CSAVR

11.07.16

4:15 pm

General Session 5

>>ROBERT DOYLE: We have come to our last session of the day, and we are talking about Competitive Integrated Employment and Employment Outcomes. Y'all, let's come together so we can wrap this session up. We can all come together so we can wrap this session up.

If you have a conversation you have to keep going with, step out into the hallway. All right. So, again, we have come to the last session, competitive integrated employment. Before we start this session, I want to invite Steve up for an announcement and then we will go into the session from there.

>> STEVE WOODERSON: Who would like to hangout at a reception tonight, raise your hand if you would enjoy that this evening, time together, well, we want to be sure you get there on time, so the directions for the reception is face be, and walk about 100 yards down the sidewalk, just face about, walk straight 100 yards down the sidewalk.

There will be a couple of wooden arbors, beautiful greenery, and that's where the reception is starting at 6:00. Straight down the sidewalk, 100 yards and you will find yourself at the reception, so Robert back to you.

>>ROBERT DOYLE: Thank you. All right, again, folks, we are getting ready to start the last session which is an overview of regulations relating to competitive integrated employment. We have this afternoon a Director of State Monitoring and Program Improvement, Carol Dobak who is going to go over the regulations. Give her a round of after applause? Go ahead.
(Applause.)

Let's get started.

>>CAROL DOBAK: Can everybody hear me? No? It's on? Am I not speaking into it, do I have to sit down like that? Is this better? Yes?

>> AUDIENCE MEMBER: Yes.

>>CAROL DOBAK: Well, you know, everyone, the more I attend conferences and present at them the more I am convinced that there is really no good time to be on the agenda, okay?
(Laughter.)

My colleagues who presented this morning, Tonya, Craig and Genee they were in the unenviable position of having to wake you up and then Suzanne and Helen were in the position of standing between you and lunch. Then those who just through the data party for us, Melinda and Karen were in the position of having to reengage all of you after satisfying lunch. Now I am in the least enviable position of all standing between you ask your dinner and the ability to consume at least a glass of one of those cases of 229 million cases of wine produced here in this fine state of California. So, you know, I also am in the unenviable position of having to follow three wonderful acts today. I want to thank all of our presenters publicly from this morning, Tonya, Craig, Genee, Suzanne, Helen and Melinda and Karen, they all did a terrific job, thank you so much.
(Applause.)

Okay so I am here to talk to you about the foundational concepts in the VR program of employment outcomes and competitive integrated employment. This morning you heard about complex regulations related to transition, preemployment transition services, limitations on sub‑minimum wage, all rather complex provisions now designed to promote the achievement of competitive integrated employment. What that means for the VR program in terms of employment outcomes and now Melinda and Karen talked to you about how that is rolled up and accounted for in the accountability measures as documented in 911. So, again, perhaps you're familiar with these concepts but it's worth a refresher given some changes in the VR program regulations as a result of WIOA. So what does it mean to achieve an employment outcome in the VR program now? Employment outcomes are part or full‑time employment in competitive integrated employment which can include customized employment, self‑employment, business ownership, tele commuting or an employment outcome is supported employment. If you look at the way the definition is written and constructed in terms of it's punctuation you will notice that supported employment is setoff there at the end by itself. This is because there are in rare circumstances the ability for individuals to achieve supported employment in integrated settings but without having achieved the competitive wage. They are pursuing competitive integrated employment over a short‑term basis. Okay? So that is why those persons, they're not earning the competitive wage we had to set the employment outcomes‑type of employment outcome by itself so there are two forms of employment under employment outcome in the VR program now. How does this definition differ from our prior definition of employment outcomes? It differs in two ways. First of all you heard me reference customized employment we include a specific reference in the regulatory definition of employment outcomes because the statutory definition includes a specific reference to customized employment. It differs in one other and significant way, from how the VR program has operated in the past and that is the definition by being limited to competitive integrated employment or supported employment has the affect of excluding from the scope of the definition uncompensated outcomes such as homemaker and unpaid family worker outcomes. What is the bases for these changes? Customized employment is included in the definition, the regulatory definition because it specifically identified in the statutory definition ‑‑ it is specifically identified in the statutory definition and I'm going to talk about customized employment, what is it? Customized employment is a type of employment that is tailored to meet the needs, skills, abilities, informed choice of the individual plus the needs of the employer. There are a variety of strategies that can be grouped together to enable an individual to achieve competitive integrated employment in customized employment. Some of those strategies include adapting the job description, again to meet the needs of the individual plus the needs of the employer. It can include adapting the work to be performed or the schedule during which the work is performed and it can also include strategies for the provision of supports for the individual on the job and that's where we sometimes see customized employment being dovetailed into support employment. You will hear from Suzanne on Wednesday that support employment does include customized employment or can include customized employment. What is the basis, though, for our much more significant change in the definition of employment outcome and that is the elimination of uncompensated outcomes. Approximately, that has resulted because of the extensive emphasis on competitive integrated employment in the statute, the rehabilitation act as amended by WIOA. We see it emphasize the in the statement of purpose, we see it emphasized throughout provisions for services such as preemployment transition services, transition services, supported employment and limitations on the uses of minimum wage. Most importantly, in terms of the basis for this affect of the definition is the requirement that an individual's IPE contain a goal, an employment goal consistent with the general goal of competitive integrated employment. We do recognize that the statutory combination of employment outcomes permits the Secretary of the Department of Education to include within its scope other vocational outcomes but the Secretary must do that in a manner that is consistent with the Rehabilitation Act and in looking at all of the emphasis on competitive integrated employment plus the particular requirement that the IPE contain a goal consistent with competitive integrated employment it is no longer consistent with the Act to include uncompensated outcomes.

