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>> JEFF KOSES: Good afternoon, for our friends out west, good morning. I am Jeff Koses, Chair of the AbilityOne Commission, and the Senior Executive for the General Services Administration. Welcome to today's Town Hall. Under a law called the Government Performance and Results Act, Federal Agencies are required to develop and post a five-year Strategic Plan. The plan should outline the Agency's mission, its long term goals, and its performance measures. The law specifies timing. It says is plan must be posted the year after a new President takes office. In terms of engagement, that is all that GPRA says - post the plan. As part of the Commission's ability to open engagement, we thought it important to have a series of conversations about the plan with stakeholders, and with other interested parties.

Thus, today's meeting. That also includes a recent meeting for the NPA community, and various other efforts to obtain feedback. We welcome your input and feedback and look forward to today's discussion. At this time, let me turn the floor over to Angela Phifer for some administrative news. Angela?

>> ANGELA PHIFER: Thank you. Good afternoon and welcome. Our Listening Session is being recorded today and will be posted on the Commission's website for others to be able to access. Our ASL interpreters today are Janell Bruneau and Jessica Rushing. They will be spotlighted throughout the listening session. Our Captioner today is Leora Grasl. For our attendees, if you need assistance with accessibility during today's session, please put a note in the Chat Box, or you can email Bradley Crain at bcrain@abilityone.gov. After the introductory remarks, there will be a general discussion of the Strategic Plan. The Commission's Acting Executive Director Kim Zeich will serve as the discussion moderator.

During the discussion each person wishing to speak can let us know by using the "Raise Your Hand" button or by indicating you would like to speak in the Chat Box. When recognized, you can unmute yourself, and we ask that you turn your camera on if you are comfortable doing so. We would like to convey as many speakers as possible, so please keep your remarks to three to four minutes per person. When you are not speaking, please keep your microphone setting on mute to minimize any background noise. Thank you. Back to you, Mr. Koses.

>> JEFF KOSES: Thank you, Angela. Let's take a moment for introductions. Let me first ask my fellow Commission members to introduce themselves. Let's start with you, Chai?

>> CHAI FELDBLUM: Hello, everyone. My name is Chai Feldblum. I am one of the citizen members of the Commission and Vice Chair.

>> BRYAN BASHIN: This is Bryan Bashin. I am here with the Commission for the impaired in San Francisco and a longtime PA in the AbilityOne system.

>> GABRIEL CAZARES: Hi, everyone. I am Gabe Cazares, currently Director for the Mayor's Office for People with Disabilities.

>> JEFF KOSES: Thank you, let me also ask our Acting Executive Director to introduce herself and her senior leadership team.

>> KIMBERLY ZEICH: Good afternoon, good morning to those on the west coast. I am Kim Zeich, the Acting Executive Director for the Commission. On behalf of our entire staff, we are excited to have this conversation. As you will hear, our Commission members have great energy, expertise, passion, and diverse perspectives to their leadership roles, and the Strategic Planning process. Our staff is relatively small in number, but very committed to sorting and implementing the Commission's new Strategic Directions.

As the expression goes, we are all in. Several of our staff members are in attendance, and I want to thank them for their hard work behind the scenes. I would like to acknowledge our acting Deputy Executive Director and Chief Financial Officer, George Govan. Our Chief of Staff, Kel Wood, and our Senior Adviser for Communications, Brian Hoey. And now I would like to introduce three key staff members who will be essential to our implementation of this ambition plan. I would like to begin with our new General Counsel. Marlin, please introduce yourself. You are unmuted, go ahead.

>> MARLIN PASCHAL: Can you hear me now?

>> KIMBERLY ZEICH: Go ahead. Now we have you.

>> MARLIN PASCHAL: Thank you. My name is Marlin Paschal. I joined the team actually back in August of last year. But I was just announced to counsel in March of this year. For those of you who may not know, the Commission is largely a remote organization, and I support the Commission's newly adopted home City of San Antonio, Texas. Although I am not in D.C., I have managed to cultivate a D.C. mindset. So, what does that mean?

Anything that happened before I arrived is not my fault. Anything that happens now that you don't like, is my predecessor's fault. Any action that you support, any policy that you do like, I am sure I had a hand in it. I say it primarily ingest, but you know that is not true, because I am a lawyer. I have learned to be an army judge advocate and Government attorney for the last 20 years, is that everything that doesn't work is probably someone else's fault. And good things get done in spite of the -- but despite all of that, I love what I do. One of the reasons I came to this team is because I love the work that they do.

I love procurement law. Before I arrived here I worked with the Commission on what is called the competition pilot. What that was about was trying to make the NPA selection process more response I have to the needs of the Federal Government. In my current role I see my responsibilities as at times balancing competing interests, including first and foremost, disabled workers. Secondly, the mission requirements of our Federal Agency, and the interest of the remote sustainable business models.

Our team is very small. OGC is even smaller. But we are committed to being very thorough, and most of all right. That does not mean we will be absolutely right the first time, every time, but we will get it right. Eventually. Now, two individuals that are instrumental to OGC's pursuit to rightness is Steve Ellard-Jones, my de facto deputy, he arrived last year in the

same timeframe. Steve's 12 years of legal experience has an emphasis on government procurement law, contract litigation and ethnics and more. Officially an attorney with ODEPT doesn't work for OGC or directly for AB1 for that matter, but he has been an excellent colleague with a full host of additions, especially on the -- front. We are making it so important, we are planning to hire another attorney this spring, with knowledge in disability law with the heavy lift we know is coming.

All in all, we have a really good OGC committed to making the legal plan defensible, government procurement and working with Disability Rights policy. So, anything happening, is not happening fast enough, as I alluded, or quite in the way that you wanted. It is not just Chai's or Kim's fault but probably the order's. I will pass it back to my colleagues.

>> KIMBERLY ZEICH: Thank you so much, Marlin. We are extremely fortunate to have Marlin now as our General Counsel. I will introduce John Konst, our Director of Oversight and Compliance and ask him to say a few words about what his team does. Take it away, John.

>> JOHN KONST: Thank you, good afternoon, everyone. As introduced, my name is John Konst. I am the Director for the compliance with the Commission. I have been with Commission since 2016 but have been the Director of Compliance. A quick overview that you will see more on the slides we will be covering shortly.

But I am responsible for managing 450 agencies non-profits for meeting requirements every year in the participation and AbilityOne Program. We do so by conducting audits and technical assistance to those organizations. Last year, we are actually coming up almost on the one year anniversary.

The Commission hired its first vocational rehabilitation specialist. One of them is here with us, today, Bradley Crain. Bradley, if you would like to briefly introduce yourself, thank you.

>> BRADLEY CRAIN: Thank you, John. Good afternoon, everywhere, good morning to overnight on the west coast. My name is Bradley Crain. I come from a background of ten years of working in disability services, being on the Boards for Center for Independent Living and working primarily post-secondary rehabilitation location departments. I am happy to be here with the community and serving our constituents. Thank you.

>> KIMBERLY ZEICH: Thank you so much, John and Bradley. Now I would like to introduce Michael Jurkowski, our Acting Director of business ops. Mike, would you describe what your team does?

>> MICHAEL JURKOWSKI: Good afternoon, everybody. My name is

Michael Jurkowski. I am the Director for Business Operations here at the Commission. The Operations staff are the folks that manage the actual Procurement List of projects, products and services. We are responsible for shepherding those projects to the AbilityOne Program, working all the way through our presidential appointee Commission members. We maintain those projects while they are there for years, in some cases decades. Finally at end of life, we are responsible for deleting those projects from the Procurement List. So, everything from beginning to end, getting everything into the program, and then out, is what the Business Operations staff does, along with a lot of things we do on the side for the staff and the Commission members. Thank you, Kim.

>> KIMBERLY ZEICH: Thank you, Mike. And, thank you for that opportunity, Jeff, to introduce the Commission's senior team. Back over to you.

>> JEFF KOSES: Thank you, Kim. You just had a chance to meet about one eighth of the Commission's entire staff. We love that we have everyone with a great sense of humor, so, thank you, Marlin.

We are here today to write an opportunity for Advocacy Organizations outside of the AbilityOne Program to probably provide their thoughts about the Commission's Draft Strategic Plan for the next five years. Let me emphasize, this is not your last chance or only chance to be heard. We publish the plan, and we invited official written comments.

Whether you speak today or not, let me encourage you to offer written comments, maybe some of you here today will give additional thoughts that you would like to share with us. To help us in managing the comment process, we use the usual tools of regulation writing. The Draft Strategic Plan is posted on the Federal eRulemaking portal at [regulations.gov](https://www.regulations.gov). All comments should be submitted through the portal. The comment deadline is April 30. Give your thoughts today on insights for the direct vision plan. We are thinking of what we hear and what we read as we prepare the final version of the plan.

