



**Montgomery County Commission on People with Disabilities
Developmental Disabilities Advisory Committee
Meeting Summary – March 9th, 2020**

Larry Bram, Co-Chair • Karen Morgret, Co-Chair

Welcome, Introductions and Review of February 2020 Minutes

Minutes were approved as written. Minutes from past meetings can be found online at:

www.montgomerycountymd.gov/HHS-Program/ADS/CPWD/CPWDIndex.html, under the tab Developmental Disability Advisory Committee.

Employment Update from DDA – Nicholas Burton, Director, DDA Southern Maryland Regional Office, and Teresa Nataline, Provider Relations Director

PowerPoint – Employment First & Charting the LifeCourse Framework:

<https://montgomerycountymd.gov/HHS-Program/Resources/Files/A%26D%20Docs/DDAC/DDALifeCourseFramework.pdf>

Nicholas opened the floor to questions, thoughts and concerns.

Susan Hartung said parents are concerned about the DDA transformation and the pending legislation that would delay implementation until July 1, 2021. People are confused if services currently in place will continue after the transformation. Providers are concerned about paperwork, reimbursements, training, and the need for additional personnel or the need to lay off employees. Claire Funkhouser said her son has been working part-time at Taco Bell for ten years. He would like to work more hours, but that is dependent on Taco Bell. She questioned if he would be able to retain his employment if it was only part-time hours.

Nicholas said the conversations about LTSS and the pending DDA transformation set to occur July 1st, 2020, are happening between Secretary Robert Neall, Maryland Department of Health (MDH), DDA Deputy Secretary Bernie Simons, and the Maryland General Assembly. He can only discuss what is happening at the regional office to support individuals and their families. First and foremost, the transformation is not designed to take services away from people. It is there to maximize people's independence and support in the community. Employment First is designed to provide supports and resources to help people who want to work and who want to explore opportunities in the community. This will be different for every single person. This may include having a conversation about other supports that may be necessary for the person to become employed. At the regional office, staff will be working with individuals, their families, and their teams to make sure their plans are supported.

Betsy asked if a job coach is only provided for the first 90 days during training under the new employment service definitions. It is her understanding that the job coach is temporary. It was also asked if businesses that exclusively hire persons with disabilities, such as Sunflower Bakery, would be considered competitive, integrated employment. Susan asked how DDA can work with large companies in Maryland to hire people with disabilities. Nicholas said he agrees DDA should educate businesses within our local communities. He added there are federal tax credits for hiring persons with disabilities. Research has shown that business is better when persons with disabilities are hired and integrated into the workforce. It is beneficial to the business and beneficial to employee morale. Nicholas said in Oregon regional teams invited businesses to join their Employment First workgroups, and DDA providers and Coordination of Community Services (CCS) agencies formed their own employment groups that invited community business leaders to create a collaborative effort. DDA should provide the tools and resources needed to reach out to businesses. Nicholas agreed that there is more room to be done in that area.

Nicholas said as far as he knows employment technical assistance is available to agencies that request it. He is not aware of regional Employment First workgroups led by families, providers, CCSs, or business leaders. He reported Staci Jones was DDA's Employment First Director but has moved to Quality Assurance. Teresa Nataline is the new Provider Relations Director and Kathleen Walker is the Acting Employment First Coordinator.

Rosemary DiPietro, Community Support Network (CSN), said over the last 18 months Staci was working to educate stakeholders about the meaning of Employment First and how it would be implemented by DDA. She is not aware of tools available that a CCS agency could share with groups looking to employ persons with disabilities. Rosemary suggested that DDA partner with the business community from the state level. Nicholas explained that Oregon had a lawsuit that mandated Employment First be implemented robustly under a court order. Oregon relied heavily on county-based groups of school systems, vocational rehabilitation agencies, parents, and individuals to create Employment First goals and to have Employment First models implemented in their own communities. Oregon provided the resources and tools to accomplish those goals, but it was important for those community groups to implement the efforts. Oregon and its counties also started having regular meetings with vocational rehabilitation agencies to discuss collaborative efforts and transitioning youth. School districts were included in those conversations. Nicholas stressed the importance of having all the necessary parties at the table to create strategic goals. He is willing to share these ideas with DDA Headquarters as it may be helpful moving forward. He encouraged local communities at the county level to create Employment First groups to push initiatives.