Okay. So how does informed choice factor into all of this, though? Okay? Our informed choice provisions in the Rehabilitation Act and the regulations enable an individual to exercise informed choice with respect to employment achieved through the program within those outcomes that are permitted. Those outcomes are only competitive integrated employment or supported employment. However, we do also understand that for some individuals, uncompensated outcomes such as homemaker outcomes are legitimate outcomes and meet those individual's needs.

For that reason, we require through regulations that VR agencies refer those individuals interested in pursuing those types of outcomes to other federal, state, local or private programs, private nonprofits that can assist the individuals to achieve those needs or those outcomes such as independent living programs, including the older individuals who are blind program. We wanted to point out, though, that services, VR services that have customarily been provided to individuals seeking homemaker outcomes are available and have always been available to individuals pursuing competitive integrated employment through the VR program and they do form a very important foundation for the ability of individuals to achieve competitive integrated employment or gainful employment and those services can include for individuals who are blind, Braille, teaching of Braille, orientation mobility, other forms of rehab teaching. All of that's really important to enable an individual to achieve and maintain a job in competitive integrated employment. However, since they are no longer available to individuals who are interested many pursuing uncompensated outcomes we do recognize that this shift in the definition of employment outcomes in its scope will have the affect of placing an increased demand on the resources of other programs. We do know that in the past, the ability to provide services to individuals pursuing homemaker outcomes through the VR program has alleviated the burden on limited financial resources orifice calorie sources in programs such as the older individuals who are blind OIB program. Given the fact that there is likely to be an increased demand for their services, the department has supported additional funding for the OIB program for federal fiscal year 2017. We can't promise that Congress will agree with us and appropriate the funding to the program but the department is fully supporting it. Finally I wanted to talk about the transition period. All of you are aware, the regulations went into affect September 19th so none of you I am sure have opened or amended a case since September 19th of this year, placing an individual with an employment goal of homemaker, unpaid family worker or other uncompensated employment, right?

>> AUDIENCE MEMBER: Right!

>>CAROL DOBAK: Good, I got some laughs, good, I'm engaging, yes, okay! All right!
(Laughter.)

So we also do now as Linda pointed out in her presentation talking about the performance measures and how individuals who still may be assisting to achieve employment can be incorporated into the performance accountability measures as they pursue homemaker outcomes or other uncompensated outcomes. Okay? So if the individual had a case open prior to September 19th, 2016, or you amended that individual's case to include a goal of homemaker or uncompensated ‑‑ other uncompensated outcome you can still assist that individual to receive the services and achieve that particular goal up until June 30th ‑‑ up and through I should say June 30th, 2017. Okay? If that individual, though, should need continued services prior to achieving that goal, based on individual need, the VR agency and the individual may agree to continue that service provision beyond that date until the individual has received that outcome. However that is not to be a routine matter, you can't just say all these people are still in my system as of this time I'm going to extend their periods of service provision. You need to be looking at it on a case‑by‑case basis, making an informed decision, taking into accounts the needs of the individual and documenting that justification in the service record.

