

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

LABOR & INDUSTRY COMMITTEE

STATE CAPITOL

ROOM 60, EAST WING

HARRISBURG, PENNSYLVANIA

SEPTEMBER 22, 2014

10:00 A.M.

PRESENTATION ON

HOUSE BILL 2405

BEFORE:

HONORABLE MARIO SCAVELLO, MAJORITY CHAIRMAN
HONORABLE WILLIAM F. KELLER, MINORITY CHAIRMAN
HONORABLE JIM COX
HONORABLE STEPHEN BLOOM
HONORABLE LYNDA SCHLEGEL CULVER
HONORABLE GREGORY S. LUCAS
HONORABLE RYAN E. MACKENZIE
HONORABLE MARIA P. DONATUCCI
HONORABLE PATRICK J. HARKINS
HONORABLE BRANDON P. NEUMAN
HONORABLE PAM SNYDER

1 COMMITTEE STAFF PRESENT:

2 (NONE PROVIDED.)

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1 P R O C E E D I N G S

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3 (Call to Order & Pledge of Allegiance.)

4 MAJORITY CHAIRMAN SCAVELLO: We're going to
5 have members coming in and out, so I'm just going to
6 wait for the roll call and we'll take the attendance
7 later. I'm Representative Scavello, Chairman.

8 (Member Introductions.)

9 MAJORITY CHAIRMAN SCAVELLO: All right.
10 Since Representative Murt's not here yet, we'll have the
11 policy commentary, David Hoff, Maureen Westcott, and
12 Robert Fox. Good morning. You can begin whenever.13 MS. WESTCOTT: Good morning. My name is
14 Maureen Westcott. I am here as a representative of the
15 Pennsylvania Rehabilitation Council, and I am also the
16 Executive Director of the Arc of Lancaster County; and I
17 am a parent of three children, one of which has an
18 intellectual disability. So these are issues that are
19 very important to me in all my roles that I cover.20 I won't be reading my testimony word for
21 word. You do have a copy of it, so thank you for that
22 review.

23 MAJORITY CHAIRMAN SCAVELLO: Thank you.

24 MS. WESTCOTT: But I would like to bring
25 highlights to the second paragraph, that according to

1 the United States Department of Labor, Office of
2 Disability Employment Policy, the August 2014 statistics
3 show that the unemployment rate for persons with
4 disabilities is at 12.8 percent, which is more than
5 twice the amount the rate for persons without
6 disabilities. And the labor force participation is at
7 19.8 percent for people with disabilities as opposed to
8 the 68.8 percent for those without disabilities. And
9 these stats show why the issue of employment for persons
10 with disabilities is so important to those in the
11 disability advocacy world.

12 House Bill 2405 addresses the needs of
13 students with disabilities graduating from high school
14 trying to improve on the services and supports they
15 receive which will help them obtain a job, rather than
16 languishing at home or in a day program. So thank you
17 for your time to review this very important piece of
18 legislation, and not only that, but this issue.

19 Council has worked with -- the Rehab Council
20 is an advisory committee to OVR; and thus, we're
21 interested in any policy and procedures that affects
22 OVR. And as a representative of Council, we just had a
23 few comments as the bill moves forward. We understand
24 that these needs may have been addressed already, and we
25 just want to offer our few comments.

1 And, Representative Murt, thank you so much
2 for addressing this and bringing this forward, as you
3 have always been a champion of those with disabilities.
4 And, again, I won't read word for word our comments; but
5 you have them there. Number 1, the fiscal note to
6 assure that funding is added as we bring these
7 responsibilities. As Council, we bring legislative
8 awareness to the funds that do bring to OVR in the L & I
9 line, the transfer of the voc. rehab fund and supportive
10 employment.

11 These funds bring down the four-to-one match
12 from federal funds, and it's so important that these
13 lines are fully funded as this goes forward and impacts
14 that. We would just like to see language defined and
15 the terms that are in the bill defined. We would like
16 to make sure that the bill does not forget that
17 Pennsylvania Department of Education, under the LEA's,
18 have responsibilities for transition services and that
19 this is represented in the bill that that responsibility
20 is not forgotten; that we would, also, as council, like
21 to see an employment first legislation that makes a
22 focus of services and supports given across departments
23 and disabilities as employment affects so many other
24 areas of departments. And we have examples of bills
25 from other legislation from other states. And the name

1 of the bill to be reflected employment.

2 So as I said, I understand there's many
3 people to testify; and you do have my written testimony.
4 Stakeholder involvement is critical, and we really
5 appreciate the fact that we're able to give testimony
6 and you're able to hear it here and that you've convened
7 these informational hearings. So thank you so much for
8 your time.

9 MAJORITY CHAIRMAN SCAVELLO: Thank you.
10 David Hoff, Program Director.

11 MR. HOFF: Okay. Thank you. Thank you for
12 the opportunity to testify today. My name is David
13 Hoff. I'm a Program Director at the Institute for
14 Community Inclusion at the University of Massachusetts,
15 Boston.

16 In that position, I conduct research,
17 training, technical assistance, employment of
18 individuals with all types of disabilities and have
19 worked with a variety of public systems and community
20 agencies throughout the United States and done a lot of
21 work both on the public systems level of more of a
22 direct service type of level with community agencies.

23 In my work, I also do a lot of work on the
24 impact of public policies, such as legislation of the
25 policies on the employment prospects for citizens with

1 disabilities.

2 My background also includes several years of
3 doing direct service work, actually working directly
4 with folks with intellectual development, the
5 disabilities in particular, and helping them find
6 employment and succeed in employment; and I've also
7 spent ten years in the private sector in management
8 positions. So I'm coming here with a pretty broad
9 background in terms of this issue.

10 And I've been asked to testify today as a
11 national expert on employment of people with
12 disabilities, with a focus particularly on research that
13 demonstrates the critical importance of employment
14 experience for individuals with disabilities while
15 they're still in school.

16 In addition, I will also discuss the goals
17 of HB 2405 and how they're supported by legislative and
18 policy changes that recently occurred at the federal
19 level. So to put this issue in context, data on
20 employment disability can vary a bit. But if you look
21 at the US Census data, there are approximately 861,000
22 individuals with disabilities in Pennsylvania between
23 the ages of 18 and 64.

24 Of these individuals of working age,
25 according to the US Census, 33 percent, that's 33

1 percent, participate in the workforce, as compared to 75
2 percent of Pennsylvanians without disabilities; so that
3 contrast is significant: 33 percent of folks with
4 disabilities, 75 percent for those without.

5 In addition, 28 percent of people with
6 disabilities in Pennsylvania live below the poverty
7 level; and that compares to 11 percent without
8 disabilities, again, a pretty significant disparity.
9 Twenty-eight percent of folks with disabilities in
10 Pennsylvania live below the poverty level, where only 11
11 percent without disabilities.

12 So simply put, if you're a person with a
13 disability, not only are you much more likely not to be
14 working; but you're much more likely to be poor. And I
15 think we can all collectively agree that this is a major
16 societal issue both here in Pennsylvania and nationally.

17 However, there is some good news; and that
18 good news is that there's been an increasing recognition
19 over the past several years of the seriousness of this
20 issue across the United States and they need to take
21 steps to address it; and I would certainly say this
22 hearing is certainly evidence of that and its proposed
23 bill.

24 Like any socioeconomic issue, the reasons
25 for the chronic lack of employment, lack of workforce

1 participation of folks with disabilities, of citizens
2 with disabilities, are complex; and the solutions are
3 equally complex. There is no one right and no one
4 simple answer to this issue. However, expectations in
5 terms of employment are a key factor: the expectations
6 of society, the expectations of policymakers, government
7 agencies, the expectations of professionals, certainly
8 expectations of educators and businesses, and most
9 importantly, the expectations of people with
10 disabilities themselves and their families, their
11 expectations for the future.

12 For many years, the view was that if you had
13 a significant disability, you were essentially
14 unemployable. However, over the last twenty years, the
15 last two decades have seen an evolution in the view of
16 the capabilities of people with disabilities and our
17 public policies increasingly reflecting that. It is now
18 clear the advances that have been made in terms of best
19 practices regarding employment of people with
20 disabilities in terms of placement strategies, supports,
21 and accommodations, even individuals with the most
22 significant disabilities, can be successfully employed.

23 As a result, there is no doubt that many
24 more citizens of Pennsylvania with disabilities could be
25 participants in the labor force than is currently the

1 case. We have certainly figured out how to get
2 individuals with significant disabilities employed, we
3 just really need to figure out how to do it in a much
4 more systematic basis, in my view.

5 For individuals with disabilities,
6 expectations regarding employment and becoming a full
7 participant in the economic mainstream of our society
8 must begin at an early age. We cannot wait till they
9 become adults. It is absolutely critical that young
10 people with disabilities in Pennsylvania grow up with an
11 expectation that when they become adults they'll be
12 working and earning a paycheck side by side with their
13 fellow citizens without disabilities.