Susan said DDA needs to step in and talk to large employers at the state level. She is concerned that with the current economy employees with disabilities will potentially be the first to be laid off. The other factor in Montgomery County is the number of federal government entities and technology companies. The county also has a strong community of local organizations such as rotary clubs, Lions Clubs, etc., as other states.

Betsy Luecking, Staff, said in August 2019 she began to research County employment initiatives, programs, contracts and funding. She met with the Marriott Foundation. Montgomery County Public Schools (MCPS) Worksource Montgomery and exchanged information with DORS. The Marriott Foundation Bridges to Work program has had an outstanding track record nationally and we may want to consider having them work with students while in high school who will most likely be considered in categories 2 and 3 after age 21.

During Betsy's research she read that Florida has an Employment First initiative.

[http://www.employmentfirstfl.org/sites/employmentfirstfl.org/files/files/web-](http://www.employmentfirstfl.org/sites/employmentfirstfl.org/files/files/web-What%20is%20Florida%20Employment%20First.pdf)

[What%20is%20Florida%20Employment%20First.pdf](http://www.employmentfirstfl.org/sites/employmentfirstfl.org/files/files/web-What%20is%20Florida%20Employment%20First.pdf) In 2013, Florida Governor Scott signed Executive Order 13-284. The Executive Order asked that state agencies work together to make it easier for people with disabilities to find and keep a job in the community. The Executive Order also says that in Florida employment for people with disabilities, including people with intellectual or developmental disabilities, is a job working in the community, earning minimum wage or more, and with the goal of earning enough money to support oneself. The Executive Order also asked state agencies in Florida to develop a plan on how they will work together to support Employment First Florida. Betsy suggested that Maryland develop a similar initiative with state agencies and MCPS signing an agreement and having ongoing monthly meetings that would include businesses and advocates. Division of Rehabilitation Services (DORS) and WorkSource Montgomery do not just serve people with developmental disabilities. They serve persons with all types of disabilities. Employment First is not a term used with other types of disabilities.

Betsy noted that DORS has 430 county residents on their waiting list. Individuals can be on the waiting list for up to five years and never be picked up by WorkSource Montgomery. Some are sent to Worksource Montgomery but as there is no tracking system they cannot identify which individuals receive their services. Worksource Montgomery typically serves level 2 and 3 individuals. Workforce Innovation and Opportunities Act (WIOA) Title 4 funds go to DORS. DORS in the state of Maryland falls under the Department of Education. In some states they come under the department of labor. The Rehabilitation Act of 1973, as amended by the WIOA, requires VR agencies to reserve not less than 15 percent of the federal VR allotment to provide, or arrange for the provision of pre-employment transition services (Pre-ETS) for student with disabilities transitioning from school to postsecondary education programs and employment to competitive integrated setting. This requirement to reserve 15 percent of the state grant also applies to reallocated funds, and leaves only 85 percent soon to be

75% of the annual budget remaining for services to adults. From FY16 to FY20 this will increase to 25% capping at 1.5% of the VR grant per year. These factors have and will continue to contribute to the DORS waiting list. During FY 15 DORS received approval to hire six additional contractual positions from the State. However, since these new staff will be 100% devoted to the provision of Pre-ETS, their performance is not expected to result in a decrease in the agency's waiting list for VR services.