So an example of what that may look like is you are serving a senior or another individual who experiences a pro longed illness or injury and they can no longer participate in their services. You may once they're able to return to the program continue to serve them until such time as they have satisfactorily achieved a goal of homemaker. We will see that over a period of time as this plays out, eventually there will be no more individuals in this category, in the ‑‑ being reported through 911. Okay? So now that Windows 10 that for the most part outcomes through the VR program are going to be in competitive integrated employment except for those individuals left pursuing their homemaker goals and for those limited number of persons who will be found to have achieved supported employment while working competitive wages on a short‑term basis it's important for us to understand what competitive integrated employment entails. Okay? The new definition of competitive integrated employment brings together for the most part two prior definitions that you're all familiar with. Competitive employment and integrate setting. The new definition contains three major components. Okay? Competitive earnings, integrated location, and opportunities for advancement in employment. I'm going to talk about each of those as we move through the rest of this presentation. Okay?

So what does it mean for an individual to have achieved competitive earnings, now? Okay? Some of this you may recognize from earlier presentations. Okay. The individual must be earning a minimum wage that equals or exceeds the higher of the federal, state or local minimum wage rate in the individual's place of employment. This recognizes two things. It recognizes the fact that a number of localities across the country or states have established wage rates that are higher than the federal wage, minimum wage rate which is now $7.25. So taking that into account, Congress was very clear that they want us to be looking at not just that federal minimum wage but if the individual was employed in a locality where they were, for instance, that locality had established a minimum wage rate of $15 an hour, that's what we would be measuring ourselves against in order to determine that the individual had achieved competitive earnings. Okay? And, again, to emphasize this is this the place of the individual's employment not in the place of the individual's residence since minimum wage is looked at in terms of the employer's locations. Okay? The wage rate or the wages paid or earned must also be equal to or exceed the customary wages paid to individuals without disabilities in similar positions who ‑‑ and this is the new piece, possess ‑‑ where the individual with a disability in that position possesses the same level of skills, training, and experience as the individuals without the disabilities in similar positions. This is to make sure that we're looking in all ways at an equal level of employment for the individual with a disability in comparison to his peers in similar positions without disabilities. Whenever an agency or counselor is looking at what does that mean? There is no quantifiable way to measure that but it is based on the VR counselor's judgment, their understanding and knowledge of the type of employment in general and the employer's requirement for skills and training as well. Then as has been similar, in terms of our prior definition of competitive earnings, the individual with the disability must be eligible to receive the same level of benefits as individuals without disabilities in similar positions. One more note about competitive earnings, the statute and our regulations do include an he can collusion or exception to these previous three criteria, particularly the criteria that the individual be earning a minimum wage equal to or in excess of the higher of the federal, state or local minimum wage rate.

That is because Congress recognizes that individuals who are in self‑employment, particularly in the early stages of that employment venture may not in the end be earning a wage once it is all calculated and they draw their wages out of that employment venture that equals that minimum wage rate. That would be applicable in that location. For that reason, there is the exclusion for those individuals in self‑employment or the exception.

Okay? Well, now that we understand the relatively straightforward criteria with respect to competitive earnings, we can get into what is somewhat less straightforward and that is the criteria for integrated location. Now, if you're familiar with our prior definition of integrated setting, as all of you are, which has been in effect since 1997 you know that there are two basic criteria that now appear in the regulatory definition. That is that the employment be in a setting that is typically found in the community and that is one in which ‑‑ I'm going to walk through this slowly at the end of the day. It is one in which the individual with the disability interacts with co workers in the work unit across the work site or as appropriate other individuals such as customers and vendors without disabilities to the same extent that employees in similar positions interact with those same persons. We're going to walk through ‑‑ and, again, another part of that criteria is that that interaction is all happening while the individual with the disability is performing his or her work duties. Okay?

