually, it doesn't matter?

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1 MS. LOTRECCHIANO: Both.

2 SUBCOMMITTEE CHAIR KLADNEY: Both.

3 MS. LOTRECCHIANO: Both.

4 SUBCOMMITTEE CHAIR KLADNEY: Okay, thank  
5 you. I just wanted to get a --

6 MS. LOTRECCHIANO: You're welcome.

7 SUBCOMMITTEE CHAIR KLADNEY: -- picture  
8 of that, because we didn't --

9 MS. LOTRECCHIANO: We didn't get a  
10 chance to talk about it.

11 SUBCOMMITTEE CHAIR KLADNEY: -- we were  
12 empty on that today.

13 MS. LOTRECCHIANO: Sure.

14 COMMISSIONER ADEGBILE: I'm going to  
15 just try and push through a couple of --

16 SUBCOMMITTEE CHAIR KLADNEY: I'm done.

17 COMMISSIONER ADEGBILE: -- quick  
18 questions with the indulgence of my fellow  
19 Commissioner Kladney, our chair of this  
20 subcommittee, who's been leading us through this.

21 So I just want to understand, does, and  
22 maybe this is for Mr. Clark, though you all would be  
23 better situated to know. Does the Department of  
24 Labor have any standard or goal for the rate of  
25 compensation increases?

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1                   Meaning, obviously people have all sorts  
2 of different needs, abilities, ability to succeed,  
3 but do they have any guidelines about ways that  
4 they're looking at data to evaluate all of you, this  
5 center and others, to see, are you giving  
6 opportunities for people to get compensated more?  
7 Is there any guidance?

8                   MR. CLARK: There's no real guidance in  
9 the sense that there's no, like, pay structure, if  
10 that's what you're aiming at, like a ladder, pay  
11 ladder, or something like that. It's definitely  
12 based on a prevailing wage.

13                   Every year, the Department of Labor has  
14 us do a prevailing wage survey. It's got it's -- we  
15 have to call for, I think we do five business, doing  
16 the same type of work, for example, a cleaning  
17 person. We get all of their rates, and then we  
18 average it out to come up with --

19                   COMMISSIONER ADEGBILE: I understand  
20 that. Let's just take this hypothetical.

21                   MR. CLARK: Sure, sure.

22                   COMMISSIONER ADEGBILE: Assume for a  
23 second that some, not you, some other center, is  
24 administering the tests, and has zero people that  
25 are getting compensated more than when they're

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1 getting the tests. So two years in a row, nobody  
2 gets more.

3 MR. CLARK: I think when they submit  
4 their 14C application, I think that's going to raise  
5 a lot of red flags.

6 COMMISSIONER ADEGBILE: In the audit  
7 process, there would be some mechanism they would be  
8 looking at --

9 MR. CLARK: Absolutely, yes.

10 COMMISSIONER ADEGBILE: -- even if they  
11 don't tell you, they may have some data to see that  
12 there's some trend lines of some people getting paid  
13 more over time.

14 MR. CLARK: Absolutely.

15 COMMISSIONER ADEGBILE: That's the  
16 concept of testing people regularly is to create the  
17 opportunity for people --

18 MR. CLARK: Yes.

19 COMMISSIONER ADEGBILE: -- that are able  
20 to get paid more, to get paid more.

21 MR. CLARK: Right, exactly. Exactly,  
22 yeah.

23 COMMISSIONER ADEGBILE: That's the  
24 concept.

25 MR. CLARK: And if something like that

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1 were to show up, that would definitely raise flags.  
2 It would, you know, it would definitely incur an  
3 audit on that organization.

4 COMMISSIONER ADEGBILE: Mr. Aden, did  
5 you want in on this?

6 MR. ADEN: I was just going to use the  
7 term desk audit. You know --

8 MR. CLARK: Yes.

9 MR. ADEN: -- the application process  
10 is, thank you, Kenan Aden, again. The application  
11 process really does foster desk audits.

12 So it's not just, an application goes  
13 in, and someone files it away. We typically get  
14 calls back with questions and clarifications.

15 MR. CLARK: Yes.

16 COMMISSIONER ADEGBILE: About the data?  
17 About the --

18 MR. ADEN: Correct. And for the data  
19 that's turn in, it's not just the time, you know,  
20 trials and time studies. It's also the pay  
21 information for the people.