For the last 18 months or so the Commission has been working hard to increase public engagement. And taking the Commission meetings online, and in adding engagement events to each, attendance at the quarterly Commission meetings has increased five-fold. Because of the importance of this Strategic Plan, we created multiple opportunities for engagement. First, in late February, we posted a summary document, something we call the draft plan's Core Aspects. On March 18, over a month ago, we posted the draft plan on [regulations.gov](https://www.regulations.gov), and the same

day, we had a Federal Register notice announcing the final draft plan's availability and opening account and review period. Again, comments are due April 30.

Now, let me turn the floor over to three of our private citizen members. First you will hear from Bryan Bashin of the (Light)House for the Blind and Visually Impaired in San Francisco. Bryan will be followed by Chris Brandt and Gabe Cazares for the people of disabilities for the City of Houston. Bryan, over to you.

>> BRYAN BASHIN: Thank you, Mr. Koses, and hello, everybody. I have as a citizen member have gotten many compliments on the open and transparency of our draft process. Five-fold increase in engagement, lots of great comments. I am encouraging you to do implement what Chair Koses says today. If you don't have a chance to comment, please feel free to submit your comments.

I will look at the mainstream of what is driving the Strategic Plan draft. We are here from the 898 panel, from WIOA, all of those folks and more said in no uncertain terms we need to modernize the program. All said, we can't static. We need to modernize in a structure, in this place a Strategic Plan structure, to guide our actions over the next five years.

Now, our current program was a marvel in 1938. But in 1938, that was a very different time. We are still operating in large part with some of those assumptions. In 1938, in our case, blind people could not become members of the U.S. Civil Service. The employment rate of blind people was 2%. There was segregation, not just integrated Competitive Integrated Employment, but actual segregation, with separate schools for white, and black students.

There was no national disability consumer movement in 1938. Here in California there was something called, tellingly, the Association of Potentially self-supporting blind people. So, now, 84 years later, our extended disability community demands that we design a program that is appropriate for the times we live in. Why need to think of ways to grow the perspective employment because the system, after 84 years, is still serving just 1% of blind people who are working-age and want to work. Just 1%. It is the single largest program of employment, but it is only serving that 1%.

And just to look at the numbers, all of AbilityOne taps about \$4 billion in Federal purchases. That is a lot. It is about 1/1000 of the Federal budget. There may be room to take bolder steps here in the name of fuller employment.

Competitive Integrated Employment in our experience is not

that hard. In California the Vocational Rehabilitation system, the Department of Rehabilitation, places each year about 300 people into CIE. That is ten times more people placed in CIE by our VR system than the number of people being placed by our AbilityOne -- or at least the NIB part of the AbilityOne system in California. Ten to one ratio. As an NPA myself, I am wrestling with these questions, about how do we get the thing we all want, which is more employment.

What we are finding, CIE doesn't have to be scary. As I mentioned in the first Listening Session last quarter, we had a number of employees who transferred from our production line straight out to an I-T job and finance job outside of the production Agency. I have to say, all other things being equal, this drive that we are hearing from the community about being "normal" is really a driver. Blind folks don't want a special blind phone. We want to use the iPhone. We don't want a special note-taker. We want a laptop computer. We don't want a special blind word processor. We want just to use Outlook. We don't want to get places with impaired transit. We want to use Uber.

So, the tide, in general, is flowing toward integration in all aspects of society. And it is no surprise to us, that our own workers might want to do, for the same pay, work in an Amazon place that is integrated rather than a special blindness place. This is what we are observing.

Let's think about who the blind population really is. Sometimes we think about blind people being people who are born blind, blind from birth, or blind early as a child. Only 5% of blind people start out as blind people. I, myself, became blind as an adult. 95% of blind people acquire their disabilities in adulthood. So, for people who are not part of the disability system, somebody who has worked in competitive employment their whole life, and then at age 30, 40 or 50, is looking to rejoin the workforce, the idea of a segregated system versus integrated system is a pretty hard sell.

Even in my old age say, the Lighthouse for the Blind, we have our own employment immersion program where we have found three times more jobs in competitive employment than our AbilityOne process. This is the tide. Let's look at the California numbers. There are, today, about 20,000 working blind people in California, working in competitive, integrated employment, around 20,000. How many are part of the AbilityOne Program through NIB? About 100. So, we are wrestling with how do we add an additional 20,000 CIE jobs, or jobs, in California? How can we do that? That is the number we are looking at.

The other thing about the Department of Rehab that I want

to mention to you, this is not an organization that is reaming jobs for the least disabled. In fact, the hourly wages for people who are fully blood typed in California through the Department of Rehab, competitive, is \$22 an hour. The hourly wages for people who are of low vision is about \$18 an hour.

Anyway, I could go on. I know that I represent just one Agency, but it is a ground truth. This is your time. This is the time that we want to hear from you, particularly about ways that we can use the Federal procurement system, both to support the Federal customer in a solid, reliable, high quality way. But, also, think about, through the Strategic Plan, ways in which we might start thinking about pilots, new programs, and other ways in which we can involve more of that CIE, which, as I observe again, is the tide that we see in California everyday.

Thank you, and, Chris?

>> CHRISTINA BRANDT: Thank you, Bryan, and everyone here with us today. Thank you and welcome. I am the CEO of At Work, a small, non-profit organization in Washington State. As an AbilityOne Commissioner, I fill the position described in the statute that must be held by the representative of a quaffed non-profit Agency that employees people with significant disabilities.

My 48-year career working with, and on behalf of people with disabilities, includes three decades in NPAs that meet this requirement. Work is known for its leadership and ending Subminimum Wage, and creating best-practice service models and supported, customized, and competitive, integrated employment for people of intellectual and developmental disabilities, or IDD.

My lifelong passion for equity and justice for people with IDD was inspired by my cousin, Carol. We lived next door to each other. We had a great time catching frogs and salamanders when we were young. When we were five, I went to school. And she did not. I could not understand why.

The year I graduated from high school, the first IDEA Listening Session that gave people with disabilities the right to an education, passed. Carol didn't go to school. And she was one of the first people placed in a supported employment position in our state. And our state has been known as leaders. She had a wonderful career at the local general store, and she owns a home, and she retired fully vested in her company's requirement plan. Her job opened up a world of inclusion for her, and other people with disabilities in our small hometown, and beyond.

That work is very small in the AbilityOne world. Most of



our revenue today comes from Government fees for service for reaction and Medicare programs and a wholly owned subsidiary that does commercial work. We have only 37 AbilityOne employees and support 500 people per year in school to work and customized supported employment programs. Since we have transformed, we have worked with more than 300 employers who have hired a person with IDD for the first time.

In 2006, we made the decision to transform, because it was the right thing to do based on our values of equity and inclusion. We believed that it made business sense. We believed regardless of fear and trepidation in the beginning, people with disabilities and their families, shared the same values, and we were right.

We successfully closed three sheltered workshops and left no one behind. Since then, I have supported others to do the same. I was a leading subject matter expert on transformation, successfully partnering with WISE, Washington's Initiative for Supported Employment, and others, to end sub-minimum wages and close shelter workshops in a settlement in Brown versus Oregon. I served on a Delphi Panel and was on a case panel for the institution on inclusions transformation tool kit. A person we served, Darwin and his employer, Dunlover who brought work to the workshop were featured in our first customized employment toolkit video. People with significant disabilities embrace the objectives and modernization called for in the Draft Strategic Plan, but others are concerned and have raised issues that prevailing wages, upward and outward mobility, and expected CIE outcomes will cause those with the most significant disabilities to lose their jobs.

They speak about the -- of free choice. A minority harbored the beliefs that there are no opportunities for good jobs in their communities outside of the NPA. And that people with IDD will not be hired, adequately supported, or successful in a competitive environment. At work and others prove this wrong every single day.

They also fear for the ongoing viability of their business models, and we fear for that, tonight one of the things I like about this plan and how the Commission is approaching modernization, is that it recognizes how important it is to engage and support the NPAs through this process if we are going to achieve success in the outcomes we outlined. I am committed to leaving no one behind in this transformation, just as I was with that work, and continue to be with other non-profit organizations looking for opportunity to change.

We must increase good jobs, Federal jobs, other jobs that

capitalize on the talents of people with disabilities, and jobs that capture opportunities in the new economy emerging across the country. People with the most significant disabilities, those whose support needs can sometimes feel complex, and include assistive technology, job customization, and personalized supports, must not be left behind in this effort.

