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STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
EMPLOYMENT FIRST COMMITTEE MEETING
POSTED AT: www.scdd.ca.gov

DATE: August 15, 2019
TIME: 10:00 AM – 3:30 PM

MEETING LOCATION: SCDD HQ OFFICE
3831 North Freeway Blvd., Suite 125
Sacramento, CA 95834

COMMITTEE CHAIR: Wesley Witherspoon

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

Item 4. PUBLIC COMMENTS
This item is for members of the public only to provide comments and/or present information to the Committee on matters not on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be read.

Item 5. APPROVAL OF APRIL 2019 MINUTES
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Accessibility:
Pursuant to Government Code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact (916) 263-7919. Requests must be received by 5 business days prior to the meeting.

Materials:
Meeting documents and presentations for an agenda item must be submitted to SCDD no later than 2 business days prior to the meeting.

All times indicated and the order of business are approximate and subject to change.

TELECONFERENCE LOCATION(S):
Disability Rights California          USC UCEDD
1330 Broadway Street, Suite 500     3250 Wilshire Blvd, Suite 500
Oakland, CA 94612                   Los Angeles, CA 90010

1 A call-in phone line will be available so that members of the public can call in and listen to this meeting, provided there are no unforeseen technical difficulties or other limitations. The meeting will not be cancelled if the call-in phone line is not available. If you wish to participate or to have a guaranteed opportunity to observe and participate, please plan to attend at a physical location.
AGENDA ITEM 5.
ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Approval of April 2019 Minutes
Members will be presented with the draft minutes from the April 18th meeting for consideration.

Action Recommended
Approve the April 2019 minutes.

Attachment(s)
April 2019 Minutes
DRAFT
Employment First Committee
Meeting Minutes
April 18, 2019

1. CALL TO ORDER
   Chairperson Wesley Witherspoon (SA) called the meeting to order at 10:12 A.M.

2. ESTABLISH QUORUM
   A quorum was established.

3. WELCOME/INTRODUCTIONS
   Members and others introduced themselves as indicated.

4. PUBLIC COMMENTS
   None.

5. APPROVAL OF THE FEBRUARY 2019 MEETING MINUTES
   It was moved/seconded (Raynor/Chiu) and carried to approve the February 2019 meeting minutes as amended. (Yin and Boyd: Abstain; all others in favor)

   Amendment(s)
   Page 1 of the meeting minutes, correct Barbara Boyd’s attendance from being present to being absent.

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<tr>
<th>Attending Members</th>
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<tr>
<td>Michael Clay (DDS)</td>
<td>Steve Ruder (UCD)</td>
<td>Mary Ellen Stives</td>
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<tr>
<td>Wesley Witherspoon (SA)</td>
<td>Sarah Issacs (DRC)</td>
<td>Michael Luna</td>
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<td>Olivia Raynor (UCLA)</td>
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<td>Michael McNulty</td>
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<td>Barbara Boyd (CDE)</td>
<td><strong>Others Attending</strong></td>
<td>Robin Maitino-Erben</td>
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<td>Cindy Chiu (DOR)</td>
<td>Aaron Carruthers</td>
<td>Sheraden Nicholau</td>
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<tr>
<td>Larry Yin (USC)</td>
<td>Cindy Smith</td>
<td>Vivian Hounn</td>
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Others Attending (cont)
- Aaron Carruthers
- Cindy Smith
- Mary Ellen Stives
- Michael Luna
- Michael McNulty
- Robin Maitino-Erben
- Sheraden Nicholau
- Vivian Hounn
Page 3 of the meeting minutes, paragraph two, last line, change “was the first and most detailed” to “was the first and very detailed.”

6. **FEDERAL LEGISLATIVE AND REGULATORY UPDATE**
   Deputy Director Cindy Smith provided members with updates on the federal budget caps, stating that the ceiling has been reached, as well as HCBS, employment, and education policies impacting CIE.