22 So it's, you know, it's not something  
23 that doesn't go unchecked, if something looks like  
24 it's either, you know, it's an anomaly, in terms of  
25 it being too consistent, or wildly inconsistent.

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1 There would be some questions about practices.

2 COMMISSIONER ADEGBILE: Okay. Slightly  
3 different topic here. This goes to one of the  
4 global questions that some of you have spoken to in  
5 your affirmative remarks.

6 If there were a magic wand enhancement  
7 that you could have to the 14C program to make it  
8 better, more effective, to enable you to do more.  
9 So now, in the first instance, I'm not talking about  
10 taking it away, which some of you have alluded to a  
11 concern about that.

12 I'm talking about an enhancement to 14C.  
13 What would that magic wand enhancement be?  
14 Similarly, if it were to be taken away, what is the  
15 must have to make sure that we don't go over a  
16 cliff?

17 MS. ACETO: I can answer the must have  
18 more easily, because this is something we all  
19 wrestle. I'm sorry, Joanne Aceto.

20 Something we are wrestling with all the  
21 time, and in fact, right now, in the Commonwealth of  
22 Virginia, with some of the department, with some of  
23 the legislation moving forward on minimum wage, it  
24 has been going back and forth that, whether they  
25 would keep or take out the 14C within the

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1 Commonwealth.

2 So every day, we don't even know, at  
3 this point, whether it will stay in or not at the  
4 state level. The cliff is, of the 600-some-odd  
5 people across the Commonwealth who are employed  
6 through the 14C, where do those folks go? Where is  
7 that safety net for them?

8 Is there going to be some sort of  
9 opportunity for employment training, resources  
10 allocated so that they still have that option of  
11 working? Whether that's working at 50 percent  
12 productivity level, and they maintain the current  
13 job they have, you know, and now we're looking, you  
14 know, now, what are they going to earn?

15 What kind of training do they need in  
16 order to be making 7.25, or perhaps in another year,  
17 it would be \$9 an hour or 9.50, whatever they wind  
18 up deciding.

19 But that's the thing, is in the  
20 Commonwealth of Virginia, it's approximately 600  
21 people who are currently working through the 14C  
22 type program.

23 So for us on the advocacy end, if 14C  
24 was taken away, we right now, are behind the scenes  
25 trying to see, you know, can somebody be set aside

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1 through one of the funding sources, so that we can  
2 ensure people have that opportunity to still work,  
3 whether that's some sort of job retraining program,  
4 we don't know. But that's the concern, and again,  
5 it's 600 people across the Commonwealth.

6 COMMISSIONER ADEGBILE: Anybody want a  
7 shot at the magic wand piece?

8 MR. ADEN: Fine.

9 MR. CLARK: Go ahead.

10 MR. ADEN: Go ahead, James.

11 MR. CLARK: Well one of the positives  
12 recently has been that we now electronically send in  
13 our application through DOL, and it still has some  
14 bugs in it, where you can't completely explain  
15 everything, but it's been encouraging to see that  
16 they're actually thinking about us, and they have a  
17 standard format for how we collect data, and how we  
18 send it out to them, and that's really encouraging.

19 And we live, you know, in the computer  
20 age, you know, we shouldn't have to fill things out,  
21 and forms, and ship them off in a big old package.  
22 So that's --

23 COMMISSIONER ADEGBILE: He uses a quill.

24 MR. CLARK: But that's been one of the  
25 most encouraging things. They're still working on

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1 it, but it's something that, it's a wand that's  
2 halfway built.

3 SUBCOMMITTEE CHAIR KLADNEY: Okay.  
4 These young people just don't respect their elders.

5 MS. PINCH-KEELER: This is April Pinch-  
6 Keeler again. To the positive, I think sometimes we  
7 need to make sure that we're not getting rid of  
8 something in haste, and that we recognize companies  
9 that we can be part of that recognition for  
10 diversification, that they get goals for hiring  
11 people with disabilities, and make that part of, not  
12 just a government contract, but public renewals, for  
13 hitting percentages of people hired with  
14 disabilities, being a good community partner in your  
15 community.

16 I think the other is that we are  
17 currently unaware of any peer review latitude,  
18 longitudinal published research where data supports  
19 that the elimination of 14C improves the lives of  
20 individuals we serve.

21 There's no data yet, because it hasn't  
22 happened, but yet we see the gap that could be  
23 pending, that a lot of people that we know will lose  
24 their jobs.

25 SUBCOMMITTEE CHAIR KLADNEY: No one's

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1 really collected that data, have they?