14 A young person's experiences during their
15 teenage years are absolutely critical in reinforcing
16 this expectation and making it a reality. Over the past
17 two decades, extensive research has been done on
18 transition of young people with disabilities from school
19 to adulthood.

20 Research has clearly shown that a key factor
21 in long-term employment success for people with
22 disabilities is work experience during high school.
23 This research has consistently found that early hands-on
24 and frequent work experiences are among the most
25 consistent predictors of improved postschool employment

1 outcomes. Simply put, if people are getting work
2 experience when they're in school, they're much more
3 likely to be working and successful as adults.

4 One research study found individuals with
5 disabilities had an 87-percent chance of being employed
6 one year after school at their job at the time they left
7 school. Such findings apply across the disability
8 spectrum whether they be individuals with emotional and
9 behavior issues, mental-health issues, autism,
10 intellectual and developmental disabilities, learning
11 disabilities or other types of disabilities.

12 Even for those young people with the most
13 complex needs and challenges, data and research clearly
14 show the benefits of employment experience while in high
15 school. In delving more deeply into the findings,
16 research also shows that type of work experience is also
17 important and the more the work experience mirrors that
18 of their nondisabled peers, the better.

19 Too often, the work experiences for students
20 with disabilities have been limited to creative working
21 experiences in the school environment that were created
22 specifically for students with disabilities or possibly
23 students working outside the school as a congregate
24 group in what are called enclaves.

25 The ideal work experience is one that allows

1 young people to fully experience the realities of
2 employment in our society, earning a paycheck in a
3 typical setting in the general workforce working side by
4 side with coworkers without disabilities, typical jobs
5 like other citizens.

6 This is reflected in the definition of
7 competitive integrated employment contained in the
8 just-passed Workforce Innovation and Opportunity Act
9 that was passed by Congress this past July. This new
10 law defines competitive integrated employment as
11 full-time or part-time work at minimum wage or higher,
12 with wages and benefits similar to those without
13 disabilities performing the same work and fully
14 integrated with coworkers without disabilities.

15 Such experiences provide a natural context
16 for learning and strengthening essential work-related
17 competencies, such as interpersonal relationships,
18 self-determination and, of course, occupation-specific
19 skills.

20 Expectations regarding the behavior on the
21 job and the nature of supervisor-supervisee
22 relationships are also critical competencies that could
23 only be obtained in real work settings. You're not
24 going to learn these things by creative setting or
25 artificial work setting.

1 Like any young person, these early
2 employment experiences also enable a student with a
3 disability to begin to view themselves as a capable
4 worker using their skills and abilities to earn a
5 paycheck. And I always say that as critically important
6 as this is for any young person, it is particularly
7 important for a young person with a disability who has
8 dealt with a lot of challenges in life, that they can
9 start viewing themselves as capable, as somebody with
10 skills, somebody who fits in the regular workforce.
11 That is really, really important.

12 Having a real job at real wages also starts
13 to form the individual's self-perceptions about the
14 benefits of working and developing a positive view of
15 working. Beyond the actual tasks of a job, initial work
16 experiences also help young people start to determine
17 the critical features that are important to them about
18 work, such as whether they like to work outdoors or
19 indoors, or whether they like physical work or more
20 sedentary tasks, or like dealing with the public; the
21 list goes on and on.

22 And, frankly, I think we could all agree
23 that early work experiences are as much about learning
24 about what we don't want to do as much as what we want
25 to do. I know in my own life, my first job was washing

1 dishes. I can assure you I learned pretty quickly that
2 was not what I wanted to do for the rest of my life. As
3 such, it is critically important that young people have
4 the opportunity to experience an array of employment
5 settings based on their interests and preferences,
6 rather than limiting young people with disabilities to a
7 narrower set of employment options, which is too often
8 the case.

9 Ideally, the employment experiences of young
10 people with disabilities should be fully reflective of
11 the diversity of the local economy and labor market.
12 Particularly for those with severe disabilities,
13 successful work experiences during high school have the
14 potential to raise expectations among teachers, parents,
15 employers, and young people themselves regarding the
16 ways in which people with severe disabilities can and
17 should participate in the workforce.

18 In conjunction with real-world work
19 experience, it is also important that transition and
20 employment experiences begin early. For example, recent
21 research regarding young people with Autism Spectrum
22 Disorder examined the differences in outcomes between
23 young people who received transition services at age 14
24 versus those who began to receive services at 16. The
25 setting not only showed that individuals that receive

1 transition services earlier were significantly more
2 likely to be employed than individuals from the later
3 transition group, but that they earned more wages and
4 cost less to serve as adults.

5 Such research speaks to the importance of
6 having OVR engage with young people with disabilities at
7 an earlier age, rather than waiting until the last year
8 or two of high school. The positive impact of
9 successful employment on the individual's life
10 circumstances is important to recognize and is clearly a
11 primary goal of preparing young people for the world of
12 work, greater financial well-being, stronger
13 self-esteem, increased independence; those are just some
14 of the obvious benefits for the individual.

15 However, consideration should also be given
16 to the ripple effects of successful employment in terms
17 of society as a whole. Successful employment on an
18 individual basis results in decreased reliance on a
19 variety of public assistance programs, as well as an
20 increase in tax revenue. However, many individuals with
21 more significant disabilities require a significant
22 level of professional assistance to find employment and
23 to also maintain employment.

24 Therefore, a question that's often asked is
25 whether the benefits and the costs of assisting an

1 individual to maintain employment outweigh the costs.
2 Dr. Robert Cimera at Kent State University has done
3 extensive work on this issue in terms of supported
4 employment services, i.e., those employment services for
5 individuals with significant disabilities with ongoing
6 support services.

7 In terms of transition, a study conducted by
8 Dr. Cimera found that high school students with
9 disabilities who participate in employment activities in
10 high school were more cost efficient from the taxpayers
11 perspective than were individuals who received only
12 in-school transition services, i.e., they didn't get any
13 employment or other experiences in the community or
14 young people received no transition services at all.

15 In a more comprehensive look at individuals
16 served in supported employment services by public
17 vocational rehabilitation nationally, Dr. Cimera found
18 that, on average, individuals in supported employment
19 placements returned, on average, net annual benefit to
20 taxpayers of over \$3,000 after accounting for the costs
21 of services and supports.

22 Dr. Cimera's work has shown the significant
23 cost effectiveness of supported employment services for
24 individuals with significant disabilities versus other
25 service options. In work published in 2007, Dr. Cimera

1 found that for individuals with intellectual and
2 developmental disabilities, the costs of supported
3 employment services were one-third, that is one-third,
4 the cost of sheltered work services. It's clear that
5 investing in employment assistance and supports for
6 young people with disabilities is not only a better deal
7 for the individual, it's a better deal for the taxpayer.

8 Based on the research findings I've
9 presented, the opportunity for young people with
10 disabilities to gain employment experience while in
11 school is critical and obvious. However, one of the
12 major challenges in terms of an effective transition to
13 employment is the limited capacity of schools to assist
14 young people with disabilities with obtaining
15 employment.

16 There are multiple reasons for this. These
17 include the focus of schools on academic achievement
18 rather than employment, a lack of resources and
19 expertise and job placement, among other issues.
20 Therefore, partnership with OVR is absolutely critical
21 in terms of ensuring that the necessary expertise and
22 assistance is available to ensure that young people with
23 disabilities are able to obtain sufficient work
24 experience while in school.

25 This is certainly reflected in the Workforce

1 Innovation and Opportunity Act that was recently passed
2 by Congress this past July, WIOA. WIOA reauthorizes the
3 Rehabilitation Act of 1973, the legislation that governs
4 the public vocational rehabilitation system, including
5 OVR. WIOA emphasizes the need for young people to
6 consider their career interests and gain real work
7 experience.

8 As a result, WIOA allows state VR agencies
9 to prioritize serving students with disabilities and it
10 also significantly expands the mandates of OVR in terms
11 of transition in a way that is reflective and consistent
12 with HB 2405. WIOA requires that OVR work with local
13 education agencies to make pre-employment transition
14 services available to any eligible student with a
15 disability.

16 Also under WIOA, a minimum of 15 percent of
17 OVR federal funds must be used for pre-employment
18 transition services, which is a term used in the bill
19 which is defined there, pre-employment transition
20 services, to assist students with disabilities to make
21 the transition to either postsecondary ed and
22 competitive integrated employment.

23 These services include things like job
24 exploration counseling, work-based learning experiences,
25 including paid employment, counseling on opportunities

1 for enrollment in comprehensive transition or
2 postsecondary educational programs at institutions of
3 higher education, workplace readiness training to
4 develop social skills and independent living and
5 instruction in self-advocacy.

6 OVR, as part of this new mandate, will be
7 required to report on the number of individuals
8 receiving these preemployment transition services.
9 Also, under WIOA, each local office of OVR will be
10 responsible for a number of transition-related
11 activities, including working with the workforce board,
12 Pennsylvania Career Link centers, and also employers to
13 develop employment opportunities.