7. **UPDATE AND DISCUSSION ON DATA SHARING LEGISLATION IMPLEMENTATION**
   Committee member Michael Clay and Michael Luna, Chief of the Work Services Section, provided a brief update on the status of the data sharing implementation stating that the data was still under internal discussion and being reviewed. Deputy Director Smith inquired whether the data would be available for inclusion in the 2018 legislative report. Mr. Luna and Committee member Clay apologized and stated that many of the delays had to do with the reorganization of the department and would check into the expected approval date.

8. **UPDATES ON STATE LEGISLATION**
   Deputy Director Smith provided updates on the DDS rate study, the Council’s sponsored legislation (AB 1019 and AB 1169), as well as the other bills relating to employment (AB 365 and AB 641).

   Committee members were provided with a copy of the Council’s written public comment and talked at length about ways to support the proposed rate increases and how they could get involved.

9. **DRAFT 2018 EFC REPORT**
   Committee members reviewed and provided the following input and recommendations before approving the report in concept to move forward to the Council.

   **Overall Feedback** – Streamline/condense report to fewer pages by making sections fewer paragraphs (perhaps add appendix if someone wants to read more on a section). Restructure the report to present information in each section to show what it means for EFC as a committee.

   **Introduction** – Make shorter. Lead with achievements.
Employment Data Trends – Add footnotes that lists source that is being used. Be sure to make it clear that this is quarterly wage data and hourly wage is unknown. Add a sentence that lets reader know better data will be available next year. Committee member Clay will try and get better data to Deputy Director Smith. Deputy Director Smith to verify poverty rate in California.

Policy Changes Impacting Implementation – Shorten section by summarizing more. Add a sentence or two on how we have been implementing pre-employment transition services. Report page 16, 3rd paragraph, 4th line, delete “using funding provided to DOR.” Report page 16, 5th paragraph, 4th line, delete “across all three agencies.”

Progress in 2018: CIE Blueprint for Change – Lead with paragraph 4 and include key findings from the CIE Annual Report. Also, include language that lets the reader know that the report serves as a baseline for progress.

SCDD Regional Office Work – Remove the individual bullets and instead condense to a paragraph or two and restructure the section to show how SCDD is advancing policies and practices. Maybe have an activity that shows how SCDD is promoting high paying jobs (Goodwill example). Restructure the paragraphs on the grants to show the take away and how SCDD is improving capacity at multiple levels (e.g., internships and provide capacity).

Legislative Efforts – Emphasize what has passed, followed by pending, then what has died.

Progress on EFC’s Priorities/Current Priorities – Expand a little on the passage of Data-Sharing paragraph. Remove the paragraphs on training families and convening/organizing stakeholder process and simply state that we continue to inform and update. Delete the EFC Goal & Priorities table and take the goals that are identified in them and add/highlight them in the introduction. Somehow work in the work that regional offices are doing to carry out these goals/priorities.

Next Steps/Recommendations – Add credentialing and job ladder/training; expand data collection; launch campaign that reduces the stigma of employing people with I/DD; use language from AB 2171 to craft recommendations.
Deputy Director Smith stated that she would send report to members after implementing the above changes and asked that final feedback and report recommendations be sent directly to her and Robin Maitino-Erben by April 26th.

It was moved/seconded (Raynor/Chiu) and carried to approve the 2018 Employment First Report to the Legislature in concept to be moved to the Council for consideration. (unanimous – see page 1 for members present)

10. EXPANDING EFC MEMBERSHIP
Committee members discussed on the expansion of the Committee to include collaborators that would improve and remove barriers to CIE. Members talked about the goals they want to achieve in the coming federal fiscal year and how the expansion needs to be targeted to include partners that would help achieve a specific goal. Committee members were given until April 26th to get their ideas to Deputy Director Smith for inclusion at the meeting in August.