At the heart of this plan, our expansive opportunities for increasing jobs within, and beyond AbilityOne. At the core, is deep belief and respect for the expectations of the disability community for equity and opportunity. It erases the old status quo of unemployability as eligibility, and draw as new paradigm that people with disabilities can be successful in CIE, within and beyond the parameters of AbilityOne.

Candidly, At Work debated whether to continue to be an AbilityOne NPA. We grappled with the ratio. We were paying prevailing wages and benefits, affording our employees on AbilityOne contracts all the privileges and rights of any employee. We promoted integration and divested ourselves of businesses that did not provide that opportunity. We worked hard to separate the employment relationship from our job coaching and re-support relationship.

Our AbilityOne employees who worked in the Coast Guard gally, worked side-by-side with the coasties. And that isn't enough, without modernization.

We stuck with it because Government jobs are good jobs, and the unemployment rate of people with disabilities is way too high. Many of my fellow NPAs and others in the community are eager to invest in new opportunities. They are currently exploring new ways to promote CIE with AbilityOne and throughout outward mobility. We believe implementation of this plan can create nearly limitless opportunities to get more people into good-paying jobs and out of poverty. I think the plan is timely achievable and visionary and applaud the work of my fellow Commissioners, Commission staff and all of you that provided feedback, ideas and support. This is a time of significant change, which means this is a time of great opportunity. And I look forward to continuing to work and partner with everyone to achieve our common vision and goals.

I am eager to hear from you all today and into the future. thank you.

>> GABRIEL CAZARES: Thank you, Chris and colleagues. I am hoping you are doing whatever you need to make yourself feel comfortable and welcome in this State, because this is more opportunity.

I will try to be brief. If you know me, you know that is a

challenge. But, I will tell you that this is kind of a full-circle moment for me. Many of you on this call are colleagues and dear friends, with whom I have stood on the other side of the fence. Advocating for the transformation of the AbilityOne Commission. For too many years, the AbilityOne Commission, if we are being completely honest, has fallen short of its goal of increasing employment opportunities for people who are blind or who have other significant disabilities.

I understand the skepticism that some of you may be approaching this particular Strategic Plan. Why should we expect that it is going to be different this time? I hope that my colleagues have begun to answer the question for you, but I would like to dig in a little deeper. All of us members of the -- who are private citizen Commissioners, are people with disabilities. People with disabilities who have dedicated our lives and professional careers to advancing disability-rules. We recognize, and I am so particularly grateful, for the leadership of our Chair, Jeff Koses. Because we recognize that it is time for the AbilityOne Program not to live in the reality and constraints of 1938 and 1973, when the Commission experienced its most significant update to-date. It is time the Commission fall in line with the rest of the Federal Disability Policy Movement. That is to enhance independence, and Competitive Integrated Employment for people with disabilities through upward mobility. I am proud of the plan we put together, because I know this plan speaks in a focused way about the needs of our community to be able to ensure that more people with disabilities can find CIE on their terms. Freedom of choice. My colleagues have talked about some of the fears and concerns, um, and I would characterize to say, outright mischaracterizations, from members of the NPA community, that are hesitant to change.

So, this is what I think it is going to require for us to truly live to the expectations of what this lofty Strategic Plan has for all of us. It is going to take all of us working together, communicating. Being honest. Being willing to be vulnerable with one another, and being willing to have conversations, even with the conversations are difficult.

For many years I found an unwilling and uninterested, frankly, leadership on the Commission, to have those conversations. And I can tell you, as one of the Commission's biggest critics, that that time has changed. The Commission is willing and, more than willing, to have these conversations. Because this is the only way that we are going to ensure that we are living up to our statutory requirements and to our moral

responsibilities.

As a member of the LGBTQ community as a person of color, as the son of immigrant parents, first generation college graduate, I bring all of these components of my perspective to this work. Because I recognize that although I am all of these things, I have a privilege, privilege to sit at this table, and have these conversations. And it is my responsibility, it is all of our responsibilities, to ensure that other members of the disability community, particularly those of us who are multiply marginal, have a seat at the table and our needs heard. I can say with full confidence, this is a plan I believe meets those needs.

So, I look forward to hearing what all of you have to say. I look forward to working with all of you, and I am eager to work hand-in-hand to modernize the AbilityOne mission. Thank you for being with us. I will turn it over now to our vice chair Chai Feldblum.

>> CHAI FELDBLUM: Thank you so much. Thank you to everywhere here for your participation today, for being here and your true engagement, hopefully, going forward. One thing I want to do is acknowledge the fact that the Biden administration appointed all four of us citizen members as early as possible, and that it filled all of these slots. Because, that is part of what has engendered this enthusiasm, and new approach.

However, I truly want to underscore two things. One, that we are not alone. And, our colleagues and procurements, starting with our Chair, but, also, others, are behind this new approach. And, as you heard from Kim, the staff is all-in. I should repeat that. The staff is all-in. As someone who is political appointee for nine years, I know how important that is, that the career staff is engaged and enthusiastic.

That is part of why we felt it was so important that you got to, sort of, meet some of the staff. You will see in the slides how important some of that work will be.

So, Aaron, I am going to ask you to put up the slides now. So, I want to underscore something else that Jeff said, which is that this plan has been adopted pursuant to GIPRA, the Government Performance and Results Act. That Act requires every Agency to do the following. the Agency has to articulate its mission and vision. It has to figure out its primary strategic objectives, and it then needs to articulate sub-goals under each strategic objective. Those are called outcome goals. And finally, and most importantly, the Agency has to come up with strategies to achieve those outcome goals, and, it has to come up with performance measures that will determine whether

the Agency has met those goals.

And you will see that in the following slides. So, to start with the Mission Statement. The Mission Statement is based on the statute that has authorized us, and for this plan, we have articulated a new Mission Statement that says: To tap America's underutilized workforce of individual who is are blind and who have significant disabilities, to deliver high quality mission essential products and services to Federal agencies. And quality employment opportunities.

The important thing about this, there are two things we have to be focused on in this Agency -- that we are, in fact, creating quality employment opportunities for as many individual who is are blind or have significant disabilities as possible. And, that we are delivering high quality mission-essential products and services to the Federal customers.

Because they are being forced to work through this sole source contract system that is the basis of AbilityOne.

Our Vision Statement is broader, as it should be. So, the Vision Statement is: We remain a trusted source of supply and services for the Federal agencies, while creating quality employment opportunities across all economic sectors for people who are blind or have significant disabilities. In other words, not just with AbilityOne, but beyond AbilityOne. How can we transform this program so it can be a gateway into many other jobs? Addressing the point that Bryan mentioned, that this program, itself, will never be enough to meet the real needs for CIE, for people with significant disabilities.

So, let's go to the next slide. Now, what we are going to do -- by the way, this PowerPoint is on the website, so you can get it. I want to note the context we have to work with, okay? The AbilityOne Program has a budget of about \$8 million. The inspector general has a separate budget of about \$2.5 million. And we have 32 FTEs. I want you to see the Business Operations have 7 FTEs, the most.

Because what they are doing is dealing with the Procurement List.

Our Oversight and Compliance have six, including the two new VocRehab folks that just came on last year so the compliance can be more than just, are you checking off certain boxes? The office that makes sure the central non-profit agencies are meeting their cooperative agreement requirements, the office of General Counsel which you heard, will have an opening for a lawyer focused specifically on carrying out some of these strategic objectives.

Okay, so next slide. Here are the other entities

responsible in the operations of this program, and, therefore, need to be carrying out the Strategic Plan, as well, NIB, national industries for the blind that supports 58 Nonprofit Agencies. Most of the agencies are involved in goods and products, again reflecting how this program began. \$743 million in product sales. 3,000 employees. Often, I know from a contract we just voted on, you can have a \$3 million contract for, like, gloves, and it only hires 12 employees because most of that money is going for the raw materials. And that is the case in any private business.

NIB NPAs have just \$91 million in service sales and 871 direct labor employees and there is no 14(c) issues with any of these because no NPAs use 14(c)s anyone. Now, SourceAmerica has 392 NPAs. They have less in product sales, \$407 million in product sales and about 4,673 employees but about 1,200 of the employees are still on 14(c). They will be most impacted by the final rule that does not allow, will not, you know, propose to allow 14(c) at all.

Mostly service. \$2.7 billion in service, 31,000 direct labor employees. Those folks are ready in terms of wages are governed by the executive order that require \$15 minimum hourly wage.