So we're going to walk through what all of that means, but before I do that I want to emphasize for all of you that it is the responsibility of the DSU, the VR agency to make this determination of what constitutes an integrated location or setting on a case‑by‑case basis in a manner that is consistent with the regulations and department policy as laid out in the preamble to the final regulations and other guidance. Okay? This is because it is the VR agency, it's all of you out there that can actually gather all of the facts necessary in order to determine whether the setting in which the individual was performing his or her work satisfies all the criteria. You have the facts and then you can apply the criteria again in a manner consistent with the regulations and guidance to that set of facts. Per each individual in employment. Okay?

I emphasize that because this is a question we have received a lot, we're getting a lot of congressional inquiries and this keeps coming up. Not only is it true for integrated location criteria but it's also true for all of the rest of the criteria that makeup the various components of the combination of competitive integrated employment. Typically found in the community what do you need to know now that this decision is on you? What do you need to know to determine that a particular work location satisfies the first of the criteria, both of which must be satisfied before you can say, yes, this individual is pursuing employment outcome in an integrated location or has achieved that employment in an integrated location?

Well, typically found in a community means that the setting is one that is in the competitive labor market. Okay? So businesses formed for the purpose of employing individuals with disabilities that's their primary purpose are not in the competitive labor market. Again, this criteria is consistent with the longstanding definition of integrated setting that's been in place in our regulations since 1997 and it's consistent with congressional intent as evidenced in a Senate report that accompanied the 1998 amendments to the Rehabilitation Act which emphasized the achievement of integrated employment through the VR program and formed the basis for our 2001 regulations requiring that all employment outcomes be in integrated settings and with the amendments to the Rehabilitation Act made by WIOA there was no evidence that Congress intended to chinning this interpretation. Okay? So, again, integrated location means, or typically found in the community means that it's one that's in the competitive labor market which does not include businesses formed for the primary purpose of employing individuals with disabilities.

Some of the factors that you can look at and are characteristics of businesses that are formed for the primary purpose of employing individuals with disabilities is that they fund positions through the operation of contracts under the JWO Act or now known as the Ability I program or state purchased contracts. Or they are, um, operating under requirements contracts that require them to hire a certain number of individuals so that there is a certain percentage of direct labor hours being performed by individuals with disabilities.

Those are characteristics of businesses that are not typically found in the community, because they are not in the competitive labor market.

So now looking at what it would mean for an employment setting to be one in which the level of interaction is one in which the individual with the disability interacts basically to the same extent with persons without disabilities that individuals without disabilities who are employed in similar positions interact with those persons. Okay? So the level of interaction, what you are is VR agencies looking at the primary focus of that level of interaction is looking at the interaction of the employee with the disability with his or her co workers. Okay? That's the primary focus, that's his or her co workers in the work unit and we will talk about what "work unit" means in a minute.

Co workers across the work site and it is that, that you are looking at. It is not sufficient to be looking only at the interaction of the employee with disability with individuals without disabilities such as customers and vendors, okay? We have received questions, you know, or heard comments throughout the years and also, you know, with development of the final regulations that, well, individuals without disabilities employed many call centers interact all the time with persons on the other end of the phone without disabilities. They may be doing that but the primary focus of your assessment of the criteria is on the interaction of that individual with his or her co workers. Now, looking at what does work unit mean. We have received a lot of questions on this. Okay. As we developed and received comments through the NPRM, as we were finalizing the regulations we continued to receive questions and comments into the department as we've been radiology out the regulations through our regional trainings we continue to get questions about this, mainly from CRPs and their Congressmen about what does work unit mean?
(Laughter.)

I've been responding to a lot of congressional inquiry and I know I will probably continue to do so for quite some time and that's okay. We want to make sure that everybody understands what these criteria mean. What is a work unit? A work unit is dependent upon the organizational structure of the employer and it is no different for a CRP that's employing an individual with a disability than it is for your employer who employs you. My work unit is the state monitoring and improvement division within RSA. Looking broader across the work site, my work site would look more like, well, the other divisions in RSA, including the training and service programs division, it would look like my interaction, I would be looking at my interaction with my colleagues in OCRS, including the Office of the Assistant Secretary and the Office of Policy and Planning I interact on a daily basis with our Office of General Council and I interact with budget and a host of other departments. That's a large work site and it can be the same when you are looking at the interaction of individuals with disabilities in what might be their limited work unit within a CRP and their entire work site of the CRP. I can give you a couple of examples. Perhaps these might help to illustrate that.

