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>>MARK SCHULTZ: Good morning. If you could take your seats I will give you about a minute and then we will start. Okay, good morning! While you're taking your seats I have a couple of announcements to make. Today, just to let you know, there are several options for lunch since you're on your own for lunch today. In the Red Marlin there is an $18 lunch buffet. In addition there will be a pop‑up sandwich and salad booth outside the meeting room, so you can take advantage of that, or you've probably found other places by now since you've been here a day or so. That includes the fish and chips place just down the road, and then there is the swim bar and restaurant; there are options there.

There are a number of places that you have as an option today, and then we have the committee meeting this afternoon. It's my pleasure to introduce our next panel so without further ado our entertainment line‑up today begins with a panel of one!
(Applause.)

So I would like to introduce Craig ‑‑ I mean
(Laughter.)

Christopher Pope. You guys are interchangeable, right? And Chris is on the implementation team facilitator for RSA and he's going to speak on federal regulations on services to business this morning, so please welcome Chris.

>>CHRISTOPHER POPE: Thank you. It was funny, yesterday I ran into my colleague from the Department of Labor, Debbie, are you here? Debbie said to me, Chris, you have more hair than the last time I saw you, and I was confused, and I was like, my hair is short at the moment, and then I realized she thought I was Craig!
(Laughter.)

So this is an interdepartmental discrepancy that we will try to work out. So on behalf of RSA, I want to thank CSAVR for asking us to deliver this presentation on services to business in the VR program. RSA was excited when CSAVR allotted time in their agenda for this important topic so we hope this presentation reinforces things you may know and highlights new ways for VR agencies to partner with business under the Rehab Act as amended by WIOA. I want to provide a quick overview of what we're going to talk about today because this is a newer presentation and we didn't roll this out at our three regional meetings around the country so first we're going to discuss the emphasis on employer engagement, under Title I of WIOA. We're going to look at specifically the emphasis on employer engagement under the Rehabilitation Act. Next we will look at planning requirements that VR agencies are required to partake in prior to serving businesses as it relates to two different entities, other components of the work force development system and with employers directly. We will review some of the requirements around business representation on the state rehabilitation councils, and we will go over the three legal authorities under which VR programs are permitted to serve businesses in the VR program. We will take a close look at those various activities permitted under training and services to employers which is a new federal regulation. And we will review the guidance that RSA provided in the ream bell around the topics to the VR final rule.

We will also discuss how VR agencies are permitted to serve business under the services to groups authority, and the permissibility of administrative costs in serving businesses. We're going to look quickly at a new optional authority under which VR programs have under the order of selection requirements, we're going to discuss one of RSA's recent efforts to engage business at the federal level and then we will look at examples of what you're doing around the country in serving businesses. We will highlight a technical assistance resource, the JD VR TAC I know some of those guys are with us and finally we will have time for questions and answers at the end. I hope that sounds like a nice morning and will keep you distracted from certain events happening on this Tuesday.
(Laughter.)

So broadly under WIOA Title I reinforces that businesses are best to inform the work development system on how to align better with them in providing a variety of services that are available under WIOA. These services are supposed to increase the potential for all job seekers, the key there is the word "all" including people with disabilities to achieve competitive, integrated employment. Yesterday it was mentioned a couple of times but we referred to the term "the dual customer approach" and this highlights that. It requires poet listening to employers and responding to their needs.

Just as VR counselors do every day with the people we serve. We listen and then we respond to meet their needs.

Title I also places a premium on industry or sector partnerships and proven strategies like apprenticeships and work‑based learning to deliver high‑quality worker training. This recognition that training or preparing for employment cannot occur in a vacuum. In other words engagement with business shouldn't just occur during the job placement phase at the end of someone's vocational rehabilitation case, it's a continuum throughout the case.