Okay. So, now with that context, let's dive into this plan on the next screen. So, we are supposed to come up with strategic objectives. well, we have come up with three. Number one and number three are quite different. Number one, expand integrated employment for people who are blind or have other significant disabilities. Objective two, ensure effective governance. This will be to make sure we can do those quality mission-essential goods and services. And, three, partner with others so that we increase and improve employment opportunities more generally. Sort of going toward the vision.

Okay. Next slide, as we dig into each of these. So, how do we expand CIE? One is through modernization of the program as you heard from Gabe. And, two, within the AbilityOne Program as currently constructed by the statute that authorizes us.

Okay. Next slide. Let's talk about modernization. Modernization, you know what, Congress needs to act. You have 75% minimum ratio Direct Labor Hours. You want complete, real integration -- Congress needs to act. We will stand ready to help Congress. Not only in terms of responses to Congress, but we will be continuing some of the work of the 898 Panel, convening the intra-agency working group to deal with issues like what should be the minimum and maximum ratio. Who should be the definition of significant disability? What should be the

requirements for outward movement?

So, that is essential. And there is a role we can play. We will not be a hindrance to these changes, but ultimately, that resides in Congress.

So, the next slide, Outcome Goal 2 says. This is what we are going to try to do. We are going to try to modernize the Commission's regulations, policies and procedures to expand CIE within the AbilityOne Program to the maximum extent possible in light of the constraints of the current statutory structure.

Now, I want to contest Marlin on this point. It is not that good work only happens in spite of the lawyers. I attest in the last months to working with Marlin, saying we need to be creative. We need to push within the current structure. And I could not have gotten a better partner. Yes, he tells us when we need to know other things about procurement. But he has been, and will be an awesome partner in this work, as will be whoever the new lawyer will be we hire.

So, next slide. How are we going to do this? Use the current structure to expand CIE? Number one, it has to require the three elements from WIOA. They have to be employees with disabilities receiving competitive wages and benefits, work in an integrated fashion with the employees without disabilities, doing the same type of work, and have opportunities for advancement similar to employees without disabilities.

Now, we recognize and acknowledge that RSA and the Department of Education in the recent FAQs don't think CIE is possible in an ability one producer because of the 75% ratio. We acknowledge that they have jurisdiction on the Rehabilitation Act, but we have to believe there is some CIE that can be done, otherwise how can we demand it. On the next slide you will see how this is possible, even under the current constraints of the current statute.

We have a big prime contractor at the Department of Defense. Big contract. The subcontract for the mechanical, electrical and plumbing work. And their employees participate in an apprenticeship program that the for-profit company runs and that companies hire former NPA employees and the NPA works with the for-profit to create a hiring pipeline for NPA employees to move to other positions in the company's commercial contracts that.

Is using subcontractors.

Next slide. This is using on site work. Okay? There is something called contract closeout work, which are processes to close out contracts, but there is actually a full range of

contract work. The work is often performed on-site in Federal offices, so the NPA employees are working side by side with other Federal employees, other contractors, doing the same work. The NPA continues to meet its ratio based on who they hired, but only a small number of those employees go to these various on-site places.

Okay. So, next slide. So, it can be possible, to some extent. What are we going to do? Well, we are going to leverage everything we can. Obviously, insure competitive wages and benefits. Obviously the 14(c) regulation, so you don't use 14(c). Also collection of wage and benefits data.

You heard from Michael Jurkowski. He does a lot of stuff, his office, bringing us Procurement List contracts. We are going to be asking for a lot more information that his office will now pull together. We are going to explore all possible CIE via a request for information. We will ask the NPAs, all of you, are there ways to support CIE within the AbilityOne contract along the lines of what we noted before? We know those are not the norm, but how many of these, in fact, exist? Maybe a lot more than we think.

What are pilot prompts we can do. How do we increase outward movement for other jobs. Then we will issue a guidance document that lists all the possibilities and then collect data that to conceptualize and authorize pilot projects as best we can within the statute.

Next slide. To continue leveraging the current structure, once we have ideas about CIE, we will measure the NPA's performance based on data collection. We are going to measure how good source America's NIB is doing in terms of providing resources to their NPAs to help them achieve CIE.

We will help them revise any documents we can so we can encourage employment discussions with NPAs and CIEs about where they want to go, and we will consider how to incentivize an NPA's success in achieving CIE, even within the current structure. Next slide.

So, all of that is CIE. Strategic Objective II is governance, insure effective governance. Any of you that know AbilityOne and have tracked it, there have been issues about governance that all need to be fixed. I will tell you an incredible amount has been done internally to the Commission. We need to continue that and do more.

George Govan is amazing. We have an independent well funded inspector general we have open lines of communication with and responsiveness. We are looking to onboard more staff that have background in Disability Rights and policy. The increased



engagement via public meetings that you heard Jeff talk about.

Insuring digital accessibility, and using all available means to increase diversity, including people with disabilities in the Commission. And, thank you, Bryan and Gabe, for amazing work they have done in terms of insuring better digital accessibility.

And, then, just modernizing our information management system. So that it works for Federal customers, the Commission, NPAs, etc. So, that is the Commission. Next slide, let's talk about the CNAs and governance and expectations of the CNAs.

Many of you know this information, but it is important to note the contrast between the \$8 million budget AbilityOne has, and the money that SourceAmerica and NIB has. SourceAmerica collects \$98 millions in Program Fees from its NPAs. They have 416 employees on staff. And NIB collects \$35 million and they have 183 employees.

We as an Agency collect the cooperative agreements and they will be updated to reflect the priorities of this plan. Next slide. And those expectations are going to be at least in four areas. To figure out from the visits what NPA needs to meet CIE and quality contract performance. Always those two goals. And then, how much technical support are they really doing. Then definitely changes in their recommendation process, as opposed to just sending us as a Commission one NPA.

Next slide. Outcome Goal 2 in the guidance is to support the mission of the Federal customer by providing best value through contract performance. Again, this financially -- we have a financially lucrative; sole-sourced program here. We want the Federal customer to be satisfied with the products and services they are getting. So, next slide, in terms of doing that --

We are going to make sure that in those contract allocations -- it doesn't matter if someone has had it for decades -- we will get their past performance, technical capabilities, the pricing structure. Doesn't mean the lowest price, but this is the idea of competition.

We will improve coordination between the Federal customer and directly, the Commission, so we have up-to-date metrics on the contract performance, and determine the type of resources NPAs need to support CIE, and provide competitively priced products and services. Next slide.

Finally, strategic objective III. That is more jobs. More jobs. Increase employment overall for people blind or have significant disabilities. Outcome Goal 1 is within the AbilityOne Program, partnering with what are called AbilityOne Representatives, ABORs, and Outcome Goal 2 is beyond AbilityOne.

So, next slide. We are coming to the end here. Next slide. Next slide. Okay. No, I am sorry. I was wrong. You had the next slide. My fault, my fault, Aaron.

So, the office of Federal procurement policy, OMB, issued a memo in October 2020, calling for AbilityOne Representatives to be named in agencies. 19 of them have been named and the Agency says the Agency should double their spend from \$4 billion to \$8 billion that.

Is a memo we are operating with. For the past year there have been monthly meetings the west the ABORs. We will use the monthly meetings about strategic objectives to expand CIE and promote and satisfy the customer experience. Now, the last slide, next slide.

The Outcome Goal 2, partnering with the Federal community, so we get more employment opportunities, and the next slide.

Hour strategies and performance measures, which is what each of these have been, will work with OPM and EEOC. Let's connect AbilityOne employees with Federal agencies that are supposed to meet their section 501 obligation, hiring employees with targeted disabilities. The NPAs are now going to be asked to do outward movement. Let's get the Federal agencies connected with them. Work with the Department of Labor, the OFCCP, to connect the AbilityOne employees with Federal contractors who have to meet their Section 503 obligation.

And, there is no special preference for disability-owned businesses under is Small Business Administration, as there is for others, who we put in the comment about blind individuals doing incredible innovative businesses. We would like to, at least, work with SBA to see what type of work we can create with them. All this is partnership.

So, to our discussion, right, here at 2:58 p.m. and then, I am going to hand it over to Kim, who is going to explain how this discussion will work. Thank you all.

>> KIMBERLY ZEICH: Thank you, Chai. Yes, as we move into the listening part of our session today, I will just cover the process once more. Throughout this discussion, please feel free to put any questions or comments into the Chat Box. We will be monitoring the Chat. Several folks signed up in advance and let us know ahead of time that they were interested in speaking. So I will start with that group. And then we will open up the floor to everyone. So, I would say, please, take about three, up to four minutes with your comments, if you would, please. We do invite the speakers to turn your camera on, while you are speaking. Of course, you will be able to unmute yourself. When you are finished, then, it would be great if you go back on mute

so we don't have any background noise. I think with that, we can go ahead and prepare to get started.