After her research, Betsy compiled a list and shared her recommendations with County Executive Marc Elrich. She is waiting to receive guidance on working at the county level. She said due to the DDA transformation employment issues will be affecting the entire state and DDA/State should be involved as well. Nicholas said for something to be long-sustaining and to work in local communities, there must be a collaborative effort. Maryland plans to be there but other partners are needed to help make this happen. This includes families to let DDA know what works and what doesn't work. It was noted that Inter ACC/DD has an employment workgroup. Worksource Montgomery attended their last meeting.

Rosemary asked if Staci Jones was aware of Inter ACC/DD's employment group. Karen Morgret, Co-Chair, Treatment & Learning Centers, suspects that she did. It was asked what Employment First means and how employment opportunities will grow in Maryland. Nicholas said Employment First means Maryland values employment opportunities for people with disabilities. For anyone who wants to work, Maryland will help them towards gaining employment. It does not mean that people are required to work in the community. Maryland also wants to encourage employment-related conversations. Teams should be discussing with their individuals how that person can be supported in their employment goals if that person wants to work.

Rosemary said everyone under the retirement age is expected to work. CCSs through the LTSS platform are expected to justify why someone is not working using a high level of subjective language. There is no template. Employment First is a large area included in the DDA transformation.

Claire Funkhouser said that employers don't fully understand hiring people with disabilities. It may take a lot of education and that can be assisted by DDA, DORS, and Department of Labor (DOL). She added that most individual providers don't have specific staff that reach out to or concentrate on employers. This is left to job coaches and to parents. Nicholas said he started with DDA 99 days ago and it is hard to immediately implement changes and it will be hard to get these initiatives off the ground. He is working to get systems in place and make sure his office is supportive and responsive to the needs of individuals in our region. He understands the challenges out there and sees them every day. He can take this Committee's concerns back to DDA and work with his team and the regional office to make it better.

Scottie Holton said her son is 37 years old and has a significant disability. She said that she has not received good services from DORS. At one point, her son worked for a home builder company where the owner made it his mission to hire and support persons with disabilities. All company employees supported that endeavor. She asked how to include the National Chamber of Commerce or local Chamber of Commerces in these discussions to get companies to buy into this. She attended an outstanding conference held by Melwood that featured many speakers. One speaker noted data that showed how much a company improves when they hire and support people with disabilities.

Larry Bram, Co-Chair, Easter Seals, said Easter Seals is a member of the Silver Spring Chamber of Commerce (SSCC), the Montgomery County Chamber of Commerce (MCCC), and the Northern Virginia Chamber of Commerce (NVCC). He offered to speak with MCCC. Larry said he would like there to be a separate county chamber of commerce for non-profits.

Karen suggested reaching out to human resources management as well. She asked how DDA will partner with DORS moving forward with the transformation. Nicholas said it will be important that there is a common understanding of how the two systems can work collaboratively. DDA and DORS will also need to review duplication or overlapping of services. It will take some time. All regional offices should be having those conversations with their local vocational rehabilitation offices.

It was asked how to bring individuals to the roundtable discussions. Nicholas said he will discuss this issue with Bernie Simons and how DDA can support it. He will also let him know what worked in Oregon.

Susan asked how the schools in Oregon and Wisconsin worked with transitioning youth. Nicholas said in Oregon when students were aging out of the school system, the school, vocational rehabilitation, and developmental disability services would discuss how to make the transition seamless so the individual could retain their employment. In certain situations where additional job supports were needed, such as someone transitioning out early and vocational rehabilitation was not able to support the individual, DDA had an exception process to continue providing funding. The overall goal was to keep that individual employed. Susan said Montgomery College has good internship and vocational training programs for people without disabilities and there might be a way to connect with them.

Jeneva Burroughs Stone said she generally focuses on individuals who are medically fragile such as her son. She does not know if her son can necessarily be paid at a competitive wage. She asked if volunteer positions will still be allowed under the DDA transformation. Her son currently volunteers as an usher at Imagination Stage. Nicholas said DDA's Employment First does not require people to work. The individual should discuss with their team if they want to work and how DDA can support them. If the individual does not want to work, DDA and their team should figure out the most integrated setting that can best meet their needs.