Title I also strengthens and improves existing career pathways for all job seekers and workers. Beyond WIOA there is a lot of work happening around career pathways at the federal level. They are being implemented in the Department of Education in the K‑12 programming, adult career and technical education along with many other federal agencies and RSA along with partners at ETA in the Department of Labor and with the office of career and technical and adult education within the Department of Education are excited to be working with all of these federal partners on inner agency career pathways work groups.

Just a teaser, on November 30th we are having a WIOA Wednesday webinar on career pathways, I know that was probably very difficult to translate, WIOA Wednesday webinar.

Finally Title I emphasizes the importance of meeting employers' needs by incorporating employers into the performance accountability measures. Karen and Melinda talked about this yesterday. These measures are applicable to all core programs of the work force development system. By including business in how core performance is measured the law recognizes the dual customer approach for all Titles and holds business needs accountable so let's at the look Rehabilitation Act specifically. Title I of the Rehab Act as amended by WIOA also emphasizes the importance of fostering relationships with business between VR and business to achieve two different goals. The first is establishing work‑ed learning, opportunities for students and youth with disabilities and really all individuals with disabilities can benefit from these activities.

The second goal is to enable employment opportunities in the opportunity for individuals with disabilities especially those with the most significant disabilities. Title I expands the scope that VR agencies may provide to businesses for the purpose of helping people with disabilities achieve competitive, integrated employment. Through these relationships with business, VR agencies are able to provide businesses necessary to assist individuals to gain requisite skills and training and this matches employers needs locally, regional and across the country nationally.

In the notes section of this presentation you will find these comments but we did include a lot of language there and I wanted to read one of them because I think it highlights an property issue. The expansion of the services that VR agencies may provide to employers offers an opportunity for VR agencies to work more closely with employers than every before. To increase employment opportunities for individuals with disabilities and fields that might have been historically under utilized in fields. So let's switch topics and talk about the state plan. We're going to look at planning for building relationships with employers in really two different aspects.

The Rehab Act requires that the VR services portion of the unified or combined state plan include a lot of different assurances. Some of those are related to cooperation, coordination and collaboration with VR agencies and a lot of different entities within the state including employers. State planning requirements related to building relationships with employers focus on two different entities. Namely, the cooperative efforts between VR agencies and other work force development system programs, and those relationships between VR agencies and employers. So let's look at the first part of that, the state planning requirements that mandate VR agencies outline how they're going to work with other components of the work force development system. For example, Title I, II, and III of WIOA. These cooperative agreements that you're establishing with other programs under WIOA, among other things must establish how VR agencies will work with partners to engage employers for two different things. These are supposed to improve job placement for people with disabilities and they're supposed to outline any other activities that VR agencies are carrying out with other partners under WIOA.

The second part of state planning requirements relates to those cooperative agreements with VR agencies and business. Those have to be outlined in the VR portion of your state plan. They are supposed to show how the VR agencies are working directly with employers to identify competitive integrated employment and career exploration opportunities for individuals with disabilities. These efforts that we have codified in description G must describe how VR agencies will partner with business to provide VR services for everyone so for all individuals with disabilities and specifically these cooperative agreements must show how VR agencies are providing preemployment transition services for students with disabilities and transition services for students and youth with disabilities.

I just want to note that the state plan descriptions of all of these cooperative efforts that VR agencies should be fostering are critical for the development of work base learning experiences as we have talked about those experiences a lot, yesterday during Tonya's presentation, and the heavy emphasis throughout the Rehab Act on the provision of services to students and youth with disabilities heightens the importance of these relationship says more than they ever have.

So let's talk about business membership on the State Rehabilitation Council. For those VR agencies that have an SRC we wanted to provide a quick review of one of the several membership requirements required on the SRC. This requirement also reinforces the role that businesses should be playing in the VR agency. Of the 15 minimum members that need to be on an SRC, the Act requires that four of those be representatives of business, industry and labor. So if we do the math, business constitutes more than a quarter of the SRC's minimum membership requirements and this is more than any other single group on the SRC.