The Committee will review the list and make recommendations at the August meeting. Members stated that they would like to add a few members that would have an ongoing seat as well add temporary members that would serve until a completion of a specific priority. Feedback for expansion seats included:

- Family Member connected to a group
- Someone from the Workforce System
- Someone from the Community College
- Supported Employment Provider
- Business Group/Chamber of Commerce
- American Job Centers
- Someone that can connect education to better job outcomes
- Someone representing Transportation barriers
- Someone representing housing barriers
- Another Employed Self-Advocate

11. UPDATE ON CIE BLUEPRINT IMPLEMENTATION
Committee members Michael Clay, Barbara Boyd and Cindy Chiu provided updates on the CIE Blueprint Implementation stating that year one’s goals had been exceeded.
12. STRATEGIC PRIORITIES RELATED TO SCDD’s STATE PLAN GOAL ON EMPLOYMENT FOR 2019 & 2020
Committee were asked by SCDD Regional Managers, Sheraden Nicholau and Mary Ellen Stives to think about what barriers they were seeing in achieving CIE, this information was being collected to include in the Council’s State Plan workplan. Barriers that were identified included: CalABLE training, work incentive training, financial incentives for employers, shared best practices, group partnerships, and employer recognition.

13. FUTURE MEETING DATES
Remaining meeting dates for 2019 are August 15th and October 10th.

14. ADJOURNMENT
Meeting at adjourned at 3:05 P.M.
AGENDA ITEM 6.
INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Discussion of EFC Purpose & Requirements

Many of the Employment First Committee members have joined the Committee in the couple of years. Cindy Smith will lead a discussion which will include the history of the Employment First Policy, the Committee’s statutory purpose and responsibilities, and Committee’s achievements over the last 10 years.

Attachment(s)
None

Handout(s)
History and Achievements of EFC
AGENDA ITEM 7.
INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

*Federal Legislative and Regulatory Updates*

Cindy Smith will provide an oral update on the latest federal legislative and regulatory issues including update on **H.R. 582 / S. 150, S. 260 / H.R. 873, H.R. 3070, and S. 255** as well as the final comments submitted to ODEP on subminimum wage employment submitted by SCDD.

*Attachment(s)*
Final Copy of ODEP Comments
Final Comments on Section 14(c)

The California State Council on Developmental Disabilities fully supports competitive integrated employment (CIE) and robust implementation of the Workforce Innovation Opportunity Act in California. The Council also supports the full and robust implementation of California’s Employment First Law adopted in 2013 and the phase out and elimination of sub-minimum wage employment allowed under 14(c) of the Fair Labor Standards Act and/or segregated employment for all Californians with developmental disabilities. The Employment First Policy makes it the highest priority of the State of California to ensure that it provides opportunities for CIE for all people with developmental disabilities regardless of severity of disability (CAL. WIC § 4868).

In California, the American Community Survey reports that in 2017, the employment rate of working-age people (ages 21 to 64) with disabilities living in the community in California was 36.8 percent compared to 77.3 percent of working-aged people without disabilities living in the community. In 2016, the California Department of Developmental Services reports that only 14.2 percent of people with developmental disabilities who are receiving services through the Regional Centers are working.

The California Departments of Education, Rehabilitation and Developmental Disabilities have committed to successfully implementing the Employment First Policy by issuing the California Competitive Integrated Employment (CIE) Blueprint (https://www.chhs.ca.gov/wp-content/uploads/2017/06/CIE/California-Competitive-Integrated-Employment-Blueprint.docx). This voluntary five-year plan is currently being implemented. The outcomes of these efforts are reported in the Competitive Integrated Employment Blueprint Annual Report 2018 (https://www.chhs.ca.gov/wp-content/uploads/2019/04/Competitive-Integrated-Employment-Blueprint-Annual-Report-2018-1.docx). In addition, the Council believes that policies and practices must set expectations for integrated employment, microenterprise training, self-employment, and promote collaboration between local agencies, state agencies, and remove barriers to CIE through access to information, benefits counseling, job training, inclusive postsecondary education, and appropriate provider rates that incentivize quality employment outcomes.