Jeneva said her son chose self-directed services because traditional providers generally will not take on an individual that requires skilled nursing care. While he can certainly be in the community, he is accompanied by a nurse. Her son is in the REM program and cannot go into another Medicaid program because then it would be double-dipping. Claire suggested that individuals in self-directed services be included in the roundtable discussions. Jeneva said it is her impression that those in self-directed services can buy days into some of the programs but asked what happens if the individual requires a nurse aide. That could be an issue when trying to become employed. She said the Self-Directed Advocacy Network (SDAN) is following [SB 959 / HB1171 – Public Health – Demonstration Program and Developmental Disabilities](#) which would establish the State Advisory Council on Self-Directed Services within the Maryland Department of Health (MDH). Jeneva said there are not enough support brokers and not enough access to direct support professionals. Families need to fill in these gaps. The bill states “MDH’s Home- and Community-based Services waiver must provide support broker services. The waiver must include the option for a family member or legal guardian, including a parent or sibling, of an individual who participates in the waiver to provide waiver services for the individual, regardless of whether the family member, legal guardian, or another family member or legal guardian has a fiduciary duty to the individual.”

Rosemary asked what kinds of resources DDA could provide. She said volunteering can be just as valuable to a business as someone who is being paid. Nicholas said people from DDA should be at the roundtable to help facilitate the discussion. The resources would be dependent on the group's Employment First goals for the County. Goals could include reaching out to businesses and chamber of commerces, figuring out how to make sure job coaches and job developers have the right training they need, or making sure the SDAN is having conversations about barriers they are experiencing. DDA would be present to support those efforts and on-going activities. The workgroup could collect data and make recommendations to DDA based on what has been implemented. If a mechanism is developed that works a pilot group could be formed to focus on those goals.

Claire said with the Transition Pilot one of the key points is to have the school system transition coordinators, the CCSs, the parents, and the individuals involved, to the extent that they can be involved. Claire also said the U.S. Chamber of Commerce and the Association of Non-Profit Providers are both located in D.C. She suggested inviting those leaders to the roundtable discussion as well as the local leaders.

Beth Shuman reported that Councilmembers Gabe Alborno and Nancy Navarro introduced [Bill 9-20, Economic Development Fund – Local Business Child Care Grant Program](#) on Tuesday, March 3rd. The bill will provide an incentive to help our County's small businesses attract talent while also expanding access to quality childcare. It will be a pilot program for businesses that have 50 employees or less. Beth said this is just one small piece of the discussion and is one more incentive for businesses who have flexible spending accounts. The County is also working on the early identification pilot and sensory-friendly designation. The County Council and County Executive are very concerned about DDA and are in favor of [Senate Bill 796 / House Bill 984 – DDA – Program](#)

[Changes and Required Reports](#) that would delay implementation of the new service definitions and LTSS to July 1, 2021. Beth suggested she discuss these employment issues and concerns with Councilmember Alborno, Linda McMillan, Senior Legislative Analyst, County Council, Odile Brunetto, Acting Chief, Aging and Disability Services, and Kim Mayo, Administrator, CSN, and pull together a group to begin the discussion with businesses. Beth will look into the speakers Melwood had at their event and review data presented.

Nicholas said whatever action this group decides to take, he will discuss with Bernie. He agrees that a coordinated effort and a plan with the right members at the table to discuss next steps and outcomes is the way to go.

One challenge is adults with disabilities can only volunteer for non-profits or government agencies. It was asked if there was a way for non-profits to hire volunteers. Karen said as she understands it at TLC some individuals may want a job with a company down the road, but because they cannot intern at that company it is not an option. Nicholas said he will investigate this issue as there are differences in the rules between volunteer work and internships. Larry said Easter Seals had a long discussion with Community Support Services (CSS) about having their clients work at Easter Seals in unpaid internships/volunteer jobs. CSS argued that it was not exploitation and the individuals were gaining skills while doing meaningful work. It has been a great partnership. Larry suggested that the individual be paid through DDA instead of the employer. Susan read from the Fair Labor Standards Act (FLSA) that there is a list of exceptions. A worker with a disability is exempt from volunteering for for-profits. There may be a work around.