So, I am going to ask the staff to take the slides down. We will just go back to a gallery view so we can see each other. And, Julie Christensen is up first with APSE, the Association of People supporting Employment First. So, Julie, please take it away.

>> JULIE CHRISTENSEN: Thank you. Thank you for the opportunity to provide comments this ash. My name is Julie Christensen. I am the Executive Director of the Association of People Supporting Employment First, commonly known as APSE. Since 1988, APSE has been the only national membership organization focused exclusively on Employment First to facilitate the full inclusion of people with disabilities in the workplace and community. Employment First means employment in the general workforce should be the first and preferred option for individuals with disabilities receiving assistance from publicly-funded systems.

We are champions of Competitive Integrated Employment, or CIE, as defined within the Workforce Innovation and Opportunity Act. We believe that everyone is the fundamental right to access and participate in the competitive labor market, and to be paid a fair wage for their contributions.

The AbilityOne Program currently supports the employment of approximately 40,000 individuals with disabilities. Historically, the majority of AbilityOne jobs have not met the definition of CIE. However, we want to acknowledge the steps that many C investigation As have voluntarily taken to embrace and prioritize CIE. The result of this work is that even within the constraints of existing statutes that have been proven that CIE within the AbilityOne Program is possible.

We applaud the Commission for acknowledging the possibility, as well, and we appreciate the strategic pivot toward CIE as outlined in the draft Strategic Plan. We see two challenges ahead for the AbilityOne Program and efforts to modernize.

One is around modernization of existing contracts to meet the definition of CIE. The other is the expansion of the program via new contracts that meet the definition of CIE from inception, which is a critical point.

We recognize there are limitations to transformation of existing contracts that will require Congressional action as has been discussed previously in the opening remarks, but in the meantime we believe there is much that can be done within the authority of the Commission that can increase opportunities.

Regarding strategic objective number two, we strongly approve if need for could have against by NPAs and CNAs. We believe the lessons can be translated into clear guidance to elevate the bar across all AbilityOne contracts. This includes staff being qualified in the best practice of employment, and also, data collection particularly around wages and benefits, must be embedded in contract agreements and transparently reported to insure contract-holders are held accountable for achieving CIE outcomes.

Regarding strategic objective number three, the goal of increasing CIE for people with disabilities is central to APSE's mission and support any efforts through the AbilityOne Program to support this goal.

To that end, we ask that the Commission embed CIE outcomes as a qualification for receipt of any new contract.

Furthermore we ask that the Commission commit to ensuring CNAs that continue to pay Subminimum Wage within 14(c) within any aspect of their business not be awarded a new contract.

APSE has been opting for the phase out of 14(c) contracts for two decades because we are committed to real work for real pay. That said, APSE has been consistent in calling for a thoughtful phase-out over time in recognition that systemic change often carry as high likelihood of unintended negative consequences. Our pre-existing condition related to the modernization of the AbilityOne Program as a whole follows the same logic.

We acknowledge and applaud the steps taken and are currently in process to shift the AbilityOne Program away from the use of 14(c) certificates, but 14(c) is only one part of to the equation. We want to be clear that the AbilityOne Program must make all aspects of CIE the required goal consistent with current law. Additionally, the transition of existing contract models must insure that people with disabilities who are currently employed under an AbilityOne contract, do not lose access to the labor market.

There is much potential to leverage the procurement power of the Federal Government to positively impact CIE outcomes. As you listen to the feedback and innovative ideas I know will be shared today, know APSE stands ready to partner and assist with the Commission of this Strategic Plan. Thank you for your time.

>> KIMBERLY ZEICH: Thank you so much, Julie. Now I would like to invite John Pare from the National Federation of the Blind to take the floor, John. You are on mute, John.

>> JOHN PARE: Hi, this is John Pare. I am the Executive

Director for Advocacy and Policy at the National Federation for the Blind. I really appreciated all those opening comments. It was very refreshing to hear both the Commissioners, and the private citizen Commissioners, and the Chair and the staff, to be so committed to Competitive Integrated Employment. We at the national federation of blind, similar to what you just heard from APSE, are committed to Competitive Integrated Employment, and moving to that, in a kind of phased approach, that APSE mentioned, is really something that we support. We support the idea -- two things I want to particularly dwell on. One is that NPAs must have phaseout of Subminimum Wage not only on the AbilityOne contracts, but throughout the Agency and I want to say more on that.

Next, how important it to collect the stakeholder input, the input of the people with disabilities, the workers with disabilities that you are hearing from today, is really refreshing. I don't think that has always been done, and I applaud that you are doing it, and urge that we continue. We look forward to being able to provide feedback and to work collaboratively with you to improve and reinvent, sort of, the AbilityOne Program.

Along with Competitive Integrated Employment, which we have heard a lot about, providing good jobs with upward mobility, benefits, these are all things that are critical. I also want to talk about the ability, or the opportunity, for the AbilityOne Program, to raise, generally raise, expectations for the capability of people with disabilities.

The way we are going to really improve employment opportunity is to change systemic, low expectations that exist in society today. This program can help do that. It can help change the systemic opportunity. I think that what I am hearing from all of you, that is what you would like to do. You would like to make this more of a model employer that shows high expectations of people with disabilities.

So, by doing that, not only is the person employed here and providing quality product to the Federal Government, it is demonstrate that we can do that. That people with disabilities can do that, so that other people will hire people with disabilities, so that maybe for one person hired on the AbilityOne Program, it is the example that is set, that help cause ten other people not on the AbilityOne Program to be hired, because of the example that we set. I think we can do this.

So, I think the stated goal of raising expectations throughout America is something that you plan to do, but haven't

stated as boldly as you could. I am hearing those words, though, as you speak. So, I am looking forward to doing that and submitted comments to the National Federation for the Blind and look forward to continuing to work together. Thank you.

>> KIMBERLY ZEICH: Thank you, John. Hour next speaker is John Lemus, a self advocate for the state of Washington. John, over to you.

>> JOHN LEMUS: Thank you, Director Zeich and thank you to the chair Koses and members of the Commission for the opportunity to speak to you today. I am an autistic advocate who has experience on working on an AbilityOne contract and being paid subminimum wages. I very much appreciate the Commission's strong stance on ending subminimum wage and sub-prevailing wages within the program as a whole.

I appreciate the Commission's efforts within the Strategic Plan to also modernize JWOD, way past due for revamp, and commend the Commission for going further to work within the current statute to put an emphasis on the community integrated employment.

Furthermore, I appreciate the Commission's efforts to focus on equity, diversity, inclusion and accessibility, and ask that is Commission consider a request to add someone to the Commission in a full role who has either worked on, or is currently working on, an AbilityOne contract, and provide the supports needed for this individual to be successful in seed role.

I would also like to suggest that this be something that NIB and SourceAmerica consider making a priority within their own organizations. Thank you.

>> KIMBERLY ZEICH: John, thank you. Our next speaker is Cyrus Huncharek from the National Disability Rights Network.

>> CYRUS HUNCHAREK: Thank you. Can you hear me? Dear Commission members, thank you for the opportunity to speak at this Listening Session. My name is Cyrus Huncharek. I am a senior policy analyst at the National Disability Rights Network or NDRN. NDRN works in Washington, D.C. on before or after of the advocacy systems, assistant programs and the nation's largest providers of legal advocacy services for people with disabilities.

I want to begin for thanking the Commission for postponing the Listening Session to today to give is ad sorrow cats more time to disseminate information about the Listening Session. We are always happy to partner with the Commission but we have to be given enough time to adequately prepare and notify our members of the Commission activities. We can only do this when

the channels of communication are open. We hope this open communication will continue.

I want to briefly comment on Strategic Objective One. While we appreciate the Commission's clear commitment in Strategic Objective One to affirmly expand CIE, we have major concerns with several of the association's strategies, outcome goals and performance measures. We appreciate the Commission's attention to the JWOD act in outcome role number one, however we have concerns with strategy one which states quote the Commission will be available and response I have to members of Congress and staff if they decide to amend the JWOD act to become a vehicle for CIE rather than phase it out, end quote. This is not our view of proactive, robust strategy, to advance the strategic objective. Additionally, as written, the strategy employees that the Commission will only be available to Congress in the course of amending JWOD, but not the coverage of the program. We do not believe it is the Commission's role to dictate under what policy conditions Congress can act to before technical for instance the Commission.

We have concerns with the text in Outcome Goal Number Two in the sanctity object which attempts to lay out how the Commission will expand CIU within the AbilityOne Program. While it is correct CIE in the Rehabilitation Act is amended and implementing regulations, the Commission's attempt to create a new definition of CIE for the AbilityOne Program only is cause for great concern.