Okay. So you have a CRP and the CRP has two divisions which you can identify as the work units. One is a call center, and in that call center is established for the purpose of employing individuals with disabilities. The other is the division within that CRP within which or out of which they provide services, rehabilitation, vocational services to individuals with disabilities. In that division they hire people with disabilities to provide those services. So which one of those might satisfy the integrated location criteria and which one may not? Which one does not? Call center, that's correct. The call center, as I said, is established primarily for the purpose of employing individuals with disabilities, probably wouldn't exist but for that purpose, okay? And it is typically true that they say settings would provide limited opportunities for people with disabilities or employees with disabilities to be interacting with other employees without disabilities. However, the second division or work unit would be considered integrated because while the employer has decided that among the most qualified people to provide those rehab and vocational services are persons with disabilities they have not established that division for the specific or primary purpose of employing people with disabilities. They are merely delivering services through people with disabilities to other people with disabilities. Okay. Now, as I've said, when looking at the level of interaction you are looking at the level of interaction of individuals while they are performing their work duties. This does not include interaction in lunch rooms, in the restrooms, in the hallways that is not geared toward the performance of work. I know many of us do carry out work in some of those settings, have important conversations there, but we are really looking at the performance of work. So we're look at the performance of work and what this could look like in terms of particularly types of settings, okay, a group and enclave employment, we have received a number of questions about that, group and enclave employment and settings where people with disabilities are employed, let's say, in groups, or even alone, actually, to perform work under service contracts such as, you know, performing landscaping services in settings where they're primary interaction is not with co workers without disabilities but is actually with those of us visiting the work site or work in the work site. They were not ‑‑ would not be considered to be working in an integrated setting. This is true even if the individual is earning a wage that is higher than the minimum wage rate. They're earning a competitive wage, the wage rate ‑‑ or maybe even better, significantly better than the minimum wage rate in that area.

That is because the focus here is on nonsegregated, integrated employment and even with the payment of those high wages, the individual is still working in a segregated setting that does not provide the optimal type of employment and that is employment in which individuals are working side‑by‑side, performing their work with individuals without disabilities. Okay. So how does informed choice again fit into all of this? We talked earlier about informed choice in terms of achieving employment outcome and, again, here, we recognize that for some individuals they may choose to pursue nonintegrated employment or in some Kirks not be capable of pursuing nonintegrated employment. If that is the case, it is incumbent upon the VR agencies to be referring these individuals to other federal state, local, or nonprofit programs particularly in this case community rehabilitation programs that can best meet the needs of these individuals for the achievement of that nonintegrated employment. We received a lot of questions or comments recently particularly from CRPs worried that VR agencies will not be doing this. Okay? That they will not refer individuals who are choosing to pursue nonintegrated employment to them, and it's just ‑‑ remember it is required in the regulations that you do so. Finally our last component, not least, but the last component that we're going to talk about with respect to the entire definition of competitive integrated employment is that the individual with the disability in employment have the same opportunities for advancement that individuals without disabilities employed in similar positions by that employer have. That, again, is to make sure that the employment that the individual with the disability has achieved is equal in all critical respects to the employment of individuals without disabilities in that employment setting. So that includes my description of employment outcomes and competitive integrated employment under the VR program but I do want to take a moment to highlight something that I think came up in our previous presentation, the data party by Melinda and Karen.
(Chuckles.)

That has to do with how individuals who at some point in their VR program despite having had a goal of, um, competitive integrated employment on their IPE end up leaving the program in nonintegrated employment. Okay? That individual even if that individual is receiving or earning a competitive wage is not going to be counted in the performance accountability measures. That's because once that individual has made the decision to leave the VR program in a nonintegrated setting he or she has signaled his or her intent not to achieve an employment outcome that is allowable under the VR program and thus is treated as ineligible. As Melinda pointed out, there is an exclusion applicable to the VR program for under performance and accountability measures and for individuals who are no longer eligible for the VR program after having received services. And this is one way in which an individual is no longer eligible they are no longer pursuing an allowable outcome. Robert if there are more questions from the floor or a couple of the questions that we received through Rita and her solicitations of all of you I would be glad to open it up.