14 OVR will also be required to work with
15 schools to ensure provision of the pre-employment
16 transition services that I just described. Also, as a
17 result of WIOA, at least half of Pennsylvania's
18 supported employment grant, which is \$925,000 in this
19 current year, must go to support youth with the most
20 significant disabilities up to age 24 to receive
21 supports they need that will enable them to obtain
22 competitive integrated employment.

23 This emphasis in WIOA regarding increasing
24 the role of the public VR system and transition is a
25 clear message regarding the need to expand resources

1 available to support OVR involvement in assisting
2 students with disabilities with their employment needs.

3 A final point I would like to emphasize,
4 under WIOA, and with transition in general, there's an
5 emphasis in part on such activities as workplace
6 readiness training and job exploration counseling.
7 While these types of job preparation activities are a
8 value, I cannot emphasize enough that such activities
9 should not be used as a substitute for paid work
10 experiences.

11 Too often in the field of disability, there
12 has been an overemphasis on getting individuals ready
13 for employment to the exclusion of actual employment.
14 Particularly for those individuals with more significant
15 disabilities, in some ways there is no better teacher
16 than the actual workplace.

17 Therefore, as Pennsylvania undertakes an
18 increased role for OVR in transition under HB 2405 and
19 WIOA, it is critical that the emphasis be on work-based
20 learning experiences and particularly paid employment
21 and limiting the emphasis on readiness-type activities.

22 In summary, the research has shown the
23 critical importance of work experiences for young people
24 with disabilities at an early age. Like other young
25 people, the opportunity for after-school and summer jobs

1 is invaluable in moving forward on long-term career
2 success. It is not only the right thing for these young
3 people in terms of helping ensure adult lives
4 characterized by financial well-being, independence, and
5 a sense of self-worth, but it's also the right thing for
6 society as a whole.

7 People with disabilities want to work and
8 people with disabilities can work. Through public
9 policies that enable young people with disabilities to
10 get the necessary assistance and support to gain
11 invaluable work experiences while still in school, we
12 can assure a brighter future for all.

13 MAJORITY CHAIRMAN SCAVELLO: Thank you,
14 Mr. Hoff. And, Robert Fox, if you could do me a favor,
15 I allowed him to read his whole testimony because he had
16 the farthest trip, from Massachusetts. If you can just
17 abbreviate it, I'd appreciate it. Thank you.

18 MR. FOX: Yes. Well, Maureen pretty much
19 said what we had to say as far as a counselor goes; so I
20 won't take more of your time.

21 MAJORITY CHAIRMAN SCAVELLO: Very good.

22 MR. FOX: I know it's limited.

23 MAJORITY CHAIRMAN SCAVELLO: Do we have any
24 questions from the members?

25 MINORITY CHAIRMAN KELLER: Thank you, Mr.

1 Chairman. I don't know who's better qualified to answer
2 this, but I'll just put it to the panel. In recent
3 months, newspapers have reported on subminimum wages
4 that are allowed to be paid to disabled workers. Under
5 both the Federal Labor Standards Act and the State
6 Minimum Wage Act, do you know, is there good reason why
7 subminimum wages should be paid?

8 MR. HOFF: Well, I will speak as an
9 advocate. And it's my, you know -- my view as an
10 advocate that some minimum wage is a mechanism whose
11 time has come and gone. I think that we have shown
12 that, you know, both young people and adults with
13 disabilities can earn wages commensurate with other
14 individuals at least above minimum wage; and it has
15 become sort of a crutch in terms of keeping people
16 excluded from mainstream society.

17 Most minimum wages are paid in either
18 shelter workshops or in enclave-type settings for
19 individuals working for a community agency. They're not
20 paid, in most cases, by employers -- by the employer
21 themselves. They're working for that community agency.
22 So, you know, it's my view that we've gotten to a point
23 where it was a good idea when the Fair Labor Standards
24 Act was passed maybe in 1936; but we've evolved and
25 we've passed it; and in my view, it's actually

1 discriminatory. And so, you know, the time has come to
2 phase it out. I think what we want to be very careful
3 of as we phase out some minimum wages, we look at this
4 and clearly there's a lot of effort on this nationally,
5 a lot of attention being paid to that. We never want to
6 see people lose services and be put out without any work
7 at all, so it has to be done in a very careful manner.
8 That's absolutely critical.

9 But, you know, I think it's time to move
10 forward and at least pay people at least minimum wage.

11 MS. WESTCOTT: Thank you for bringing that
12 up. It is a whole other topic that could be very much
13 looked into, and much education is needed on that. And
14 as Council, we've reinforced the need for competitive,
15 integrative employment at wages that are held by similar
16 positions in that employment and so that bills like this
17 and areas like this that talk about competitive,
18 integrative employment is where we want to put our
19 focus.

20 A home and community-based services final
21 rule will deal with that integration issue the WIOA
22 does, and it's an excellent topic and I think that we
23 have gone -- are moving more and more into competitive,
24 integrated employment versus sheltered workshops and
25 subminimum wage. But it is a topic that could take

1 hours to discuss, but thank you.

2 MINORITY CHAIRMAN KELLER: Well, every time
3 we have business advocacy groups in here, they say if we
4 raise the minimum wage a quarter, the end of the economy
5 will happen.

6 I was just wondering, you know, is it -- and
7 you explained that it's really not the companies that
8 are paying the wages. It's the agencies that are paying
9 the wages?

10 MR. HOFF: Yes. It's like almost --
11 nationally, it's about 95 percent of those folks are
12 working for, essentially, a community provider, shelter
13 workshop, or an agency that supports folks with
14 disabilities. That's who they work for. That's the
15 employer of record.

16 MINORITY CHAIRMAN KELLER: So the argument
17 that the companies won't be able to employ people unless
18 they're paid subminimum wages really doesn't hold water?

19 MR. HOFF: Well, you know, the reality is, I
20 think that what's going to happen is, if you do away
21 with subminimum wage, it's obviously a ripple effect in
22 terms of shelter workshops. Folks, you know, they're
23 going to have to go out there and get them jobs; because
24 they won't be able to -- from a business model point of
25 view, I don't think they'll be able to sustain

1 themselves if they have to pay minimum wage for the --
2 and they do pace work and a lot of different kinds of
3 jobs in those situations, so I don't think they'll be
4 able, you know -- it will be difficult for them to
5 maintain that business model of a shelter workshop. But
6 as far as folks working in regular jobs, you know, they
7 -- that are employer paid, subminimum wage is barely
8 used at all in those kind of situations, so --

9 MINORITY CHAIRMAN KELLER: And I don't want
10 to belay it, but is there an average of the subminimum
11 wage that is paid? Do we have an hourly rate?

12 MR. HOFF: I don't have that data at my
13 fingertips.

14 MS. WESTCOTT: I don't know. I just know
15 from personal experience with people that we deal with,
16 it can get a paycheck for 11 cents up to whatever it is,
17 so --

18 MINORITY CHAIRMAN KELLER: Eleven cents an
19 hour?

20 MS. WESTCOTT: Eleven cents for the week,
21 depending on the --

22 MINORITY CHAIRMAN KELLER: Oh.

23 MS. WESTCOTT: There is not an average that
24 I know, but I'm not an expert and I'm not trying to
25 speak as one. I know that the businesses contract with

1 the workshops so -- to have these -- this work done,
2 whether it's putting labels on a bottle or repackaging
3 due to sales. And it is something that as we deal with
4 employment and we start saying, can someone move into a
5 job? Let's start talking about real jobs, real -- let's
6 bring this into life as we know it now. We need to keep
7 talking about jobs and jobs in the community that will
8 happen.

9 And, again, I'm not -- I don't know enough
10 to speak on it as an expert. I'm just trying to give
11 you some input.

12 MR. HOFF: I mean, the only -- I mean,
13 there's data somewhere on this, but I know the average
14 is usually people making, you know, 50 cents to a dollar
15 an hour is very typical in those kind of -- and the
16 argument is often made, the only other point I'll make
17 is that these people can't be productive in the
18 community in regular jobs and that's why they need to be
19 paid this. I mean, the argument that I and others have
20 often made about this is, most people are not paid based
21 on a production rate on a daily basis in our modern
22 economy. And I often make the joke, God forbid
23 somebody's standing outside my office with a stopwatch
24 and seeing how quickly I work every day.

25 The reality is that people are good

1 employees because they're reliable, they have good
2 customer services skills, they have certain skills they
3 bring to the table. So this idea that we are strictly
4 paying people on how fast they work, which is what
5 subminimum wage pays people on, is really an antiquated
6 notion, so that's -- and I've seen too many anecdotal
7 examples in my own experience of folks who were at 25
8 percent production rates in a shelter workshop working
9 very successfully once they got placed in a typical job
10 in the community.