This highlights the importance of employer perspectives on the SRC and in fulfilling the SRC's functions. It's supposed to guide the agency as it embarks on the activities we are talk about today. These SRC representatives themselves provide an opportunity to develop relationships with other new employers and model those existing positive relationships across the state. So it's a valuable resource for VR agencies as you work to fulfill all of the requirements under the Rehabilitation Act. We're now going to take a look at the three legal authorities under the VR program and their corresponding regularity provisions under which VR agencies are to work with businesses in the program. The first is training and services to employers. This was established in Section 109 of the Act and you will see it in the federal regulations at 36132.

The second authority is under services to groups and had existed for quite some time under WIA. This is in Section 103B of the Act and you will see those regulations implemented in 36149.

Finally, the smallest of the three is the administrative cost provisions and the definition of that term. This was established in Section 71 of the Act and you will find the definition at 3615C2.

The Act took place and we have included a slide for your reference and these are available on our web site and the partners' web sites so let's take a deeper dive in the first authority and the newest of the three, training and services to employers. VR agencies may provide training to those who have been hired and those who are interested in doing that type of work so VR agencies may use federal VR funds and nonfederal funds which might be used for match or maintenance of effort purposes to pay for these two types of expenditures.

Under the training and services to employers authority VR agencies can do a lot and we are going to talk about these activities and you will notice when we are reviewing them they're specific but also very broad and I think that was intentional. You will notice that the implementing regulations mirror the statutory language so a lot of these services allowed under the new provision are directly from Congress. We made it a point to include all of those in the final rule.

So VR agencies may provide training and technical assistance to employers regarding the employment of individuals with disabilities including disability awareness and the requirements of the ADA and other employment‑related laws. VR agencies may work with employers to do a lot of different things and here I'm going to list some of them. Provide opportunities for work‑based learning experiences like internships or apprenticeships or fellowships and opportunities for employers to work with VR agencies in delivering those transition services. They can work with ‑‑ you can work with employers to recruit qualified applicants who are people with disabilities, you can help them train employees who are individuals with disabilities, and you can promote awareness of disability‑related obstacles to continued employment, how we help people with disabilities keep their jobs. VR agencies may also provide consultations, technical assistance and support to employers when it comes to things like workplace accommodations, assistive technology, accessible facilities and workplace access through collaboration with some other community partners, perhaps, and employers across your state and across the country to enable employers to recruit job match, hire or retain qualified individuals with disabilities. And finally under this new provision, VR agencies may assist employers with utilizing available financial support for hiring or accommodating individuals in the workplace as appropriate. So you will notice like I said regulatory text at 36132 is new. Formerly it used to pertain to the projects with industry program and that was repealed by WIOA and you can find all of the preamble discussion relating to these new services in the Federal Register in the preamble.

Let's talk about the preamble and the guidance we provided on topics relate to these. We responded to a variety of public comment in the preamble related to this new authority and we wanted to review them today because they do constitute formal policy guidance that has been vetted at the highest level within the Department. We will begin with workplace accommodations.

As we just discussed, VR agencies may now provide training and technical assistance to businesses regarding employment of people with disabilities including requirements under the ADA and other disability‑related laws. In the preamble, the Department reminded the public that this training and technical assistance to employers is just that. It does not relieve employers of their requirements to provide accommodations that are reasonable under the ADA or other employment‑related laws. The Department did not include language in the final regs as was suggested by the public to describe those specific accommodations that are incumbent upon employers to provide because that does not fall within our Department's purview or within the scope of these VR regulations. The Department clarified and reminded the public that this responsibility of employers to provide workplace accommodations falls within the jurisdiction of the Equal Employment Opportunity Commission which is charged with the enforcement of Title I under ADA. The next preamble topic that we responded to in this authority is related to registered apprenticeships. This came up throughout public comment and we responded to the issue in light of preemployment transition services and elsewhere. The Department has clarified when we use the term "apprenticeship" as an example of a work‑based learning experience it does not include registered apprenticeships, sometimes abbreviated as "RA" according to the regulations, they are likely to result if a job, registered apprenticeships, whereas how we use them, they are designed to provide individuals with disabilities including students as appropriate with work‑based learning and career exploration opportunities. Apprenticeships very well might result in a job but they're immediate purpose is training based, so it's on the continuum of VR services delivery leading to a job.