>>ROBERT DOYLE: We did have a few questions that were submitted that we can tackle quickly. I see Joe and a few other folks ‑‑

>>CAROL DOBAK: Oh no.

>>ROBERT DOYLE: I don't play poker well and I'm hoping that my poker face was okay up here, and I think there were a few things that ‑‑

>>CAROL DOBAK: I don't know if you're allowed to ask questions.

>>ROBERT DOYLE: Can I sit out there and get the microphone?
(Laughter.)

Who is presiding over this session? All right. Joe, let's get your question and then we will hit these two questions here and then we will go from there.

>> JOE XAVIER: First of all, thank you for your promotion to California's economy.

>>CAROL DOBAK: I've been spending my cash, Joe!

>> JOE XAVIER: Thank you! Two glasses is better than one by the way. Carol if you could revisit briefly your comments about the referral to CRPs. Could you revisit that?

>>CAROL DOBAK: The regulations for those of you I know Helen mentioned earlier she is a regulations geek and it was hard for me to do but I avoided mentioning the citations. They are in the notes section of these slides and you will see them there. So for individuals who choose not to pursue integrated employment, VR agencies are required under 361.37B to refer these individuals to programs and providers that can assist them to achieve this employment and those primarily of course are CRPs. That is done after the VR program has provided the individual with all of the information related to options for competitive integrated employment that that individual would need to make an informed decision to pursue nonintegrated employment. It is a requirement and has been in place in the Act since or in the regulations since 2001.

>>ROBERT DOYLE: All right so if you all recall we solicited questions that were submitted to RSA, we have two that have not been answered thus far, not directly anyhow. The first one, is there a conflict between a requirement for integrated employment under the VR program and the requirement under JWO program? Is there a conflict between our program and the requirements under JWO with the percentage of direct labor hours being performed by individuals with disabilities?

>>CAROL DOBAK: No. On the surface it may appear there is a conflict because one definitely is supporting nonintegrated employment and one supports integrated employment, but they're two separate programs with two distinct purposes. VR program as Windows 10, primary purpose is to assist individuals with disabilities to achieve competitive integrated employment. JWO or Ability I programs are established for the purpose of assisting individuals who are not capable of achieving competitive integrated employment. They're not capable of achieving competitive integrated employment and thus are eligible for employment in the JWO or Ability I programs.

>>ROBERT DOYLE: So the programs can co exist but if you want to go through JWO you don't get there unless it's by referral?

>>CAROL DOBAK: Exactly, Robert.

>>ROBERT DOYLE: The next question is how is federal schedule A recruiting and employment perceived in the context of an integrated setting since it's not available to individuals without disabilities?

>>CAROL DOBAK: Uh‑huh. Good question. Well, schedule A actually is not a reference to the employment setting, okay, which is what the definition of competitive integrated employment is based on, it's looking at the employment setting. Schedule A is a mechanism for employing individuals with disabilities in competitive integrated employment in the federal government.

Given the emphasis on competitive integrated employment, I invite all of you VR agencies to be thinking seriously about schedule A employment for the individuals that you serve, where federal employment is available in your states.

>>ROBERT DOYLE: So schedule A gets people to the competitive jobs is what it does?

>>CAROL DOBAK: Yes, it does.

>>ROBERT DOYLE: It's a vehicle to competitive jobs?

>>CAROL DOBAK: It's an exception to the competitive hiring process and, again in that context competitive does not mean competitive earnings it's a reference to the civil service hiring process.

>>ROBERT DOYLE: All right. Any other questions in the audience? Any questions? Bill?

>> BILL: Can you hear me? First of all I want to thank you for the presentation. I do think one of your things was flawed when you were talking about community location and you used the example of your agency being in Washington, D.C. no one in their right mind would put that many lawyers in one community!
(Laughter.)

>>CAROL DOBAK: Yeah and I'm one of them so, you know!
(Chuckles.)

>> BILL: Sorry about that. In terms of home‑based employment, you've got different organizations, especially IT organizations that do look at home based work. How is that viewed in terms of an integrated location?