11 MINORITY CHAIRMAN KELLER: Thank you. Thank
12 you, Mr. Chairman.

13 REPRESENTATIVE NEUMAN: Thank you for your
14 testimony today. This discussion has sparked some
15 interest in me. The people that -- the individuals that
16 are getting paid 50 cents an hour or whatever it is,
17 what is the profit margin on what they're doing? Is
18 somebody making a profit off of this?

19 MR. HOFF: These are typically -- I can't
20 speak specifically for Pennsylvania, but these are
21 typically nonprofit organizations that -- and I think it
22 runs the gamut. I think some make significant money.
23 It depends on the nature of their business model and
24 what they're using. Some make significant money,
25 because some folks have actually gone out and looked at

1 their 990's. Some are basically breaking even on it. I
2 mean, they're doing it as a way to keep people
3 productive. And when I talk to some of these providers
4 individually, I mean, some will say, you know, we're
5 just barely keeping our heads above water; but this
6 keeps people busy and they're well intended, and others
7 that are making significant money. So I think it does
8 vary, depending on the nature of the business model
9 they're using.

10 REPRESENTATIVE NEUMAN: Thank you.

11 MAJORITY CHAIRMAN SCAVELLO: I just -- I
12 have -- in Monroe County, both rehabilitation services
13 have about 100 employees; and I'm sure that it isn't 11
14 cents a week, that they're making at least minimum wage.
15 And I go there when they get paid and you ought to see
16 their faces when they get their paycheck. They really
17 love working there, and there are some good stories out
18 there. I just wanted to share. Thank you very much.

19 Representative Murt, would you like to tell
20 us about your legislation?

21 REPRESENTATIVE MURT: Thank you, Mr.
22 Chairman. Good morning, Chairman Scavello, Chairman
23 Keller, members of the Committee. Thank you very much
24 for allowing us to be here today.

25 Before I proceed, I just wanted to thank

1 you, Chairman Scavello, and Chairman Keller, for your
2 long time advocacy and support for Pennsylvanians with
3 disabilities and certainly the programs and the services
4 that support these individuals and their families.

5 Thank you for the opportunity to testify on
6 behalf of House Bill 2504, legislation which I've
7 introduced this session that helps prepare young people
8 with disabilities for gainful employment when they get
9 out of school. The legislation will help the Office of
10 Vocational Rehabilitation Counseling and other services
11 these young people need to prepare for the job
12 marketplace.

13 Having a disability today should not bar
14 anyone from becoming a productive tax paying citizen.
15 House Bill 2504 will help achieve this objective. For
16 generations of Americans, having a serious disability
17 meant that a young person had little or no opportunity
18 to become a productive tax paying citizen.

19 If the young person with the disability
20 could work, it was likely a menial job in a shelter
21 workshop that paid much less than minimum wage with
22 little incentive to move up the economic ladder. Yet
23 today, we have thousands of young people with
24 disabilities attending school and learning skills for
25 the marketplace. They want to work and they wish to be

1 productive, contributing, and tax paying citizens. They
2 do not wish to become public charges, nor live a life
3 depending on the Commonwealth. These young men and
4 women have had a very hard time getting jobs because,
5 unlike their friends who do not have disabilities, they
6 do not always have access to part-time or summer jobs
7 that are so valuable in preparing our young people for
8 the real world of work.

9 Because of that lack of experience, many
10 young people with disabilities graduate from school to
11 the couch and their parents' home, and that's no way to
12 live. That is no way to become productive, contributing
13 tax-paying citizens that they wish to be.

14 Just wanted to add, Mr. Chairman, our school
15 districts in Pennsylvania are outstanding; and our
16 school districts have done an outstanding job preparing
17 our children who have special needs, through the life
18 skills program and through various other educational
19 programs, to prepare these students to enter the
20 workplace. We train them up to a very, very high
21 standard. They'll leave school at 21 or sometimes
22 sooner than that, and frequently we do not have a
23 transition program, a bridge, if you will, in place to
24 help these highly motivated youngsters, young men and
25 women, get into the workplace.

1 In my district office in Hatboro, we have
2 special education students from Upper Moreland School
3 District, Lower Moreland School District, and the
4 Hatboro-Horsham School District; and they're excellent
5 employees. They're meticulous, they're reliable,
6 they're dependable, they come in with their job coach
7 every single week, not all on the same day, and we are
8 very, very happy to have them.

9 I would like young people with disabilities
10 to have the opportunity like one of my constituents
11 Linda Catherine Pagano of Hatboro. Linda works at
12 Associated Production Services in Ivyland, Bucks County.
13 A few years back when she was still in school, Linda's
14 teachers facilitated a contract with APS to have Linda
15 work every Monday and Tuesday during her senior year at
16 APS with a job coach.

17 Linda really liked this work environment.
18 She got to meet coworkers and friends, and she learned
19 how to make boxes for packaging, attach labels to boxes,
20 seal boxes, and package Ricola cough drops. APS also
21 packages other items, but Ricola is their largest
22 contract.

23 When Linda graduated from high school in
24 June 2010, there was a huge and detrimental void in her
25 life. Her family did not know whether transition

1 funding would come through for her to work at APS, even
2 though the employer wanted her back. Linda enjoyed
3 school and all the familiar activities of school. So
4 when there was no more school and no more work, her
5 family found it very difficult to keep Linda stimulated
6 and productive. At present, Linda works at APS four
7 days a week and pays taxes. Linda's like many
8 special-needs adults across the Commonwealth of
9 Pennsylvania, she desires to be a productive member of
10 society; but that transition from school to life after
11 school is a difficult period of time.

12 Linda and other young men and women with
13 disabilities are extremely dependent on the organized
14 and supportive climate in school, and when there's no
15 more defined organization after graduation, there's
16 often a huge and detrimental void. If that void is not
17 filled, the special-needs young adult will regress, lose
18 the skills they worked hard to attain and lose the
19 desire to stay productive and to be part of a group
20 which helps to define who they are and where they can
21 be.

22 Many other persons with disabilities are not
23 as fortunate as Linda Pagano. They need help to find
24 these jobs and become fully prepared for the workplace.
25 The Office of Vocational Rehabilitation does an

1 excellent job helping persons with disabilities in this
2 regard. They're a dedicated staff of professionals who
3 do very well with finite financial resources and they're
4 to be commended, not chastised, in this regard. They
5 simply need more help and traditional resources.

6 My legislation directs the Commonwealth to
7 appropriate adequate funding that will allow the
8 Commonwealth to receive all available matching federal
9 funds that boost funding for the Office of Vocational
10 Rehabilitation.

11 If the Commonwealth budgeted an additional
12 \$2.5 million in the current fiscal year, it would be
13 eligible for an additional \$10 million in federal funds.
14 That would have enabled the Office of Vocational
15 Rehabilitation to hire additional staff it needs to help
16 more young people with disabilities get the vital jobs
17 they need for which they're qualified.

18 Mr. Chairman, thank you for the opportunity
19 to be here and to hear from some people who have an
20 important stake in this effort. Thank you very much for
21 our three testifiers thus far.

22 Just wanted to make reference to some
23 individuals who also will be testifying this morning.
24 This morning, the Committee will meet many young people
25 with disabilities and their parents, like Bryan and

1 Penny Gardner from Gibsonia. Bryan has autism and has
2 developed the skills needed to work. His mom, Penny, is
3 working full time to help find him an appropriate job
4 placement.

5 The Committee will also meet Samantha and
6 Patricia Lurwick of Allentown. Samantha has an
7 intellectual disability and is also treasurer of the
8 Lehigh Valley School to Life Program that helps young
9 adults as they transition from school to jobs. Her mom,
10 Patricia, is vice president of a bank and is involved in
11 the School to Life parent support group.

12 We'll also hear from Alexa Brill of
13 Mechanicsburg. Alexa is a 2013 graduate of Edinboro
14 University of Pennsylvania. This impressive young woman
15 is seeking full-time employment in the field of
16 disability advocacy.

17 Her disability should be no bar from her
18 becoming successful and helping other young people with
19 disabilities make a contribution to society. The
20 employer panel shows how companies need and want workers
21 with disabilities for meaningful jobs.

22 Jeremy Shapira represents Giant Eagle, the
23 Pittsburgh-based grocery chain that is a leader in
24 employing people with disabilities. Giant Eagle is a
25 partner with 2landable, an initiative of the United Way

1 of Allegheny County testing innovative ways to identify
2 and hire high school students with disabilities to work
3 at Giant Eagle. The program in Pittsburgh is expanding
4 this year to Cleveland.

5 Mr. Chairman, I look forward to working with
6 you and the Committee on this issue. For too long,
7 people with disabilities have been relegated to the
8 shadows of our society; and this is a wrong approach.
9 We know persons with disabilities want to be productive
10 and live full lives. Our legislation will help
11 Pennsylvania take another step towards completing this
12 mission.