Finally, in this authority we responded to one more preamble topic and that was a request that the federal regulations require VR agencies to establish what the commenter called "employer advisory councils" these could be state wide, regional or local. The Department here explained that while Section 109 of the Act does not require VR agencies to establish these types of councils, there is nothing in the Act or its regulations that would prohibit it. Further I would suggest that some of these activities on an Employer Advisory Council are encumbered in the function of the State Rehabilitation Council if it's fully constituted with active, business representatives. It's also encumbered in the local work force development boards under Title I of WIOA which assist of a large number of businesses and representatives. We also clarified that while Section 109 of the Act does not require VR agencies to do any of this, rather these activities are permissive and we acknowledge that the provision of these types of activities are really important in accomplishing the purpose of the Rehab Act and WIOA. So that was training and services to employers, the first authority under which VR agencies can engage business. The second is services to groups.

Where, like training and services to employers VR agencies may engage business. This engagement would be for the benefit of groups of individuals or a group of individuals with disabilities. And there are two main service provisions under this authority that VR agencies may use.

First, and in a similar way to the last authority VR agencies may provide technical assistance to businesses that are seeking to employ individuals with disabilities under the services to groups authority and secondly, VR agencies may establish, develop or improve assistive technology demonstration loan refinancing or utilization programs in coordination with the AT act of 1998 to promote access to AT for individuals with disabilities and employers. So the preamble for 36149, which are these regulations, is set forth in the Federal Register and I would encourage you to review that but we will go into more detail on that preamble here. Let's look at the first provision, technical assistance to employers which sounds a lot like what we just talked about. The difference here is that VR agencies under services to groups may now provide technical assistance to all businesses interested in hiring individuals with disabilities.

This particular provision is broader than what existed under WIA. Under that law, the provision only permitted VR agencies to provide technical assistance and support services to those that were not subject to Title I of the ADA. Now the authority is much prodder and VR agencies can provide the TA to any business. In the preamble discussion of these final federal regulations we talked about the differences and the similarities between the two provisions, 32 and 49, and at the end of the day it was clarified that the specific activities under 32 are encumbered in 49, thus there is very little distinction between the two different authorities and VR agency may rely on one or the other or both in providing these types of services. It serves to reinforce the emphasis that these services may be provided under two different authorities. Let's look at the second provision of the services to groups that VR agency may engage in and that's related to assistive technology. Like I said VR agency may expend funds to establish, develop or improve AT, demonstration, loan reutilization or financing programs when coordinating with the entities administering that Act. This is to promote access to AT for people with disabilities and employers.

It's to benefit a group or groups of individuals with disabilities and it's not to meet the individual needs of any one person. Like I said, it's to promote access to AT and not provide AT. We wanted to remind you under WIOA the Federal Administration of the AT Act programs was transferred to the health and human services department and some VR agency may remain the lead agency for the grants administered by our partners at HHS and whether or not you are the lead or not, coordination is really the key here in working with the AT Act programs and it's critical to carrying out this authority under services to groups. Just to remind you if an individual with a disability needs AT, to obtain, maintain or keep their job, the VR agency must work with that employer to determine the entity appropriate to pay for that service, keeping in mind that the Rehab Act does not relieve employers of their obligations to provide workplace accommodations. If the VR agency ends up paying for that AT device it must do so on an individual's IPE. The third and final legal authority to work with businesses is related administrative costs. Section 71 of the Act and the definition at 361.5 defines administrative costs and says it can be many things. Among those things it includes the expenditures incurred in providing TA and support services to businesses and industries. Except for those provided in accordance with Section 103 the services to groups authority. That may sound confusing and I hope to explain that here. WIOA amended the services to groups authority by allowing VR agency to provide technical assistance to all employers not just the limited provision under WIOA. Because it permits VR agency to provide TA to everyone, VR agency may still use this authority to provide support services to employers because the law eliminated that authority to provide them under the services to business section. When all is said and done, you can provide the TA under the administrative costs, under the services to groups authority or under the training to services and groups authority.

