

EmploymentFirstMaine

Coalition Meeting Minutes

Draft Version

Date of Meeting: Friday, November 14, 2014
Time: 11am – 1pm
Location: MDOL, 45 Commerce Drive, Augusta
Facilitator: Brad Strause

Present

Name/Affiliation	Name/Affiliation
Linda Larue-Keniston, MACSP	Rick Langley, DRC
Tyler Ingalls, SUFU, DSOAB	Lisa Sturtevant, OADS
Debbie Gilmer, Syntiro, APSE	Jan Breton, DOE
Brad Strause, Alpha One	Jeanie Coltart
Mike McLellan, SILC	Karen Fraser, BRS
Jim Phipps, Iris Network	Leticia Huttman, SAMHS
Kim Moody, DRC	Elaine Ecker, NAMI
Riley Albair, DRC	Kelly Osborn, SRC-DBVI
Mel Clarrage, CDE	Kathy Despres, SILC
Shannon Hartman, _____	Kip M_____
Christine McKenzie, MMC	Terry Morrell, DDHLD
Jennifer Kimble, MMC	Bethany Goding, Mobius
Chris Robinson, VR	Diane Cote,
Michelle Cote,	Gail Fanjoy, KFI
Anne Nadzo, Goodwill	Denise McCarthy, VR
Ann Long, MPF	Jodi Ingraham
Karen Delaware, Amicus	Monique Stairs, SUFU
Simonne Maline, CCSM	Vicky McCarty, CCSM
Richard Brown, Charlotte White Ctr	J. Richardson Collins, SRC
Janet May, CCIDS	Rachel Dyer, MDCC

Every person. Every talent. Every opportunity.

Discussion and Issues

Minutes reviewed and approved. Kathy asked for minutes to be revised to reflect concerns she previously raised re voting/representing SILC and need to review information with the membership in advance.

1. EFM Summit follow-up

Debbie: 155 people pre-registered. \$1200 outstanding in invoices. Reminder to members and others to pay those registration fees.

Karen and Rick to report back re summit ending sessions, comments from the group re challenges to EFM implementation, etc.

2. 1915(i) State Plan overview and proposal – Leticia Huttman, SAMHS

For reference: see “Maine 1915(i) Informational overview” on EFM website.

Leticia reported that 14 states have variations on 1915(i) Medicaid state plan amendments. Maine has been considering a mental health consumer focused plan, targeting employment supports.

Debbie reported that Maine has no mechanism to pay for ongoing supported employment; this has been identified by the Capacity Building group as a missing piece. Other states are using I waiver to address this for mental health consumers.

Leticia: State general funds are the only funds available currently, and they are limited.

Jim: (i)waiver is option for other disability groups? Necessary to focus on MI?

Debbie: Delaware’s 1915(i) is cross-disability? Not clear there is any reason (i)waiver is limited to certain group. Possible to develop an employment-focused (i)waiver, serving across disabilities?

Jim: this is clearly an identified problem apart from just affecting the MH community – would like to develop a cross-disability option to pursue.

Kim: Idea re the (i)waiver has been on the table for a while. Has been raised with Commissioner Mayhew in the past. This recommendation has come out of the policy development process, and we’re looking for EFM’s endorsement of the idea – for EFM

to recommend that DHHS/SAMHS move ahead with this. Perhaps a motion can include the cross-disability idea as well?

Motion: EFM is recommending that DHHS move forward on 1915(i) plan amendment that supports employment for people with severe and persistent mental illness and EFM agrees going forward to continue to look at expansion of similar options for other disability populations.

Jay: Need to ensure that people served have voice in the development of such a plan.

Kathy: SILC issue: Can't vote on this motion, as not reviewed with SILC membership. Representing other parties and need to have authority to cast a vote on their behalf. Record should reflect, and minutes from October revised to reflect, that Kathy made this point before re process concerns.

Jay: SRC has similar problem.

Brad: Quorum present?

Rick called the roll and determined voting quorum was present.

Motion seconded, and roll call vote occurred. Motion approved with 4 abstentions.