13 Thank you, Chairman Keller, Chairman
14 Scavello. Also, Mr. Chairman, I just want to thank Noah
15 Karn for his outstanding work in putting today's hearing
16 together. Thank you, Noah.

17 MAJORITY CHAIRMAN SCAVELLO: Thank you,
18 Representative. The next -- we have Department of
19 Labor and Industry. Michael Vovakes is the Special
20 Assistant to the Secretary, Julia Hearthway.

21 MR. VOVAKES: Chairman Scavello, Chairman
22 Keller, and members of the House Labor and Industry
23 Committee, on behalf of Secretary Hearthway, thank you
24 for the opportunity to testify on House Bill 2405,
25 legislation that would encourage and support competitive

1 employment for high school graduates with disabilities.

2 We have submitted written testimony, so
3 please allow that to represent our full and complete
4 comments. I want to simply highlight portions of our
5 testimony for you and also note, as well, that I have
6 our appropriate Bureau Directors from the Office of
7 Vocational Rehabilitation here with me in case you have
8 very detailed questions after we offer this testimony.

9 Helping people with disabilities find
10 competitive integrated employment is an important
11 component of Governor Corbett's Jobs First Initiative.
12 The Office of Vocational Rehabilitation's primary
13 mission is to assist Pennsylvanians with disabilities to
14 secure and maintain employment and independence.

15 This includes serving youth with
16 disabilities transitioning from secondary school to
17 postsecondary education or competitive integrated
18 employment. In program year 2013, the Office of
19 Vocational Rehabilitation provided services to 32,503
20 youth with disabilities, including vocational counseling
21 and guidance, career exploration, funding for college
22 tuition, and services to promote independent living.

23 In 1999, a statewide memorandum of
24 understanding was created between OVR, the Pennsylvania
25 Department of Education, Department of Public Welfare,

1 and the Department of Health, to coordinate transition
2 services to youth with disabilities; and additionally,
3 OVR maintains an internal transition policy which was
4 recently updated to enable students with disabilities to
5 benefit from OVR services sooner and to maximize the
6 human services and educational resources available to
7 them.

8 I'll highlight a couple of the programs -- a
9 few of the programs that we're working. Over the last
10 three years, OVR has undertaken a number of initiatives
11 to better serve youth with disabilities. The early
12 reach initiative was launched in July 2013, in an effort
13 to reach youth with disabilities earlier in their
14 secondary school enrollment.

15 In May 2014, the Access College Employment
16 Success Grant went to Dreams Realized Through Education
17 Aspiration Miles or Dreams, in an amount of \$1.35
18 million. And the partnership is to create college-based
19 certificate programs for young adults with intellectual
20 disabilities.

21 Project search, a work-readiness program for
22 secondary school-aged youth continues to grow in
23 promoting academic success was recognized by the
24 Rehabilitation Services Administration, RSA, as they're
25 called by us as an emerging practice. This program

1 provides a one credit college course opportunity to
2 students with disabilities in their junior or senior
3 year of high school to help them determine if
4 postsecondary education is appropriate for their goals.
5 The Labor and Industry Bureau of Blindness and Visual
6 Services expanded its specialized services for children
7 statewide without the need for additional state
8 resources. That change doubled service capacity, going
9 from 700 children to the ability to help 1500 children.

10 The Summer Academy, another program sponsor
11 hosted by the Bureau of Blindness and Visual Services
12 provides intensive training for students who are blind
13 or visually impaired and expect to attend college on
14 such things as navigating a college campus, white cane
15 use, travelling on public transportation, doing laundry,
16 utilizing assistive technology, and using an ATM.

17 The Summer Academy was expanded from two
18 weeks to three and moved to Pennsylvania State
19 University, main campus, in State College to provide
20 students with an even more realistic campus experience.
21 OVR, in partnership with nonprofit community
22 rehabilitation providers, the Department of Education,
23 the Department of Public Welfare, Career Link offices,
24 the US Office of Federal Contract Compliance programs
25 and others, has strengthened its single point of contact

1 model to give businesses a streamlined and simplified
2 process and resource for hiring individuals with
3 disabilities.

4 In November 2013, related to that single
5 point of contact, a how-to guide for employers was
6 completed and published; and it identifies the Office of
7 Vocational Rehabilitation as a single point of contact
8 for employers. It was a public-private partnership
9 which included the Hershey company, United Cerebral
10 Palsy of Central Pennsylvania, the Department of Public
11 Welfare, Office of Developmental programs, and the Arc
12 of Luzerne County.

13 Work partners is a new partnership between
14 Berks Carrier Technology Center and the Reading Office
15 of Vocational Rehabilitation. The Work Partners team
16 includes a school-to-work coordinator, a job coach,
17 classroom educators, OVR counselors and others, to help
18 students achieve their employment goals.

19 Additionally, the Pennsylvania Department of
20 Education, Bureau of Special Education is in the process
21 of requesting proposals from secondary schools and
22 advocacy-based agencies looking to establish or expand
23 school-based career development programming efforts to
24 help in the transition from school to community-based
25 competitive employment for students in the 2014-15

1 school year.

2 And lastly, on July 22, 2014, President
3 Obama did sign into law the Workforce Innovation and
4 Opportunity Act; and the new statutory provisions make
5 significant improvements for individuals with
6 disabilities, especially youth with disabilities as they
7 make the transition from education to employment.

8 This is done by helping to ensure that these
9 individuals have opportunities to acquire the skills and
10 training they need to maximize their potential and enter
11 competitive, integrated employment.

12 Regarding House Bill 2405, the
13 administration of positive intent of the legislation and
14 supports its goals. However, I would be remiss if I did
15 not note that Governor Corbett's proposed 2014-15 budget
16 did have the jobs for all programs which would have
17 provided services to the very constituency that bill's
18 sponsors seek to cover.

19 Jobs for all, if enacted, would have offered
20 an on-the-job training reimbursement to encourage
21 employers to hire up to 1,000 youth with disabilities,
22 ages 18 to 25. Two concerns that I want to highlight
23 regarding the Department's thoughts on House Bill 2405
24 as it is currently introduced: The first is the
25 legislation would make OVR the lead agency responsible

1 for, quote, developing connections, unquote, between the
2 local education agencies and private employers. Making
3 OVR the lead agency responsible for connecting business
4 to education agencies goes above and beyond our current
5 capabilities or resources related to business services.

6 Additionally, the language is silent on what
7 exactly a, quote, connection, unquote, means and who
8 would determine if the Department is adequately making
9 those connections. It is also important to note that
10 the Workforce Innovation and Opportunity Act contains
11 stronger language on agreements, collaborative roles and
12 responsibilities between agencies and obligations under
13 the Individuals with Disabilities Education Act.

14 I would encourage the Committee to take a
15 look at the federal language and mirror it to ensure
16 that these are clearly defined roles and understood
17 responsibilities.

18 Second, the legislation calls for the Office
19 of Vocational Rehabilitation and other public agencies
20 to collaborate in individualized education planning, the
21 IEP program development, and participate in meetings
22 when given, quote, reasonable advance notice, unquote.

23 While OVR currently strives to participate
24 in the development of IEPs, it is not feasible for OVR
25 staff to attend every IEP meeting. In 2013, OVR served

1 32,503 individuals with disabilities between the ages of
2 14 and 25 through the work of 430 dedicated vocational
3 rehabilitation counselors statewide. By comparison,
4 there were 104,240 youth ages 14 to 21 who received
5 special-education services through the Pennsylvania
6 Education System, according to the Bureau of Special
7 Education.

8 Transition age youth is only one subset of
9 individuals served by OVR. In total, OVR serves
10 approximately 80,000 people with disabilities through
11 its vocational rehabilitation programs each year. The
12 number of students between the ages of 14 and 21 that
13 received special education services in Pennsylvania is
14 24,000 more than OVR's total number of individuals
15 served. It is also unclear what constitutes reasonable
16 advanced notice, as noted in the current legislation.

17 Mr. Chairman, we fully appreciate the spirit
18 of this legislation and are available as a resource
19 should you have additional questions or concerns. And
20 thank you again for the opportunity to testify. We'd be
21 happy to answer any questions.

22 MAJORITY CHAIRMAN SCAVELLO: Yeah. Thank
23 you, Mike. I just -- one of the -- I believe in his
24 comments he made that perfectly clear, that for 2.5
25 million you could draw down 10 million in federal

1 dollars to address the staffing issues that you
2 mentioned, if that is accurate. Tom, you want to
3 comment on that?

4 REPRESENTATIVE MURT: Thank you for your
5 testimony, first of all. With that kind of resources,
6 would those kinds of resources help you with that
7 mission, those concerns that we have, Mike?

8 MR. VOVAKES: I think it's fair to say it
9 would certainly help. I don't know whether it covers
10 all of the staffing that would require all of the
11 infrastructure that would be required to take us to the
12 ability to serve 104,000 people.