So let's switch gears and talk about a new provision under order of selection. While it's not directly a services to business we think it might benefit businesses. So WIOA amended Title I of the Act in allowing VR agency to elect, opt, decide, however you want to say it to serve eligible individuals regardless of whether those individuals are receiving VR services under the order of selection.

These individuals must require specific services or equipment to keep their job. While this authority like I said does not constitute a service to business directly, it benefits employers by promoting employee retention. It allows VR agency to quickly provide VR services to individuals at risk of losing their job. Again this is optional and VR agency would be required to indicate their use of it in their VR services portion of the state plan.

Moving on, we wanted to highlight some of the work that RSA has been doing under the leadership of Commissioner Lebreck related to employer engagement. Over the past few months RSA hosted a series of round tables focused on a bunch of different employment sectors. We looked at federal contracting in recognition of the mandate under Section 508 of the Act, we looked at healthcare, banking and finance and information technology. RSA found these discussions informative and helpful and a step in the right direction in our efforts to provide national leadership to the VR program. We encourage you and VR agency to implement similar events and begin the dialogue of welcoming employers to your state or regions. We encourage VR agency to continue working with other human resource firms and other organizations that focus on workplace diversity and talent acquisition and you're going to hear more about that in the next presentation with Kathy West‑Evans. We look forward to that. As we spoke earlier when we spoke of the planning requirements description G of the plan must detail how the VR agency is going to work with employers to identify competitive, integrated employment and career exploration opportunities to facilitate the provision of three different types of services: VR services, transition services and preemployment transition services. We're going to provide examples that we found in description G from around the country. We wanted to provide the legal caveat here that these are just examples for your convenience. They're not intended to reflect their importance or endorse them in any sort of way and these are not necessarily best practices but just examples that we found from around the country.

The way that I selected them was entirely subjective and not very analytical and I'll explain why I selected them as we go through them. You will notice that these examples obviously reflect the VR programs purpose of assisting people with disabilities and obtaining integrated employment yet they also reflect the broader purpose of Title I of WIOA as it relates to emphasizing employer engagement. So all of these examples are demonstrative of VR agency' efforts to align with our work force development partners as we all work collaborate actively to address the needs of businesses. The first is California and I selected this because we are in California and Joe gave me a bottle of wine!
(Laughter.)

As a component of California's business engagement priority, the VR agency there has established a goal of providing field guidance to their districts on how they're going to use local and regional labor market information, LMI. They're going to use this information in developing IPEs for the people they serve and helping them obtain employment. So to complete this work the VR agency is hosting quarterly or state wide, regional calls, for example, some of the once they talked about were finance, transportation, and healthcare. These inviting businesses to these calls and hosting VR staff. They're leading discussions with about pathways to educate VR staff and they're recruiting businesses to participate in these calls and partnering with a lot of entities within the state of California, employment development department, local work force development boards, America's Job Center of California, which is the one‑stop delivery system, chambers of commerce and others to provide timely and accurate LMI identify areas where they could target competitive, integrated employment.

The next example I wanted to highlight is Illinois and I chose that state because that's where I was born.
(Laughter.)