Congress is implementing Federal agencies have already established CIE. Not only would be inappropriate for the Commission to develop its own definition of CIE, but the attempt to redefine CIE dilutes the regulatory established Commission and may lead to confusion. The Commission should, rather, focus on achieving CIE as currently defined in the statute through all employees through strategy, supports and collaboration.

Similarly, Performance Measure Five under Standard Two in Outcome Two in the Strategic Objective One states quote the Commission has issued a policy guidance document on CIE in the AbilityOne Program that provides direction to the CNAs and NP As on increasing CIE in AbilityOne contracts, end quote. Again, for many of the reasons I stated previously, the Commission should not be issuing guidance on CIE given the Commission's proposed definition of CIE and the definition in statute regulations differ. In our view the Commission has no authority to redefine provision within the existing statute and recommend the performance measure be eliminated on the plan. Thank you for the opportunity to share our concerns.

>> KIMBERLY ZEICH: Cyrus, thank you. I know some of our Commission members may have comments or questions, but we are going to go ahead and give everyone an opportunity to, first, make their comments. So, I am going to go to Mia Ives-Rublee next. After Mia is Monica Porter.

>> MIA IVES-RUBLEE: Give me one second to get my virtual background off. Okay. Sorry about that. Hello. My name is Mia Ives-Rublee. I am the Director for the Disability Justice Initiative at the Center for American Progress. We are a progressive think-tank in D.C., working on disability issues including disability and employment. I don't know why I was muted. Anyway, so thankful to be here talking to you all. I am an individual who has a disability, obviously, but also worked at vocation rehabilitation services where I worked with a number of individuals with disabilities and worked with organizations that had AbilityOne contracts with some of my clients.

I am super, super glad to see that AbilityOne is looking to modernize its program. I have some concern and thoughts on the processing. I do think it is extremely important that we get a better understanding of the data that is coming in, and insuring that we are enforcing all the regulations required.

We saw that in some of the older reports that many places are out of compliance, so I think it is extremely important that we make sure that all places that have contracts with AbilityOne remain in compliance with whatever policies that come about, hopefully with the new strategy, etc.

I also agree with Cyrus in that we need to be more proactive via AbilityOne. I think there are a lot of different opportunities that AbilityOne can utilize to be able to modernize the program. I agree that I think there should be only one definition of CIE. I think there are ways to get to that that the AbilityOne Program can help provide technical and educational support to our colleagues on the hill to talk about ways that we can do this, including looking at ways to decrease the percentage of hours that are worked down to a more acceptable CIE language.

I think there are also other ways to do this, including looking at ways to work with the Small Business Administration to identify disability-owned organizations and businesses as a minority-owned business or organization. Being able to use AbilityOne, like other programs, in the Federal Government, to prioritize those businesses and provide specific contracts to those organizations.

I think that is one of the best ways that we can really spark a movement of entrepreneurship within the disability



community. We know that disabled people actually have higher rates of self-employment than other communities, so, I think it is really important that we highlight disabled-owned businesses, particularly individuals who have significant disabilities.

Lastly I like that AbilityOne is communicating with EEOC and we need to communicate more with DEIA and VocRehab. They have a lot of employees ready to get to work, and I think there is a way we can utilize AbilityOne contracts to help get people started, and maybe even do some internship, etc.

So, I think that is a great way to utilize AbilityOne. I know that, you know, a lot of organizations may be panicking about seeing AbilityOne changing, particularly with the 14(c), taking away 14(c). But I think there are ways to give these organizations some carrot, such as AbilityOne creating contracts for other organizations to learn more about supported employment modules. I think the organizations that have been doing AbilityOne contracts may be best able to train other organizations and businesses on how to do supported employment so that we can continue to boost toward a CIE module.

So, thank you so much for allowing me to speak.

>> KIMBERLY ZEICH: Thank you very much, Mia. Monica Porter is next from the Judge David L. Bazelon Center for Mental Health. I want to ask if everyone could just speak a little more slowly so we can make sure the Interpreters and Captioner are keeping up with us. Thank you.

>> MONICA PORTER: Thank you. I am Italian, so I will do my best to speak slowly. Good afternoon, my name is Monica Porter. My pronouns are she/her. I recently joined the Judge David L. Bazelon Center for Mental Health as policy and legal advocacy attorney. The mission of the Bazelon Center is to protect and advance the civil rights of people with disabilities. We look forward to working with the Commission and partners over the next five years and look forward to the opportunity to share three points with you today.

First, in accordance with the principles of Olmstead and true integration, we agree with previous speakers that there should not be a separate standard for Competitive Integrated Employment in AbilityOne and outside it. As noted earlier today, the tide is flowing toward integration in all aspects of society. We know that true CIE cannot be achieved with the current statute 75% Direct Labor Hours ratio, and limitation on contracting only with separate non-profit agencies, both of which lend toward segregation, rather than integration.

Second, we are concerned by reports that the AbilityOne Commission intends to experiment with staffing Agency models,

where by workers with disabilities would be employees by a separate entity, even if they are performing work alongside non-disabled persons in the same workplace.

We believe that this would amount to administrative segregation, inconsistent with the RSA definition of CIE.

Finally, in line with the Commission's actions to eliminate the use of section 14(c) certificates, we urge the Commission to adopt, as a matter of policy, that workers employed by AbilityOne contractors are employees, entitled to the full protections of the national labor relations act and related laws and regulations including rights to form a union, collectively bargain, and act concertively for mutual aid or protection.

We do hope that these will be incorporated into the final Strategic Plan for fiscal years 2022-2026. Thank you for your time.

>> KIMBERLY ZEICH: Monica, thank you for your comments. I am going to call on Rashida to speak next.

>> RACHITA SINGH: Hi. I hope you can hear me clearly. I am the policy advocate at the --. Thank you for the opportunity to be here and speak to the Commission about AbilityOne and comments on this draft. So, I just wanted to say that ABD AbilityOne Commission drafting the Strategic Plan and engaging in Town Hall Listening Sessions with disability advocates. We support the three overarching goals of the anchoring plan, expanding CIE, insuring governance for possibility one pane partnering with stakeholders for improving the CIE opportunities and we hope that as the partnerships occur the working advocates will continue to be a priority for the Commission. AEPD agreed with the assessment made that insuring that AbilityOne Program continues to create as many good jobs as possible and that it advances CIE overall will be challenge but not an insurmountable one.

To that end, we are offering a couple of changes in support to the Strategic Plan that we are hoping could help make this challenge a little less insurmountable.

To start off with, we want to say that we are glad to see that the Commission tends to be response I have to Congress when it comes to amending the JWOD Act. We agree with the community's assessment about providing to be eligible for AbilityOne contracts and that, this assessment, when it comes to, you know, the goal which is to have things largely consistent with the assumption that people have normal competitive employment provided and support to be successful.

So, we also agree there is no expectation that the JWOD would create NPA opportunities either internally or movement for

employees outside of AbilityOne, resulting in a disconnect between JWOD and the direction of temporary disability employment law regulations and policy. The APD does not believe that Federal integrated employment can be achieved through the existing statutory framework of AbilityOne. We are hoping that in the Commission's work with Congress, the Commission will revisit the requirements that AbilityOne contracts go only to NPAs by permitting other private sector employers including for-profits. They would be able to hire the same number of persons with significant disabilities, but then spread them throughout the company. This would also help to increase the potential for job advancement and career development over time.

With APDs own work with private sector employment, employers through the disability annex and corporate environmental social governance work, we are seeing that private sector employers have a significant interest in increasing employment opportunities for people with disabilities.

And, then, next point that we wanted to make was that we agree that there should not be a separate standard within AbilityOne and we are glad to see the interest in modernizing regulations, policies and procedures to expand NPA within the AbilityOne Program and planting the definition within the workforce innovation and opportunity arena. We surge Commission to accept our safe guidance that hiring for positions availability only primarily to persons with disabilities to comply with the direct labor hour ratio requirement is not consistent with DIA requirements.

Finally we are concerned earn canned with attempts by NPAs for regulations so we urge the Commission to explicitly adopt, as a matter of policy, consistent with the commitment to CIE that workers with disability ability and contractors employees are entitled to full protections of the NRRRA and other labor law regulations, including the right to form a union, overturning conditions in employment and being able to ask for mutual aid assistance. So, those are the points that I have. Thank you for your time. I will give my time back.

>> KIMBERLY ZEICH: Thank you so much for your comments. And just before we get to Allan and Rita, our Vice Chairperson, Chai Feldblum, you have a question or clarification?