13 I will say that the language may -- causes
14 me some pause in the legislation, in terms of funding;
15 because in my naive way, I think "may" also means "may
16 not". So, you know, I think we agree with our
17 colleagues that preceded us in that, you know, firming
18 up the language would be very helpful.

19 REPRESENTATIVE MURT: We would be grateful
20 for your participating and possible amendment or two to
21 tighten up this bill, if you don't mind.

22 MR. VOVAKES: Certainly.

23 REPRESENTATIVE MURT: Thank you.

24 MINORITY CHAIRMAN KELLER: Thank you, Mr.
25 Chairman. Mike, I know during the budget hearings that

1 we talked about the OVR programs; and I could never
2 understand the reason why we didn't draw down -- did we
3 leave federal money on the table because we didn't have
4 the matching funds for OVR this year?

5 MR. VOVAKES: Yes.

6 MINORITY CHAIRMAN KELLER: Do you know how
7 much money we did leave on the table?

8 MR. VOVAKES: Five million dollars.

9 MINORITY CHAIRMAN KELLER: What would have
10 been -- what would the state have had to put in to draw
11 down an additional 5 million for the --

12 MR. VOVAKES: 1.25, roughly, million
13 dollars.

14 MINORITY CHAIRMAN KELLER: I don't know,
15 where I come from, I put 1.25 in to get 5, that's a
16 pretty good deal. Could you explain to me again why we
17 don't do that?

18 MR. VOVAKES: One moment, please.

19 MINORITY CHAIRMAN KELLER: Don't worry.
20 Next year, we'll do it.

21 MR. VOVAKES: I'm going to bring up Ryan
22 Hyde. He's the Director of Central Operations for the
23 Department of Labor and Industry, Office of Vocational
24 Rehabilitation Services.

25 MR. HYDE: Thank you for this opportunity

1 this morning. I don't think we really have an answer.
2 I mean, we would -- we try to draw down as much federal
3 dollars as possible, and we've explored many different
4 options to create alternative match; because the federal
5 government does allow us to use other sources of match
6 beyond just what's called the VR transfer that is in the
7 budget for us.

8 In the budget, there's basically \$40 million
9 allocated for OVR; but roughly 5 million of that is not
10 allowable to be used for match from the federal
11 government's definitions of what is allowable. So in
12 the end, it looks like OVR's getting \$40 million of
13 match from PA; but we can only use, roughly, 35 million
14 of that for match.

15 Michael also mentioned some of the special
16 projects that we've been working on and the ones with
17 the Berks CTC is an interagency agreement that we've
18 just recently developed, where we have a partnership
19 with Berks County. Berks County is putting up the 20
20 percent match, and then we're able to draw down the 78
21 percent federal dollars after they've given us the 20
22 percent.

23 So we are trying to be creative with getting
24 additional match. But in the end, it really comes down
25 to what's available in the VR transfer and if there is

1 creative ways to draw down other dollars. But we just,
2 frankly, are not getting the VR transfer amount that we
3 need to draw down our full spending authority from the
4 federal government, which is roughly \$178 million.

5 MINORITY CHAIRMAN KELLER: Does OVR
6 currently have a waiting list for young adults
7 graduating from high school, for services?

8 MR. HYDE: We don't currently have a waiting
9 list. We do have --

10 MINORITY CHAIRMAN KELLER: Everyone who
11 needs services is getting them?

12 MR. HYDE: If they -- what's that? Yes,
13 we're on order of selection. So if you meet the order
14 of selection, we're serving everybody who is considered
15 most significantly disabled. We don't have the
16 traditional waiting lists like other agencies would have
17 where you'd have thousands of people on it.

18 If you don't meet the order of selection
19 criteria, you may have a few other people that's on that
20 -- that don't meet that criteria level.

21 MR. VOVAKES: Let me clarify.

22 MINORITY CHAIRMAN KELLER: Yeah, please;
23 because I'm getting lost here.

24 MR. VOVAKES: Two comments about what Ryan
25 is referring to is that the OVR programs are eligibility

1 based programs and they are tiered by, I would say the
2 level of disability; so there are requirements that
3 individuals have to meet in order to be eligible, and
4 those are defined by the federal government.

5 MR. HYDE: That's correct.

6 MR. VOVAKES: So we are charged with serving
7 the most severely disabled individuals first, regardless
8 of their age, and then everybody else after that. So
9 it's -- and it is an eligibility based program; not
10 everybody who has a disability would be eligible for
11 certain services.

12 MR. HYDE: Right.

13 MINORITY CHAIRMAN KELLER: So just to
14 clarify in my mind, you're saying that everybody who has
15 severe disabilities in Pennsylvania, their needs are
16 being met?

17 MR. VOVAKES: If they qualify.

18 MR. HYDE: It's a little-- Denise, do you
19 want to chime in? Denise Verchimak is Director of --

20 MINORITY CHAIRMAN KELLER: The point I'm
21 trying to get to, if we had an additional \$5 million,
22 wouldn't we be able to service these --

23 MS. VERCHIMAK: We could absolutely serve
24 more people with more money. Right now, Pennsylvania's
25 is on an order of selection; not all states are.

1 Pennsylvania has chosen to go on an order of selection,
2 because we can't serve all categories of disability.

3 So we're serving everybody who meets the top
4 category, which is the most significant disabilities.
5 But in order to be served, you have to have a disability
6 that falls into that category of being considered a most
7 significant disability.

8 We have two lower categories that we cannot
9 get to because we don't have the funds available, and
10 that would be individuals with significant disabilities
11 and individuals who have a disability but it's
12 considered a nonsignificant disability.

13 In Pennsylvania, we have not opened up to
14 those bottom two levels because we don't have adequate
15 resources.

16 MINORITY CHAIRMAN KELLER: Do you know how
17 many people that would be?

18 MS. VERCHIMAK: We don't. Because most
19 people choose not to go on a waiting list, because at
20 this point with OVR, it's been an indefinite waiting
21 list. I mean, right now, when we do an order of
22 selection, we tell people whether we can serve them in
23 our top category or not. So it's not like we build this
24 mass waiting list because people know that they can't
25 receive services if their disability doesn't fall into

1 the most significant category, and so we don't have what
2 you would typically refer to as a waiting list in other
3 agencies.

4 MINORITY CHAIRMAN KELLER: I'm just -- I
5 would bet that if we brought the advocacy groups back up
6 they would say that there are a large number of people
7 not being served in Pennsylvania and that if we had an
8 additional \$5 million we would greatly help those
9 people.

10 MS. VERCHIMAK: And I would agree with you
11 on that, and that's evidenced by our numbers.

12 MINORITY CHAIRMAN KELLER: What did you say?

13 MS. VERCHIMAK: I would agree with you.
14 It's evidenced by our numbers. In the Department of
15 Education, there's over 100,000 kids with disabilities
16 in the education system and yet OVR's only serving a
17 portion of those.

18 MINORITY CHAIRMAN KELLER: So Representative
19 Murt is on the right track in -- and we should be trying
20 to find 1.25 million to get an additional 5 million?

21 MS. VERCHIMAK: I would just echo Michael's
22 comments. That 1.25 million which would allow us to
23 draw that down, that extra \$5 million still would not be
24 able to bring us to the ability to serve all of the
25 individuals.

1 MINORITY CHAIRMAN KELLER: Okay. So we
2 shouldn't do it because we can't help everybody?

3 MS. VERCHIMAK: No, absolutely not. We
4 should absolutely do it.

5 MINORITY CHAIRMAN KELLER: I'm getting very
6 confused up here.

7 MS. VERCHIMAK: No, we should absolutely do
8 it. We should -- we would love to be fully funded as
9 much as possible. I think this just goes back to what
10 was already referred to by Michael as some tweaks in the
11 language.

12 MINORITY CHAIRMAN KELLER: I'm sure
13 everybody will have the same argument no matter what it
14 is. But in a \$30 billion budget war, --

15 MAJORITY CHAIRMAN SCAVELLO: It's less than
16 that now.

17 MINORITY CHAIRMAN KELLER: It's less than
18 that now. It keeps going down. But 1.25 million isn't
19 a lot of money in a \$28.5725 billion budget. I'd like
20 to commend Representative Murt. I think we should stay
21 on this and we should help the people in the state who
22 need it the most.

23 Thank you, Mr. Chairman.

24 MAJORITY CHAIRMAN SCAVELLO: Is this
25 something new, or was this in the prior administration?

1 Were we taking advantage of the fold of all the dollars,
2 just to clarify in my mind?

3 MR. VOVAKES: That's an interesting
4 question.

5 MAJORITY CHAIRMAN SCAVELLO: Because I don't
6 think we were. Because I --

7 MINORITY CHAIRMAN KELLER: Excuse me.
8 Governor Rendell has gone and passed.

9 MAJORITY CHAIRMAN SCAVELLO: I understand
10 that.

11 MINORITY CHAIRMAN KELLER: So I don't know.
12 You guys keep bringing him up.

13 MAJORITY CHAIRMAN SCAVELLO: No, no, no.
14 I just want to make sure -- because I want to clarify
15 this. I do -- I do like this bill, and I'm going to try
16 to move this bill if we can get this -- the corrections
17 made. And I know it might not be through the whole
18 legislative process to see this occur this year; but if
19 we can move it, get it -- we get all the corrections
20 made to the legislation, with the help of the Department
21 of Labor here, we might be able to do something good
22 next year.