The State Council performs extensive work in the community to address the challenges faced by people with developmental disabilities seeking CIE through its 12 regional offices in the State and the Employment First Committee created as part of the Employment First Policy. The Committee is charged with, “identifying strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers” (CAL. WIC § 4868). In FFY 2018, the Council hosted or was involved in 230 events directed at persons with developmental disabilities, their families, providers, businesses and other stakeholders.
While it was a revolutionary policy development when signed into law in 1938, Section 14(c) of the Fair Labor Standards Act currently negatively impacts the opportunity for people with developmental disabilities to become economically self-sufficient. CIE provides every person a chance to build relationships with co-workers, be a part of the community, and contribute to the local economies. It reduces poverty and reliance on state support and leads to greater self-sufficiency. The Council is committed to ensuring the approximately 630,000 people with developmental disabilities in California are able to work in CIE.
August 15, 2019

AGENDA ITEM 8.
INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Updates on State Legislation

Cindy Smith will provide an oral update on SCDD Sponsored Legislation (AB 1019 and AB 1169) as well as other employment related legislation introduced this session (AB 365 and AB 641).

Attachment(s)
AB 1019 Press Release
FOR IMMEDIATE RELEASE

Governor Newsom Signs State Council Sponsored Apprenticeship Bill into Law

SACRAMENTO – The State Council on Developmental Disabilities (SCDD) commends Governor Newsom for signing AB 1019 into law. AB 1019 was authored by Assemblymember Jim Frazier and sponsored by SCDD. This bill amends the California Labor Code to expand membership of the Division of Apprenticeship Standards' Interagency Advisory Committee on Apprenticeship (IACA) to include the Director of the California Department of Rehabilitation and the Executive Director of the State Council on Developmental Disabilities.

“We are excited to welcome the Director of the California Department of Rehabilitation and the Executive Director of the State Council on Developmental Disabilities as ex officio members of the IACA. Their addition to the IACA will be an invaluable resource for us as we continue to expand State Registered Apprenticeship opportunities in California,” stated Eric Rood, Chief of the Division of Apprenticeship Standards (DAS).

AB 1019 also requires the creation of a subcommittee to address apprenticeships for people with disabilities. The IACA was created in 2018 by AB 235 with the goal of fostering, promoting, and developing opportunities for competitive employment through apprenticeships.

“Apprenticeships are not only crucial to the success of our economy, but also provide an important career pathway and opportunity toward competitive integrated employment for workers with and without disabilities. The Department of Rehabilitation looks forward to working with all stakeholders to jointly build and advance a strong and inclusive workforce in California,” stated Joe Xavier, Director of the Department of Rehabilitation.

“Apprenticeships provide an important avenue to opening competitive employment opportunities to people with disabilities. The Council looks forward to joining the IACA and working together to create new opportunities by formally connecting these pathways to employment,” stated Maria Marquez, SCDD Interim Chair. “The State Council is grateful for the leadership of Governor Newsom and Assemblymember Frazier.”

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Close to 50 years ago, Congress established the State Councils in every state and territory. The Councils are authorized in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to ensure that individuals with developmental disabilities and their families design and access services and supports that “promote self-determination, independence, productivity, integration and inclusion” in community life. The Lanterman Act establishes the SCDD in California to be comprised of 31 members appointed by the Governor, including individuals with disabilities, their families, other partners and state agencies. The SCDD develops a five-year state plan to implement the DD Act through the work of 12 regional offices in California. The plan is developed with stakeholder input and is focused on addressing systemic barriers to employment, housing, education, community supports, health, and safety for persons with developmental disabilities.
AGENDA ITEM 9.
INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Update and Discussion on Data Sharing Legislation Implementation

Michael Luna will provide an oral update on the status of implementation of the data sharing bills sponsored by the SCDD.

Attachment(s)
None
AGENDA ITEM 10.
INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Update on CIE Blueprint Implementation

Michael Luna with the Department of Developmental Services, Barbara Boyd with the California Department of Education, and Cindy Chiu with the Department of Rehabilitation will provide an oral update on progress of the Blueprint Implementation across the Departments.

Attachment(s)
None
AGENDA ITEM 11.
ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Update on the 2018 EFC Report

Members will be provided with a summary of the final 2018 EFC report. Additionally, staff will be provided an informational copy of the final text.