>> CHAI FELDBLUM: Oh, I have a very important clarification. If there is one thing people leave with this meeting, I will be very happy. Let me be clear. We are not creating a new definition of CIE in this Strategic Plan in any of the examples of CIE that we get from NPAs in any guidance document. We are using the WIOA definition from the statute

which has those three pieces of unique competitive wages and employment and benefits. You need to be integrated, not with supervisors without disabilities, but, with other employees doing the same job, and you have to have a transfer upward mobility. That is the WIOA definition. That is gold standard worked on for years. That is the statutory definition we are adopting.

In addition, because regulations have the force and effect of law, when the Department of Education, RSA, did regulations to that, they said that being integrated, also includes being typically located in the community. That is fine. We are adopting that definition.

The only -- the only -- part of the definition we are not including, is the one in the FAQs that -- FMRSA -- that say that by definition, any NPA, because that NPA has to meet the statute requirement of 75% ratio, cannot, by definition, be doing CIE. And, therefore, any Vocational Rehabilitation person who refers someone to any NPA, even some of the ones of the two that I described, will not be counted as a successful employment outcome.

That is the only part of the definition that we are not accepting, because if we did, we could throw up our hands and not have anything in Outcome Goal 2. How can we demand CIE, if by definition, they can't do CIE? Okay? That is the only part we are not accepting. And, by the way, I think it is incredibly important that employees of NPAs, have protections under the national labor relations act. I think it is unfortunate that the RSAs, FAQs, in its effort to show that these folks are not employees typically located in the community cited the Melwood case in 199 up saying the employees don't get the benefits of the NRA which later cases have not ruled in that way. I very much like the suggestion that the current Commission make it clear that we do consider these folks employees who get the benefit of the NLRA. So, I have responses to other comments, but in terms of the clarification, let me say, again, we are using the definition of CIE from WIOA, statute and regulation. That is the gold standard. Back to you, Kim.

>> KIMBERLY ZEICH: Thank you, Chai. Thank you for clarifying that.

Let me invite Allan. Allan Bergman, you are next.

>> ALLAN BERGMAN: Great. Thank you very much. I apologize my camera is not working very well. I am speaking today as the chair of the TASH policy committee advancing equity, opportunity and inclusion for people with disabilities with the focus on those with the most significant Port Authority needs in the area

of education, employment and community living through advocacy, research and practice. We will be submitting written comments to you within the appropriate timeframe through both our policy committee and our employment committee.

I wanted to make some comments today from listening to this. One, to comment the per gallon that has been done to-date as somebody that has been toiling in these vineyards even longer than most of the people on here.

I am pleased to see where we are today but now we have to move to the goal line so anybody with disabilities have support needs which several have already mentioned.

As you think of the training and technical assistance requirements, there has to be real specificity in there. What we are talking about, and it is a word we must use, is culture change. John alluded to it with low expectations. Stigma, stereotypes, labels, are alive and well in every sector of our society, including, I am sorry to say, contemporary special education. Which, if it would change, might help a lot of these outcomes, as well, but that is another day's discussion.

I think we have to be clear that what you are proposing is consistent with every piece of Federal disability Listening Session today, including the DD Act. We now make employment a priority, as Chai pointed out, or somebody else just did, career development. It is not just job placement anymore. These are really important things, Olmstead says all this stuff, and most importantly, the new CMS settings rule and the person-centered plan. But ruby made a comment, and you have to address it, the difference between what I will call passive aggressive sabotage choice, and real, experientially-based choice. I see it. You all are smiling. You know it, it is a time game. Gabe, you have been assembling ballpoint pens for the last 20 years in the workshop and now people think you should go out and get a job. What would you like to do?

The same with people out of institutions. You have to taste it, feel it, smell it, whatever. The late Mayor which some of you may have known, a superb behavioral intervention clinical psychologist. People know what they know. They don't know what they don't know, and they don't know they don't know it. Okay? That is a powerful statement. And we have to recognize it. Julie alluded, and I think we have to be very clear, the training and technical experience must assure fidelity. We have to have people that can really do this stuff. Taking the Webinar, they mess it up, then say, I told you, you have to stay on minimum wage. We all know that is not true.

On informed choice, Ruby Moore, who is on, and Mark

Friedman who did an article in VocRehab in October of 2017 on informed choice. Get it out there, have other people read it, because people don't know what that mean, and then people get shafted. And, lastly, I hope, even though you mentioned the GRSA (?) as part of your collaboration, I think you need to bring in RSA and all the state VocRehab Agencies to be partners in this initiative.

And the same with the workforce centers. And bring in DOL, and those folks, as well. Because they all have a role to play to insuring this.

Then, lastly, please collect real data. Outcome data. Wages earned. Taxes paid. Reduced amounts of labor support or other kinds of supports. We know this works. And the biggest one, please look at health care. Look at the Iowa data which no one wants to talk about. They saved \$21 million in two years on outpatient health care, mental health and medication costs, when people who hadn't been worked on SSI or SSDI went to work. So, collect this data. It is impressive for all of us and for Congress to understand why return on investment in this is the best bang for the buck for everybody. There are no losers except those traditional providers. And, well, they will just have to wake up. Thank you very much.

>> KIMBERLY ZEICH: Thank you, Allan. The need to collect data is certainly a theme we are hearing today. Next is Rita Martin from CSAVR. Rita, would you like to go ahead?

>> RITA MARTIN: Thank you all for the opportunity to speak today. You know, so many of the comments I prepared have already been shared by many of my colleagues, so, rather than being repetitive, I will just say thank you to Julie Christensen and Allan Bergman, and the gentlemen that spoke from NDRN. We support your comments. We agree with them. And to that end, I will only add a couple of others.

I want to thank Mrs. Feldblum for the clarification. That helps significantly. I also want to acknowledge that we understand the conflict in the two statutes and the work that you are trying to do to remediate that. And we applaud you for that. We submitted our written comments through the portal, and so, thank you to the Commission for this journey that you are undertaking to try and help individuals get to competitive, integrated employment.

A concern that I want to share is, I know, I will speak specifically to goal 3, where you are trying to increase Competitive Integrated Employment. I would like that as you consider that opportunity, please keep in mind that it is integrated work location that always seems to be the barrier

when we are trying to work with AbilityOne and Vocation Rehabilitation. It is never the wages. We understand the jobs pay good wages, but to the extent that you can help integrate work environment within their own NPRs and offer the individuals career pathways to exit, I think if we can just start on that journey, there can be a lot more collaboration and cooperation and progress between State VR and, you know, us trying to obey our statute. At the same time, recognizing that, you know, this is a journey, not a sprint.

So, the integration of existing work environments within the NPRs to the greatest extent possible, with the opportunities to career pathways, would help considerably.

Thank you for the opportunity to comment.

>> KIMBERLY ZEICH: Rita, thank you for those comments. I do want to let everyone know the floor is open, so if anyone would like to make some comments, you can go to reactions and hit the "Raise Your Hand" button, or post it in the comments. While we are waiting to see if we have others who would like to speak, I know Chai has a few additional thoughts to share.

>> CHAI FELDBLUM: Yes, but I see that Clark just raised a hand. So, why don't we -- oh, there were various other things I wanted to respond to but none were as compelling and important. I don't want you to think people are just saying things and going into the black hole.

So to Cyrus' point as how we describe Strategic Objective One in terms of amending JWOD, we did this very specifically in conversation with the folks at the Senate health committee who had feedback for us in our Core Aspects, where we had only initially in the Core Aspects talked about the work we were going to do with the interagency folks, in coming up with an idea for amending JWOD. They pointed out that they are the ones that would be drafting any law. They wanted us to acknowledge that, which, of course, is true.

But we also wanted to make sure that we were not presuming what they were going to do. I mean, maybe they do want to phase out the program per the NCD report over eight years. Maybe they don't. So, we are going to be responsive. Obviously, we can make this more clear. If they decide they want to phase out and want to know how to do that without hurting people, sure, we will be responsive.

But just so it is clear, we will work on proposed amendments to JWOD. And the amendments will be not about a phaseout, but about a transformation, then it will be up to Congress to decide. So, Cyrus, to your point, I wanted to make that very clear.

Two, in terms of data, it is great to be getting all these comments. As you will see in the Strategic Plan, we are actually doing -- will do -- a lot in terms of data, because we have the legal authority to do that. Right? So, for example, Julie's point, of, well, do they have support staff that can help people, number one with a customized job, so you are getting them in the right job in the first place, then in terms of support, what do they have? So, we can ask for that.

We already asked what placement system they have for outward mobility and how many they place. But that doesn't necessarily take into account, as we are doing new contract allocations.