23 Representative Murt.

24 REPRESENTATIVE MURT: Quick question,
25 Denise. If we are able to access those federal funds --

1 this is an investment, by the way, in my mind. This is
2 not an expenditure; this is an investment. We're
3 investing in people. These people are becoming
4 taxpayers. We hear this all the time. We don't want
5 anybody to become a public charge. Well, guess what?
6 This is a population that wants to work. They want to
7 pay taxes. Let's help them get there.

8 The question is, Denise, if we are able to
9 obtain this federal funding, would those revenues be
10 adequate to help those two bottom categories you made
11 reference to?

12 MS. VERCHIMAK: We're just not sure; because
13 most people don't even come on to a waiting list, so to
14 speak. So it would certainly get us down, I would
15 think, to be able to open up the second level, which
16 would be significant disability, which would be a huge
17 step in the right direction.

18 MR. VOVAKES: But I don't think we can say
19 whether we can serve all the people in the second
20 category either, so --

21 MS. VERCHIMAK: No.

22 REPRESENTATIVE MURT: Yeah.

23 MR. VOVAKES: It's hard to say. And I don't
24 know that -- you know, I don't know that \$12 million or
25 \$20 million or \$5 million is enough to serve all of the

1 people that may need to be served.

2 MINORITY CHAIRMAN KELLER: But it does serve
3 more people.

4 MR. VOVAKES: Yes.

5 MINORITY CHAIRMAN KELLER: And that's what's
6 important.

7 MAJORITY CHAIRMAN SCAVELLO: Thank you.
8 Thank you very much. Our next presenters are Bryan and
9 Penny Gardner, Samantha and Patrick Lurwick, and Alexa
10 Brill.

11 Good morning. I guess, Bryan and Penny, do
12 you want to start first? Thank you for making the trip
13 up. Appreciate it.

14 MS. GARDNER: Thank you. Good morning. My
15 name is Penny Gardner. I am the parent of Bryan
16 Gardner, an amazing, hard working, young adult with a
17 disability.

18 I'm here today to implore you to implement
19 House Bill 2405 and provide the necessary funding for
20 OVR to work with local education agencies and private
21 employers to help students with disabilities
22 successfully transition from school to competitive work.

23 Our family goal was for Bryan to have
24 competitive employment five days a week after graduating
25 from high school. Bryan had three years after

1 completing his senior year of high school to transition
2 from school to work. Our vision was for the last day of
3 public education to look no different than the first day
4 of the adult world. We thought three years was plenty
5 of time to build upon the skills he had learned in 12
6 years of school to develop and train for competitive
7 employment.

8 The first year would be a year to explore
9 different types of employment through various unpaid
10 internships in the community and determine what type of
11 work he was interested in and define his strengths. The
12 second year would be narrowing down the type of work he
13 liked and developing the skills needed to work at a
14 particular job.

15 In his third year, he would find an unpaid
16 internship that would hopefully turn into competitive
17 employment as he graduated or find a job in his field of
18 interest. The last six months of school would be used
19 to fine tune his skills and work out the bugs so that
20 when he graduated there would be a seamless transition
21 into the adult world.

22 Unfortunately, the transition did not happen
23 as planned. The current educational system failed my
24 son miserably. He has no job, and he's currently
25 sitting on my couch with nothing to do. Bryan was in a

1 transition program designed to focus on the individual
2 student's outcomes, including employment. The first
3 year, he had two unpaid internship opportunities.

4 The first one was working in a laundry
5 department of a hotel, which ended when they started
6 remodeling the hotel. The next one was at a church
7 working in the printing department. He learned very
8 many skills there and worked really well with the staff.

9 That summer, I decided he needed to continue
10 to work; so I arranged for him to work at two of the
11 internships during the entire summer break. He worked
12 at the church; and through my own networking, I found
13 him an unpaid clerical internship at a local
14 organization.

15 In the second year of his transition
16 program, I continued to push the school program to find
17 internships related to Bryan's interests. Bryan liked
18 clerical work, data entry, using the computer, and
19 printing.

20 I was told by the school program supervisor
21 it was hard to find clerical internships and positions.
22 The school program repeatedly told me it was not part
23 of their program to find Bryan competitive employment.
24 Bryan needed help improving his typing speed. I was
25 told that that was also not part of the school program

1 either.

2 In the meantime, through my own networking,
3 I found Bryan a part-time data entry position working as
4 a subcontractor for a small software company. This job
5 is a very complex, multistep job where Bryan processes
6 approximately 2200 sewage payments in a two-week period.
7 He does not receive an hourly wage, but instead gets
8 paid for each payment he processes. And I encourage
9 you, there is a link to a video; and the video's a short
10 video that shows my son's employment skills in doing
11 this sewage payment processing.

12 We had Bryan's annual IEP meeting that May
13 of 2013, with the OVR counselor and his supervisor in
14 attendance. The IEP team requested that OVR open a
15 case; but they denied, saying it was too soon. They
16 would open a case for Bryan six months before he
17 graduated.

18 He started his last year of public education
19 at the end of 2013.

20 BRYAN GARDNER: August.

21 MS. GARDNER: Thank you. The only work he
22 had was the part-time sewage payment processing job. I
23 asked the school program repeatedly to look for clerical
24 data entry or printing internship or job. Finally, in
25 2013, not getting any internship opportunities from the

1 school program, I decided to focus on Bryan becoming
2 totally independent in this payment processing job.

3 The IEP team met with the OVR counselor, who
4 at that time, finally agreed to open a case since it was
5 six months before he graduated. I found Bryan an
6 office, and he paid rent from January of 2014 through
7 April 2014; but he never worked in that office.

8 When the team reconvened after the holidays,
9 the school district said they would not support Bryan at
10 that office because they did not have the job coaching
11 staff to work the schedule that the job required.
12 They would only provide support a couple of days a week
13 and during school hours.

14 Bryan's case was open with OVR, but the
15 counselor said he could do nothing for Bryan since he
16 was still in the school system. We had one final IEP
17 meeting in April of 2014. We reviewed all of Bryan's
18 goals, including the transition goal, which stated he
19 wanted to be competitively employed five days a week
20 after completing high school.

21 At that time, the school district
22 administrators stated if Bryan doesn't find employment
23 for two years or five years, that's okay; it was no big
24 deal. So my son sits on my couch, losing the skills
25 that he did acquire while in school. He waits while I

1 go through the list of the supportive employment
2 agencies that work with OVR, to find an agency that will
3 help him find competitive employment.

4 Now, in all fairness to school districts, a
5 high school special education teacher working full time
6 in a classroom does not have the time to try and network
7 in the community for internship opportunities. Even if
8 they find businesses in the community that will give
9 students with disability a chance, they cannot support
10 that individual at that job if they are teaching full
11 time in a classroom.

12 So this is why I believe it is so important
13 for this House Bill to be passed, so students with
14 disabilities can have this seamless transition from
15 school to competitive employment.

16 BRYAN GARDNER: Hello. My name is Bryan
17 Gardner. I am almost 22 years old and a high school
18 graduate. I am a young man with autism who is strong,
19 dependable, and able to work. I want to work and earn
20 a paycheck so I can buy the things I want.

21 I love music, going out to dinner, going to
22 see musical shows, books and collectibles. I am a hard
23 worker, but no one will give me the chance to work. I
24 spend all of my time in my home. I do not drive. I do
25 not have any friends. I only go out with my parents or

1 paid professionals.

2 I went to school for 15 years. At school, I
3 had a chance to be around lots of kids and adults. I
4 was busy for seven hours a day. Now I have no reason to
5 get up in the morning, because I have nowhere to go and
6 nothing to do. I am with my mom all day all by myself.
7 I want to work. I am bored. Why will no one give me
8 the chance to show them what a hard worker I am and what
9 a good employee I will be?

10 I have copies of my resume for anyone who is
11 interested. Thank you for listening.

12 MAJORITY CHAIRMAN SCAVELLO: Nice job,
13 Bryan.

14 SAMANTHA LURWICK: (Submitted testimony.)

15 PATRICIA LURWICK: Good job.

16 MAJORITY CHAIRMAN SCAVELLO: Thank you.
17 Alexa.

18 ALEXA BRILL: My name is Alexa Brill. I am
19 25 years old. I graduated high school in May of 2013.
20 I am here today because vocational rehabilitation should
21 have increased funding to help people with disabilities
22 in obtaining competitive employment while in school.