>>CAROL DOBAK: Good question. Again, you know, way back as far as 1997 and our guidance the 1997 regulations and reinterrated in our regulations where we limited the scope of employment outcome to integrated settings and in our preamble to these most current set of final regulations, we do point out that individuals who are tele commuting, tele working, while they are working alone in their homes or out of other work sites are considered to be working in integrated settings as long as they are interacting with other coworkers without disabilities in similar positions and doing so to the extent that these individuals without disabilities in those types of employment settings are interacting with other persons and coworkers without disabilities. So they may be doing so to a limited extent but to some degree they have interaction with persons in their organizational units and across their work sites.

>> BILL: Okay and I understand what you just said but let's say it's an IT help person and they are based out of the home so they're getting supervision or they're getting ‑‑

>>CAROL DOBAK: Yes ‑‑

>> BILL: Maybe one other question, but they're primarily interacting with customers, what's the difference between that and a call center?

>>CAROL DOBAK: Are we talking about a business that's formed primarily for the purpose of hiring people with disabilities?

>> BILL: No.

>>CAROL DOBAK: So you've met criteria 1, likely you will need criteria 2 and it's ‑‑ the interaction has to do ‑‑ first of all, you're looking at the purpose for which the business is formed.

>> BILL: Right.

>>CAROL DOBAK: So if you're looking at a call center that meets the first of the two criteria, typically found in a community criteria ‑‑

>> BILL: Yes.

>>CAROL DOBAK: Okay and the way you're looking at the interaction is no different in terms of the number of people in that organizational unit and setting as is in the call center or between the individual who is tele working or tele commuting.

>> BILL: So if that business would typically have telecommuting, that would be okay?

>>CAROL DOBAK: Yes, yes.

>>ROBERT DOYLE: And there is a specific statutory reference to that telecommuting that allows it to be.

>>CAROL DOBAK: Good point Robert it is specifically mentioned in our definition of competitive outcome, competitive integrated employment includes teleworking.

>> AUDIENCE MEMBER: I'm Paula, from Tennessee, blind services. My question is in regard to independent living training and skills, we open a VR case on individuals that may lose more vision and they need ADLs, which we can refer to our independent living skills unit, however the question has come up what if they need adaptive equipment who pays for that? They said it's a VR client so VR would and I said I don't think so because that would be independent living skills, what if it's a Braille watch they need in a job? It's getting deep. What is your guidance?

>>CAROL DOBAK: First of all if they've got a case with independent living and with VR open at the same time those services, yes, have to be identified and coordinated. Okay?

>> AUDIENCE MEMBER: Right.

>>CAROL DOBAK: Now, I assume that they're receiving the independent living skills training now because that individual is pursuing an employment outcome, a legitimate employment outcome to the VR program in competitive integrated employment so they're pursuing competitive integrated employment?

>> AUDIENCE MEMBER: Yes.

>>CAROL DOBAK: Yes, you can be paying for the Braille watch, for all that skills training.

>> AUDIENCE MEMBER: All of the measuring cups? The oven mitts?

>>CAROL DOBAK: Oh ‑‑

>> AUDIENCE MEMBER: They're talking about ADLs, like you have a low vision individual and now they have lost all their vision let's say with retinopathy and that's why I have problems.

>>CAROL DOBAK: Now I understand, you referred to the Braille watch that they needed to tell time on the job and you could do that but what it comes to the other independent living skills training that's not directly related to the achievement of the employment outcome such as their ability to function in their own home, that is not incorporated within ‑‑

>> AUDIENCE MEMBER: That was my understanding I just needed verification, thank you very much.

>>CAROL DOBAK: Your welcome.

>>ROBERT DOYLE: Any other questions? This is a good topic, y'all, I'm not saying the other ones aren't. Great, great, great presentations, I know, I haven't met you yet, Tonya, but I have a feeling I will!

>>CAROL DOBAK: Remember Robert we're standing between them and their wine and dinner.

>>ROBERT DOYLE: I won't ask my long complicated question that I think everybody wants to know. No other questions? All right that concludes the session. Thank you, Carol. Thank you all for indulging and sticking around.

>>CAROL DOBAK: Thank you to the presenters and to the audience.

>>ROBERT DOYLE: 6:00, reception starts at 6:00 but you can hangout.

(End of today's presentations.)

\* \* \* \* \*

This is being provided in a rough draft format. Communication Access Realtime Translation (CART) is provided in order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.

\* \* \* \* \*