The VR agency in Illinois is participating in the regional planning process and partnering with Illinois's local work force boards. Within Illinois they have established ten economic development regions, EDRs for short and they have done extensive analysis to identify the employment sectors in the state that are most likely to account for job growth and expansion over the next five years. This is an employment sector, another employment sector strategy. They have recognized these employers are key to the expansion of these sectors and they want to find a role for the VR agency and other programs to Target them, to look at business engagement, including talking about establishing work‑based learning experiences. The next example is from the state of Ohio and I chose that state because that's where I grew up. In Ohio, the VR agency plans to reintroduce on‑the‑job training as a VR service available to individuals. This is to facilitate increased skill gains and higher wages. I was talking a little bit with Mark before about on‑the‑job training. You good, Jim? All right.

With on‑the‑job training in Ohio the VR agency will work with employers to hire people with disabilities into more skilled and higher paying positions within their businesses.

The interesting thing about this partnership in Ohio is that the VR agency plans to align it's OJT policy and procedures with the OJT policies and procedures under Title I of WIOA, as much as possible, by using the same forms, training plan, templates, agreements and invoice templates and the theory here is that aligning VR's OJT services with those under Title I will make it easier for the employer, who are more accustomed perhaps to the Title I funded OJT to work with the VR consumers in their program.

This also indicates the emphasis on aligning with our work force development partners under WIOA.

The next example I want to highlight is New Jersey and I chose this state because one time I lived in Hoboken and I am the liaison to New Jersey.
(Chuckles.)

In New Jersey they have implemented a sector strategy approach, similar to the other things we have talked about at present in New Jersey they're calling them "talent networks" and they have identified them in key industries. Advanced manufacturing, financial services, healthcare, life sciences, retail and a bunch of others. These talent networks consist of industry experts led by colleges, universities, and business organizations and they partner with employers and other educational programs and work force organizations to help students and all job seekers focus on partner with a talent networks on focus on industry intelligence and developing high‑quality, employer‑driven partnerships.

The next example we will highlight is from the state of New York and I chose this because I also lived in New York once and I used to work for the State of New York. As a component of its outreach in marketing efforts every year the general VR agency recognizes outstanding businesses as part of its marketing approach across the state during National Disability Employment Awareness month which was last month, in October. This nation wide campaign raises awareness about disability‑employment related issues and celebrates the contribution of workers with disability across the country, past and present and celebrates businesses that hire them.

The next example we will look at is the state of Georgia, in addition to New Jersey I am the liaison to Georgia. Similar to the round tables conducted the Georgia VR agency is taking part in what they are calling employer engagement panel discussions and they have many goals and some of those are to engage the business community by specifically targeting their industry segments so, again, employment sectors and allowing them to provide the Georgia VR agency with their industry perspectives, including strengths, weaknesses and potential opportunities for hiring people with disabilities. These forums help to clarify, help the VR agency clarify and talk about the purpose of the VR program and they allow the VR agency to collaborate with other state agencies in the state to support VR consumers in obtaining long‑term and meaningful employment so, again, partnering with other components of the work force development system.

The next slide lists some sample employer engagement sectors in Georgia and it's pretty long so I'm not going to read all of them but you'll notice here within their sectors they have identified specific businesses that they're Targeting as part of this work. Last but not least the state of Nebraska because that's why Mark lives and works!
(Chuckles.)

In Nebraska the general VR agency recently extended its emphasis on job‑driven initiatives with something they're calling the "meet you where you are" model. This model focuses on rapid engagement also preferred to as progressive employment which I think is the term that Vermont uses. The aim of this is engaging individuals in an employment of work as quickly as possible. So VR staff are actively involved in recruiting individuals to participate in this model in connecting businesses with the VR agency on rapid engagement activities. So we look forward to hearing about how that program goes and successes and challenges you may face down the road.

>>MARK SCHULTZ: Okay.

>>CHRISTOPHER POPE: We wanted to highlight an excellent technical assistance resource available to VR agency that addresses all of the things we've talked about this morning. That is the job‑driven vocational Rehabilitation Technical Assistance Center for short, it's not very short but the JD VR TAC. We encourage you to utilize this resource as you plan for providing under whichever authority, and as you begin to implement employer driven job training programs and job initiatives. We have included on this slide a screen shot of the web site and on the next slide we've included a couple of contact points. I believe Cecelia is here with us today and probably some other people from the JD VR TAC so raise your hand if you are here great so you have lots of people to connect with later today.