So, I don't have a concern in terms of legal authority or resources to collect more data. I do know, based on our current budget of \$8 million and our staff, that there is going to be a limited amount that we are going to be able to do with that information to provide the technical assistance and resources for the NPAs. And that is where the cooperative agreements with SourceAmerica and NIB, must reflect our expectation of what they will be doing to provide those resources, and the one thing we can do is monitor that, and we will.

The last thing I want to say is, a few people commenting that they appreciate that our proposal said no more 14(c) in an AbilityOne contract. And I am hoping you will see the final rule soon. It is going to be, I believe, quite a rule for the NPAs to comply with. I appreciate that people put in that other idea, as well. I appreciate that people are mentioning it here.

So, those are just some of the specific issues I wanted to comment on. And then, Clark, Karen and also, Ses has her hand up.

>> CLARK ROCKFALL.

>> I am the Director of Advocacy and Government Affairs for the American Council for the Blind, a nation-wide member-driven organization that strives to increase the security, inspects, economic opportunity and quality of life for people who are blind and experiencing vision loss. The comment on the Draft Strategic Plan were filed at regulations.gov and are part of the public record. In addition, with the comments previously stated here today, just three items that I would like to highlight. Thank you for the comments about recommendations to transition the AbilityOne Program, and I will even say to modernize or harmonize the AbilityOne Program with the workforce innovation and opportunity act as the Commission provides recommendations. I would strongly encourage the Commission to take a look at how the labor ratio requirements can be expanded upon and not only



applied to direct labor, but all aspects of the AbilityOne Program. Not only the individual non-profit agencies, but also the CNAs in direct labor, management, the executive and the Boards of these organizations to insure the opportunity, upward mobility and representation for people who are disabled within this program. Also this tied into the data representation at all levels of the AbilityOne Program.

Second, with relation to the Biden administration's executive order 14035, I believe, on diversity, equity, inclusion and accessibility in the Federal workforce, and the comments previously stated about accessibility, I would like to encourage the Commission to pursue ways to either include or remind all technology vendors working with the AbilityOne Program, as well as the technology's third party vendor technologies contracted throughout the AbilityOne Program that a failure to provide accessible technology could be seen as a violation of Title I of the ADA, and also notify them that failure to provide accessible technology could interfere with the civil rights of people who are disabled as a violation of Title V of the ADA, as well.

Finally, thank you to the Commission for providing not only the comment period but the Listening Session to individuals can be communicating and involved in the process in the most effective way for them thank you for the opportunity and many more opportunities to include the disability community as this process goes forward.

>> KIMBERLY ZEICH: Clark, thank you so much for those comments. Karen Lee, you have the floor.

>> KAREN LEE: Hi, my name is Karen Lee. I am an Executive Director of a service provider that provides people to live, work and thrive in Work, the big W in Work, in the metro area, including D.C. and Maryland. And then my night job is that I am the lead SME, Subject Matter Expert, on the Neon Project to SourceAmerica. It has been interesting for me, today, to listen to these great comments. I want to assure you something from my experience.

These really unbelievable providers out there who have been doing SourceAmerica or AbilityOne work for years, many of them are raising their hands on a daily basis, saying I want to do this better, I want to do this differently, I want to do Competitive Integrated Employment. How do we do that? How do we make that transition? These transitions are incredibly difficult. You have legacy organizations that are staffed, that are trained, they have infrastructures, everything is based around one type of service. Now we are asking them to build

capacity to do a whole other service.

As Christina talked about early in her transition they worked with, these are difficult transitions to make. But even without change in regulations at this point, people are raising their hands. They want to do this. They are eager to learn. They are stepping forward and asking for assistance. I have to say, SourceAmericas that been there to help them. SourceAmerica has provided learning opportunities to learn about customized employment and supported employment. They have all sorts of opportunities.

So, I want to continue to remember that we are all on one side. That side is that people with disabilities have an opportunity to work wherever they want, and how they want, and to thrive and to make a competitive wage and have opportunity to belong and live the lives that they want.

We support here at Seek over a hundred people directly hired or employed by the Federal Government or Federal Government contractor at NIH, the Smithsonian, the Department of Labor, and all over the place in this area. Of course, there are lots of opportunities in the D.C. metro area for people to work, and would really support the notion in any sort of support that we could create or make available so the same opportunities are present for people who are in small towns running these contracts, or in places where unemployment rates are 25% or so. Just to close up to say thank you very much, and to keep us all on the same side, to know that we are all working together to this, including those NPAs that have been working for years to support people to live a better life.

So, thank you.

>> KIMBERLY ZEICH: Thank you, Karen. We are getting a little short on time. I am going to go to Cesilee Coulson. A question in the Chat Box do we plan to post a video or transcript? Yes. We will have that on the AbilityOne.gov website as soon as it is possible.

>> CESILEE COULSON: Hi, everyone. We are headquartered in Washington on the other coast. We provide training and technical assistance for Competitive Integrated Employment Services. I just have two things really. I want to echo what Karen said about this effort. I feel like we are all together throwing the first rock into the pool and we will start some ripples here moving forward. I want to talk about momentum a little bit. I think they fall into strategy 3. We have done a lot of work on capacity-building and work with Karen, too. The thing in the incentivized expansion of CIE objectives. I think if we can kind of think about, my friends that have taught me the different

lingo and some of the organizations in this lane talking about lines of business. All right?

What we are trying to build out a business line around Competitive Integrated Employment Services and supports within the AbilityOne Program. So, when we do that, I think, if we can figure out a way to benchmark how much of that capacity we have right now in this program and say, hey, we would like to double that amount in the next five years, or ten years. Kind of get our heads wrapped around what success looks like for building this business line out, then we can all rally around that, right? We can all put our resources and talent and strategic partnerships that aren't going to be written into an act in Congress and those sorts of things. We can get on the implementation side and kind of get in better sync together.

I am not sure how to do that, necessarily, but I wanted to toss it out there as something we could maybe wrestle with together. There are a lot of smart people on the line here. I know Chris and Karen are people who say this is how much capacity we have to deliver this service.

So, if we could figure out how to tag this moment in time, then think about what would be an aggressive goal for us to get the next layer of this built out together, I would be happy to help think about that more, too. So, thank you all for the work you are doing. It is very exciting, and I look forward to being part of the team here.

>> KIMBERLY ZEICH: Thank you so much. Thank you, Ces. I know we have a lot of folks with questions and comments. We are about out of time. I know some of our Commission members have a hard stop at 4:00. Gabe would like to make a quick remark. Jeff, you have a hard stop. So, would you like to take a quick comment? We will throw it to Gabe then?

>> JEFF KOSES: I am good.

>> GABRIEL CAZARES: Thank you, Jeff. I just want to thank everyone so much for your time. I want to remind you that no one likes to see the sausage being made, but the sausage-making process is really important. So, I want you guys to take away from this meeting two things.

One, there is going to be many more policy discussions coming. This won't be the only opportunity for you to engage with the Commission.

And, two, make sure your comments are submitted to regulations.gov. But, most importantly, I highly want to emphasize that the Commission is not looking to redefine the definition of CIE. That would not be in the interest of anyone, including the Commission. What we are hoping to do, what we are

going to do, is operation lies the WIOA 2016 definition, and ensure that we are making competitive, integrated employment the standard across the AbilityOne ecosystem. So, I just wanted to be sure that that was re-emphasized.

>> JEFF KOSES: One of our other Commissioners with us today. I would like to give her the floor for a moment if she has any comments to add.

>> KIMBERLY ZEICH: She is joining us by phone. She will need to unmute, or perhaps one of our hosts can unmute for her.

>> JEFF KOSES: We may be having a little technical difficulty. So, let me first thank all of you for taking the time for putting thought into this. For preparing meaningful comments, for raising further issues for us to think about.

Following this meeting, we still have a few days to get written comments in. For those of you who have already commented, thank you so much. For those of you who haven't, they are an important part of the process. We do want to hear from you. So, please, any comments in by the 30<sup>th</sup>. I think Gabe's comments were totally on-point. This is not the only conversation we are looking to have with all of you.

I appreciate today's conversation. For me, the procurement guy in the room, this was tremendously helpful and insightful. From my perspective, I need a program that agencies can depend on, that they can use to supply critically needed products and services in carrying out their mission. All of you gave us some really important perspectives on what else we need to think about, just as we think about a whole host of public policy objectives in the acquisition process. With that, thank you, and meeting adjourned.

>> KIMBERLY ZEICH: Thank you.

>> CHAI FELDBLUM: Thank you, everyone.

(Session was concluded at 2:58 PM CT)

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