Jay: record should reflect that forced vote is troubling. No consensus work done today. Conversation was ended.

3. Sub-minimum wage phase-out overview and proposal – Debbie Gilmer, APSE

For reference: see "State of the Nation – Sub-minimum Wage" on EFM website

Debbie: PowerPoint has samples from position papers from national organizations, including APSE's statement and TASH, both of which emphasize the need for careful transition to new system.

H.R. 3806, the Fair Wages for Workers with Disabilities Act, closes the front door to new sub-minimum certificates and creates a tiered phase-out of current certificates.

National Council on Disability has developed a detailed report with the history of 14(c). Includes specific recommendations to DOE re rules development, ie not establishing placements in settings where sub-minimum wage could happen as a result of a student's IEP.

Also, references to US Business Leadership Network statement in opposition to 14(c), as well as National Federation of the Blind's position paper.

The recent DOJ settlement with Rhode Island has specific terms related to sub-minimum wage practices in the state, citing segregation and discriminatory nature of the practice.

Pam Magathlin, Director, Bureau of Labor Standards:

Re 14(c) certificate use in Maine, 12 entities currently hold federal certificates. Of these, 5 have active state certification, 5 have pending state certification, 2 do not have state certification at all. Requesting documentation re this. Of one of these two, the agency didn't use its federal certificate and hadn't hired under it so no state certification was necessary.

Re the numbers of people employed under the certificates, they are not required to report that. Best guess: 350-400 people. Last legislative session, reported 380.

Linda: MACSP has surveyed providers and identified 169 individuals within 6 agencies using 14(c). Clear effort by these agencies to eliminate certificate use. In one case, use went from 51 individuals down to 26. Surveyed re production rates. 2 agencies paid 75% minimum wage rate.

Would like to see more data before we proceed. How many people are employed now under certificates? Number of hours they work? Concerned re risks to their access to work, money. Even if reduced to just a handful of people, concerned re doing anything that harms their interests. In Vermont, after a similar phase-out occurred, 30 percent of individuals reportedly found good jobs, but 70 percent never found anything. We should slow this process down and not risk replicating the Vermont outcome.

Kathy: is there proposed draft legislation we're considering?

Debbie: No. Recommendation is to move forward and empower policy group to develop draft legislation.

Motion: EFM Coalition to grant policy/legislative work group the authority to work with legislative leadership to meet cloture and begin process to draft and introduce a bill to phase-out sub-minimum wage in Maine.

Discussion: Lisa: Have data on waiver-served people. Less than 200 people. Need to develop our data, to capture the full range, not just the DD clients.

Kim: Ideally the full coalition would endorse this effort, see Maine as leading on this. Cloture is potentially as soon as December 12, we need to begin this process.

Linda: Have concerns. Improper to use EFM to harm even 10 people who have jobs they've chosen, they benefit from.

Can we get more information re Vermont situation?

Jim: This is not necessarily a priority. Why are these 2 issues the focus of Coalition work? Information not provided with enough notice to act on today.

Rick: Extensive process of Coalition work prior to today, over several months. Members have reviewed policy recommendations coming from work groups, surveys, public input.

Riley: Productivity assessment is a model for a production-based economy. Is bad fit for many clients.

Jay: Need to see business engagement piece in this. This is based on a discussion of evidence based practices without guaranteeing training among providers in evidence based practices.

Mike: Bylaws refer to legislation by a certain point?

Kelly: Opposed to this vote as process doesn't allow for SRC to process the issue and grant her authority to vote.

Kathy: Will be forced to abstain as before. Too much information to process with not enough time. Not clear in notices that this was a vote, so again was unable to prepare to vote today.

Kelly: need draft legislation to come back to this group.

Anne: We've just learned a lot about this today but need time to review it.

Motion was seconded and approved with 6 abstentions and 3 nays, 11 for the motion.

Linda: Need to follow up and discuss Vermont and get examples from other states too.

Next Meeting: Steering Committee Meeting

Date of Meeting	Friday, December 12, 2014
Time	11am to 1pm
Location	MDOL, 45 Commerce Drive, Frances Perkins Room