So we have arrived at the time of questions and answers.

I will leave it to Mark to do that.

>>MARK SCHULTZ: Thank you, Chris. So now the fun and hilarity continues! If you have a question come to the mic and ask your question.

>> AUDIENCE MEMBER: Hi, I'm Delara from Wisconsin. I just want to make sure we heard you correctly when you were talking about TA for businesses and consumers that if we have a consumer who is on a wait list that we could sort of bypass the wait list by dealing with the business if that employee was in danger of losing their job?

>>CHRISTOPHER POPE: Your engagement would be with the individual with the disability.

>> AUDIENCE MEMBER: Okay.

>>CHRISTOPHER POPE: If you are operating under an order of selection and you choose to use that exemption provision then you would be able to serve that individual specifically with the equipment or services they might immediate to keep their job. So that person would need to be working, require something specific to keep their job and you would be able to bypass the order of selection if you've indicated that in your state plan at the beginning of the year. So it's helping the business retain the person but the service is provided to the individual on an IPE.

>> AUDIENCE MEMBER: Thank you.

>>CHRISTOPHER POPE: Sure.

>>MARK SCHULTZ: While you're thinking I have a couple of submitted questions. I'm going to read one of those. Where are efforts to partner with businesses, the services to business that you described reflected in the performance accountability measures?

>>CHRISTOPHER POPE: So is really when VR agency partner with business and employers to build, you know, mutually beneficial relationships, these relationships should lead to outcomes where people with disabilities have achieved integrated employment. So therefore these efforts should be reflected in most of if not all of the performance accountability measures of the WIOA that was talked about yesterday. In particular we would expect to see positive performance in serving the employers' measure which is one of the six primary indicators so if strong relationships with businesses exist and they are equipped to meet the workplace needs of people with disabilities, VR agency should expect that those individuals will keep their jobs in the second and fourth quarter off exit, in other words, they would not seek employment with other businesses in the first year after exiting the program and that's where under the effectiveness and serving the employers' model we're looking at retention and that's a perfect way to receive retention. And also where in businesses might seek to hire other people with disabilities based on their positive experiences.

>> AUDIENCE MEMBER: Linda from Wisconsin. When you are referring to the four business members on the State Rehab Council you said if a state has a council. Some might interpret that to mean that it's now optional to have Rehab Councils, could you clarify?

>>CHRISTOPHER POPE: Thanks, Linda it is not optional!
(Chuckles.)

If you are not an independent commission. Independent commissions are not required to have SRCs but everybody else is. Thanks, Linda.

>>MARK SCHULTZ: What fiscal requirements should we keep in mind when providing services to businesses.

>>CHRISTOPHER POPE: I'm going on put my "Craig" hat on when I answer this one as the fiscal guy.

>>MARK SCHULTZ: What fiscal requirements should we keep in mind when providing services to businesses.

>>CHRISTOPHER POPE: The uniform guidance is applicable to all federal awards, and it must be adhered to whenever federal funds are used including when using funds as you provide them in services to business. So the federal requirements require that VR agency track the spend tour of VR funds to ensure properly allocation of those costs and in other words VR agency may only pay for those activities with business or employers under any of the authorities that are allowable under the VR program and that are propositional to the benefit or use received by the VR program. To that end careful recordkeeping is critical to ensuring these requirements are satisfied. So we have received some questions about if a VR agency wants to contract the provision of these services, so I want to remind folks that you are allowed to do so and if the VR funds are going to be contracting permissible services to employers, the VR agency must follow your state's contracting provisions. As it relates to contracting specifically with businesses, the procurement standards which are in uniform guidance require VR agencies to monitor all contract activities to ensure that the entities providing them on your behalf, whether they're paid with federal or nonfederal funds are necessary, allowable and applicable to the VR program.