Jenn Lynn, Upcounty Community Resources, has a program that trains individuals with developmental disabilities to perform a variety of jobs in restaurants in the community. Three individuals are waiting to be hired by these restaurants. They need to figure out how to pay the individuals so they do not get penalized and have services taken away. Larry encouraged those individuals to receive benefits counseling. Jenn Lynn said one individual had an issue when she made \$100 more in one month. Because of her increase in pay, her rent went up by \$500. She is also an HOC voucher holder so there are many roadblocks.

DORS has referred individuals to paid internships, but it is unclear who is providing the funding. It was suggested that businesses use grant money to pay for internships. Betsy suggested Committee members review the Florida model. She added that Worksource Montgomery has a responsibility to hire persons with disabilities, but those with severe disabilities are managed by DORS.

Betsy said when she met with Tad Asbury, Executive Director, Marriott Foundation for People with Disabilities that operates Bridges from School to Work that while larger employers are members of the Chamber of Commerce, he told her that it is smaller businesses with 15 employees or less who hire the most persons with disabilities. Susan said Project Search works with large employers and suggested Project Search be included in discussion. Larry noted that Section 503 prohibits employment discrimination against individuals based on disability by federal contractors and subcontractors. Section 503 also requires that federal contractors and subcontractors that receive more than \$10,000 in funding take affirmative action to recruit, employ, train, and promote qualified individuals with disabilities and report on their disability hiring. There are incentives to hiring persons with disabilities, but the problem is acting on it. Larry said he will reach out to the Montgomery County Chamber of Commerce.

Betsy said that perhaps we need to identify via Inter ACC/DD which agencies are currently doing outreach to businesses on hiring people with developmental disabilities and ask those agencies what is needed. She added that any funding the County provides to an agency should have an outcome tied to it and those outcomes need to be written into contracts. Nicholas suggested using the data to drive our outcomes and those outcomes will help determine who is to be involved.

Announcements

Betsy announced the next DDAC Meeting will be held Monday, May 11th, 2020, from 4pm to 5:30pm at the Health & Human Services Building, 401 Hungerford Drive, Rockville, MD 20850 in the 1st Floor 1A Conference Room.

Larry gave an update on the LTSS issue from the previous month. Secretary Neall, MDH, testified at a hearing about the issue and Larry had written testimony. Secretary Neall guaranteed this issue will be fixed. Larry said

Adult Day Service providers have already completed training where it was strictly stated providers were not to use LTSS for marketing or cold-calling purposes. He added that there is a legitimate reason for providers to view which waivers a person is receiving in order to provide services.

Beth asked the Committee for suggestions on individuals or agencies to invite to a Developmental Disabilities Awareness Month proclamation to be presented by the County Council on Tuesday, March 17th, 2020. Some suggestions were Sunflower Bakery and That's A Wrap. (Please note that due to Coronavirus and County Council Office Building being closed to public, this will be held at a later date.)

Article by Jeneva Jones – “Maryland is failing to protect the civil rights of people with disabilities”
https://www.washingtonpost.com/opinions/localopinions/maryland-is-failing-to-protect-the-civil-rights-of-people-with-disabilities/2019/02/12/3f7927fa-1ff2-11e9-8b59-0a28f2191131_story.html

Respectfully Submitted,

Carly Clem, Administrative Specialist
Betsy Luecking, Community Outreach Manager

Next Meeting-- Hopefully

May 11th, 2020 from 4pm to 5:30pm
Health & Human Services Building, 401 Hungerford Drive, 1st Floor 1A Conference Room, Rockville, MD 20850