2 MS. PINCH-KEELER: No. That we know.  
3 There's no data that we know of that, by eliminating  
4 the certificates will have a positive impact for  
5 individuals with significant intellectual and  
6 development disabilities.

7 But what we see, it's been working for  
8 some, and what I don't want to see is that, because  
9 of a louder voice, or because they can meet a  
10 different productivity, that we can't forget about  
11 the people that can't speak on behalf of themselves,  
12 on losing them in the process, and that those voices  
13 are also people we heard.

14 And that without that, is that they  
15 could lose their quality of life. Cathy mentioned  
16 that potentially, if funding changes, that she's now  
17 a one-person working family, and now she may not be  
18 able to work to the same level.

19 That impacts that community tax bills,  
20 and will have sort of a consequence in this process.  
21 Thank you.

22 COMMISSIONER ADEGBILE: Thank you. Mr.  
23 Chairman, I think --

24 SUBCOMMITTEE CHAIR KLADNEY: I have one  
25 question left, and then we will adjourn. This whole

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1 thing started out with looking at DOL and their  
2 enforcement of 14C.

3 Then it turned into whatever we do, and  
4 the question is, and I know this application process  
5 is pretty new for 14C, where they're asking a lot  
6 more questions on the application than they used to.

7 MR. ADEN: Evolution.

8 SUBCOMMITTEE CHAIR KLADNEY: They're  
9 requesting more data. Has DOL ever showed up here  
10 and done an investigation, and how often?

11 MR. ADEN: It's not something that's  
12 regularly, this is Kenan Aden, by the way. It's not  
13 something that's regularly scheduled. It's  
14 something that is done -- they have a hierarchy.

15 I don't know if you understand the  
16 mechanisms of that kind of a thing, but their  
17 hierarchy goes from, obviously responding to  
18 complaints, to --

19 SUBCOMMITTEE CHAIR KLADNEY: Right.

20 MR. ADEN: And I don't want to make --

21 SUBCOMMITTEE CHAIR KLADNEY: I'm talking  
22 about without a complaint, just coming in to do an  
23 audit. I mean, this is one of the issues we asked  
24 DOL about. Have they ever been here on their own?

25 MR. ADEN: Yes.

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1                   SUBCOMMITTEE CHAIR KLADNEY:     And how  
2     often?

3                   MR. ADEN:     And you know, it's kind of,  
4     well, I can't say a frequency, but probably every  
5     three to five years, on average.

6                   SUBCOMMITTEE CHAIR KLADNEY:     Okay.

7                   MR. ADEN:     We actually interact with  
8     DOL, and I'm going to call DOL a good partner.  
9     We're working under a program that's based on a law.  
10    They're basically just the administrators of this  
11    program.

12                   They, you know, whether they like the  
13    program or don't like it, it's not up to them. They  
14    have to run this program.

15                   They've been great stewards in working  
16    with the organizations like Source America, Ability  
17    One, with CARF, with providing access for  
18    organizations like ours to training, to  
19    understanding their review process, to understanding  
20    the mistakes that happen across the country.

21                   So it's been an interesting path. I  
22    think, you know, the discussion about what  
23    improvements can be made to the system, in a lot of  
24    different ways, is probably for a different day.

25                   But I think that it's periodic. We've

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1 had probably most frequently desk audits, where  
2 someone calls up and asks for something.

3 SUBCOMMITTEE CHAIR KLADNEY: Okay. But  
4 they don't, they don't come in and go through your  
5 records and do all that?

6 MR. ADEN: Typically, what, well, when  
7 you do a desk audit, and I apologize, I should  
8 probably clarify. Desk audit is a data call, saying  
9 please send this by the end of the day.

10 SUBCOMMITTEE CHAIR KLADNEY: Okay.

11 MR. ADEN: And it's typically pay. It's  
12 the start-to-finish compensation information.

13 So it would be a time trial all the way  
14 out to a copy of someone's pay stub to verify that  
15 someone was actually paid a dollar amount. And  
16 they're going to get a lot of the information from -  
17 -

18 MS. PINCH-KEELER: This is April Pinch-  
19 Keeler again.

20 MR. ADEN: -- the IRS or something.

21 MS. PINCH-KEELER: They sometimes will  
22 do them, they used to, we used to do an application  
23 every year. Now it's every other. So they could,  
24 in that gap year, call and look at our application  
25 and say, there could've been, send me this.

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