>>MARK SCHULTZ: Any other questions? I have one last question that was submitted.

Can any of the services to businesses count toward the reserve requirement for preemployment transition services?

>>CHRISTOPHER POPE: Yes, funds reserved for preemployment transition services must be used solely for the required, authorized or preemployment transition services transition coordination activities. These are outlined in Section 113 of the Act and also in the VR Regs. Tonya spoke a lot about that yesterday. Therefore it is possible that some but not all costs incurred by students at employment sites could be reported as these activities paid for with the reserve funds. Yesterday we talked about potentially allowable costs with these reserve funds specific to work‑based learning experiences which is one of the required five preemployment transition services required activities, these examples that we talked about included fees charged by an employer to provide work‑based learning experience additional costs that might be provided by the employer, we talked about training employees and working with employers to employees for work‑based learning experiences and preemployment transition services actually held at an employment site as well as training individuals who are individuals with disabilities. So under the Act, VR agencies may coordinate work mace readiness training during a work base learning experience at an employment site if determined necessary by the agency.

So VR agency in addition to those required activities could provide authorized activities with funds reserved under the preemployment transition services reserve. Some of those are school transition personnel, other persons supporting people with disabilities, and also it lists in that authorized authority private businesses. So it's reasonable to expect that VR agency could use that authorized activity funding there.

Similarly under Section 109 of the act VR agency are expected to provide technical assistance to state agencies and businesses and if this TA is provided specifically related to the provision of preemployment transition services, if you're talking to a business about how to provide those services, those costs might be potentially allowable costs paid with the reserved funds. Question?

>> AUDIENCE MEMBER: I'm Jenny from Michigan. Often times when we are engaging with businesses, particularly organizations such as your chambers and SHERM ‑‑ there is a cost associated with that and a lot of times it's closed door and unless you are a member they won't allow you to engage. In terms of costs and maybe that falls under the technical expertise we're providing or admin, are those allowable costs?

>>CHRISTOPHER POPE: Are you talking about a membership fee?

>> AUDIENCE MEMBER: Correct.

>>CHRISTOPHER POPE: To join the chamber? My "Craig" hat isn't that good but we might want to take that back and talk about it a little bit more. If you could ‑‑ you said what state?

>> AUDIENCE MEMBER: Michigan.

>>CHRISTOPHER POPE: If you could email us, we would be happy to look at that.

>> AUDIENCE MEMBER: In Michigan we have a unique system in place that we have a program that allows us to bill or invoice our expertise or time, in other words contracting our technical services out. So if we have a business that is requesting, say, their entire organization they want job analyses done for all of the things that are going to relate to their PDs, et cetera, we were actually billing our professional time to do that, and, you know, oftentimes that was based on the fact that it wasn't to a specific individual with a disability, this was something the business wanted to do as a whole so it was more on the prevention side. So with WIOA I'm under the impression if it's a business that's wanting to engage and hire, perhaps we have to look differently at how we might be billing our professional time? And or if that's allowable.

>>CHRISTOPHER POPE: Yeah that's a definite fiscal question where you are talking about professional time I'm assuming that those costs are charged to the VR funds whether federal or nonfederal.

>> AUDIENCE MEMBER: We're billing the business for our time. We're providing a technical ‑‑ so, for example, our occupational therapist are providing a technical expertise.

>>CHRISTOPHER POPE: I think you're hitting on something called program income where the VR agency receive funds from an outside entity and that's different than the things we have talked about here today. We would be happy to look at that and provide some targeted answers.

>> AUDIENCE MEMBER: Okay, thank you.

>>MARK SCHULTZ: Any other questions? Not seeing any. Let's give Craig a big thank you!
(Applause.)

Thank you, Chris. We'll take a break and be back at 10 a.m.

(Coffee break.)