Attachments
None

Handout(s)
Final Submitted Report
Report Summary
AGENDA ITEM 12.
ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

EFC’S Activities for 2020

Using previously identified goals, priorities and policy recommendations, Committee members will determine which one to three activities they want to achieve in 2020 and how each agency/organization that is represented on the Committee will contribute to working to accomplish those activities in 2020.

Action Recommended
Select one to three activities to focus on in 2020 and determine action steps by Committee members.

Attachment(s)
Combined Detail Sheet with Item 13.
AGENDA ITEM 13.
ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Committee Expansion Selection

The Committee will select collaborators from the list below that will help them achieve the activities identified in agenda item 12. These collaborators will serve until the completion of identified activities at which time new activities and collaborators will be chosen.

- Self-advocates including a youth with I/DD
- Family advocates
- Stakeholder organization focused on expanding inclusive living college programs
- Business organization such as the Chamber of Commerce or employer
- Exceptional Family Resource Center
- Community college representative
- San Diego Workforce Partnership
- Supported employment provider
- California Workforce Board
- Employment Development Department
- Other State Agencies, such as Department of Transportation
- American Job Centers
- Someone that can connect education to better job outcomes

Action Recommended
Recommend new collaborators to carryout 2020 activities.

Attachment(s)
Detail Sheet

Handout(s)
Possible Handouts the day of meeting.
ISSUE: 2020 Activities and Expansion of the Employment First Committee

BACKGROUND: In 2018 and 2019, the Committee provided input on what activities the staff should consider undertaking to accomplish the Employment Goal and Objectives in the Council’s State Plan as part of the yearly work plan in 2019 and 2020. These activities are carried out, primarily by SCDD’s Regional Offices. The Committee also provided input on the policy priority related to employment for the Council for 2019-2020. Lastly, the Committee also has a series of goals and priorities adopted from CECY against which to benchmark progress and has made policy recommendations in its reports to the Legislature.

On March 12, 2019, the Council voted to support expansion of the Employment First Committee. The expansion of the Committee will occur by selecting partners based on a specific and previously identified goal and activities needed to accomplish the goal that the Committee wants to work to accomplish in 2020. Once an activity is accomplished, the ad-hoc Committee members will end their membership on the Committee and a new collaboration with new ad-hoc Members will begin based on what activities the Committee wants to achieve next. Members also discussed possible stakeholder partnerships and were asked to provide that feedback back to staff by April 26, 2019.

ANALYSIS/DISCUSSION: Identifying specific activities and the steps needed to accomplish each of them is an important step in achieving the goals, priorities, and policy recommendations previously established by the Committee. This process will ensure the Committee makes tangible progress to improve and/or even remove some specific barriers to CIE.

Once members identify the activities they wish to accomplish in 2020, the next step will be to determine how each agency/organization represented will contribute to accomplishing the activities, and then finally the Committee will determine which additional partners are included to accomplish the activities. Suggestions from the prior EFC meeting include:
- Self-advocates including a youth with I/DD
- Family advocates
- Stakeholder organization focused on expanding inclusive living college programs
- Business organization such as the Chamber of Commerce or employer
- Exceptional Family Resource Center
- Community college representative
- San Diego Workforce Partnership
- Supported employment provider
- California Workforce Board
- Employment Development Department
- Other State Agencies, such as Department of Transportation
- American Job Centers
- Someone that can connect education to better job outcomes

**RECOMMENDATION:** The Committee select one to three activities to focus on in 2020 and determines the action steps by each organization/agency represented on the Committee to accomplish that activity. The Committee decides on new Members of the Committee based on who is needed to assist in accomplishing the identified activities.

**COUNCIL STRATEGIC PLAN OBJECTIVE:** 2.1 and 2.2

**PRIOR COMMITTEE ACTIVITY:** April 18, 2019

**ATTACHMENTS:** None

**PREPARED BY:** Robin Maitino-Erben, August 2, 2019.