23 I firmly believe this would significantly
24 increase the chances of people with disabilities
25 securing full-time employment upon their graduation of

1 high school or college. Since graduating from the
2 University of Pennsylvania in May 2013 with a major in
3 sociology and a minor in theater arts, I have managed to
4 obtain part-time employment with the Arc of Pennsylvania
5 as a communications consultant. However, I am still
6 seeking full-time employment.

7 I believe that if I had a job opportunity to
8 have part-time employment under the guidance of OVR when
9 I was still in school, I would have a better chance at
10 securing full-time employment in a faster time for most
11 young people without disabilities obtain part-time
12 employment while earning their high school or college
13 degree. This works to their advantage when they seek
14 full-time employment upon graduation. If they already
15 have the initial experience that all employers look for,
16 this puts graduates with disabilities at an incredible
17 disadvantage.

18 We want to work, but can't without the
19 necessary supports in place. We want to have the same
20 opportunities as everyone else. That's why we're
21 calling on your support for HB 2405, which will increase
22 the necessary funding to OVR so that young people with
23 disabilities have the opportunity to obtain part-time
24 employment while in school and level the playing field.

25 Thank you.

1 MAJORITY CHAIRMAN SCAVELLO: Thank you,
2 Alexa. Patricia.

3 PATRICIA LURWICK: You have my testimony. I
4 won't read it. I am the proud mother of Samantha.
5 Although born with a disability, she continues to amaze
6 me each and every day with the abilities that she does
7 have. She is in her 14th year at Parkland High School
8 in Lehigh County. She just turned 20, so next year
9 she'll face that proverbial cliff where all her supports
10 and services stop.

11 I, like most parents, am very concerned that
12 we're going to be faced with her sitting home and doing
13 nothing. She has been fortunate enough to be part of a
14 work-based learning program in her high school. And
15 while effective, it just does not give her marketable
16 skills. The tasks she's learning are very menial. I
17 know she can do more, and I know she wants to do more.
18 She just needs to be given the opportunity.

19 The job sites she goes to are -- they never
20 view our students as being potential employees. They
21 just view them as being there to learn work skills. She
22 just really needs the opportunities to get out there,
23 let employers see her, and let her shine.

24 She has got lots of goals and dreams, as do
25 all of her peers. They just really need the opportunity

1 and the supports. She has been introduced to OVR
2 counselors. They've done her intake unit interview,
3 but that all needs to happen sooner.

4 There's too many that are aging out of the
5 system with no hopes of employment. Those part-time
6 jobs, the summer jobs, really give these young adults
7 the skills that they need; and, you know, history has
8 shown that those that work during high school are more
9 apt to obtain and retain employment once they're done,

10 So thank you for your support of this bill.
11 It is much, much needed, for Samantha, as well as all
12 the other young adults in Pennsylvania like her. So
13 thank you very much.

14 MAJORITY CHAIRMAN SCAVELLO: Thank you. I
15 stated earlier, I applaud Representative Murt for
16 bringing this legislation forward; and I'm going to
17 support him in his efforts to make the changes necessary
18 to make this bill move. I appreciate your testimonies.

19 PATRICIA LURWICK: Thank you.

20 MAJORITY CHAIRMAN SCAVELLO: The next
21 testifier is Jeremy Shapira, Senior Director and HR
22 Business Partner, Giant Eagle. Good morning.

23 MR. SHAPIRA: Good morning. Thank you. My
24 name is Jeremy Shapira, and I am a Senior Director and
25 HR Business Partner at Giant Eagle, headquartered in

1 Pittsburgh. I also lead the company's strategy for
2 employing people with disabilities.

3 Giant Eagle employs over 17,000 team members
4 in 234 food, pharmacy, and fuel retail locations in
5 western and central Pennsylvania. We have a 30-year
6 history of employing people with disabilities, and are
7 respected in the community as a leader for this cause.

8 For the past year, we have partnered with
9 the United Way on 21andable, a revolutionary project
10 that focuses on helping high school students with
11 disabilities gain skills in a competitive, professional
12 environment.

13 Having this experience prior to leaving
14 school is critical for increasing their ability to live
15 independently later in life. For many of the 34
16 students hired so far in this program, this is their
17 first job and the first opportunity to earn a paycheck.

18 Through a partnership with Blind and
19 Rehabilitation Services of Pittsburgh, Giant Eagle now
20 has a full-time staff member who is a professional in
21 the field of disabilities. We refer to this position as
22 the Career Transition Liason or CTL. The CTL's
23 responsibilities include partnering with local schools
24 and parents to identify qualified candidates,
25 facilitating the selection process, and coordinating

1 on-the-job coaching.

2 Additionally, the CTL works with Giant Eagle
3 teams to help them understand how to best work with
4 their new team members with disabilities. The key to a
5 successful strategy to hiring people with disabilities
6 is to focus on abilities rather than what someone might
7 not be able to do.

8 As a result of this philosophy, Giant Eagle
9 has been able to hire 21andable participants into a very
10 broad range of positions at our stores, including meat
11 wrapper, prepared foods clerk, cashier, and car wash
12 operator. We hired 30 students in the first year, 18 of
13 which are still happily employed.

14 Retention mirrors that of our general
15 population, and I am thrilled to say that not one of our
16 students we are working with has been unable to perform
17 the tasks required in their job.

18 Being so close to the work has allowed me to
19 see how programs like this are invaluable in helping
20 students with disabilities transition to productive
21 employment and in turn become an integral part of Giant
22 Eagle's business and a presence in our community.

23 In our experience, our team members with
24 disabilities have extremely strong work ethics, are
25 excited to be a part of our family, and take pride in

1 serving our customers. Because of that, they are valued
2 and appreciated by their fellow team members and the
3 customers who look forward to seeing them in our stores.

4 It's a win for the team member and a win for
5 our company. Having a structured program in place has
6 allowed us to engage and employ more students with
7 disabilities in a shorter amount of time than ever
8 before.

9 This is important, because the longer that
10 young adults spend at home without the guidance and
11 transition programs like 21andable, the more likely they
12 are to just stay at home. I firmly believe that the
13 funding of these programs enriches the lives of our team
14 members, the company, and our community, and is critical
15 to supporting a diverse workplace.

16 And I'd like to just add that the reason why
17 job coaching is so critical is that we give an average
18 of 24 hours of training to all of our team members, and
19 then they are expected to be fully productive after the
20 24th hour. And the question on the table is, Can
21 someone with disabilities, with varying disabilities, be
22 a productive team member with only 24 hours, and more
23 importantly, only being trained by someone who may not
24 be skilled in how to work with someone with a
25 disability?

1 And the problem that we as an employer face
2 is that our team leaders already have too much on their
3 plate, are not skilled at working -- or at least
4 training people with disabilities on how to be
5 productive. And without specialized job coaching, we
6 would not be able to hire as many people as we do.

7 Thank you.

8 MAJORITY CHAIRMAN SCAVELLO: You know, I
9 applaud your company for what you do. Are you paying at
10 least minimum wage? Is that -- for the --

11 MR. SHAPIRA: We always pay at least minimum
12 wage.

13 MAJORITY CHAIRMAN SCAVELLO: Great. And I
14 applaud your company, because it shows that you
15 definitely have put an effort forth; and I'd like to see
16 other companies do the same. I was in the supermarket
17 business, so I know there's plenty of opportunities in
18 the supermarket to hire people with disabilities.

19 Thank you.

20 MR. SHAPIRA: Can I add to my answer,
21 please?

22 MAJORITY CHAIRMAN SCAVELLO: Okay.

23 MR. SHAPIRA: It's critical to understand
24 that our philosophy is that we always treat all of our
25 team members exactly the same. So we pay a person with

1 disabilities the exact same that someone without a
2 disability would get paid, whether it's minimum wage; or
3 if they're in a more skilled position, whatever that
4 increased rate is.

5 MAJORITY CHAIRMAN SCAVELLO: Great. Thank
6 you so much.

7 MR. SHAPIRA: Thank you.

8 MINORITY CHAIRMAN KELLER: Thank you, Mr.
9 Chairman. I also commend Giant Eagle and yourself for
10 what you're doing for this community. And I know you're
11 paying minimum wage. I'm just trying to find out, maybe
12 you could help me, is there a good reason that you have
13 to pay subminimum wage to people with disabilities
14 trying to get a job?

15 MR. SHAPIRA: Well, my understanding --
16 first of all, you have to understand I am not an expert
17 in this field; so I do not -- so I don't -- I'm not --

18 MINORITY CHAIRMAN KELLER: Apparently you
19 are an expert, because you're doing a hell of a job for
20 these people.

21 MR. SHAPIRA: I may be an expert in hiring
22 people into competitive employment; but my understanding
23 is that when they pay subminimum wage, that is not
24 necessarily competitive employment. That's the part I'm
25 not an expert in.

1 I will only say, in my personal opinion, and
2 I think that -- I agree with the previous testimony, I
3 think that is an outdated model and should be stopped.

4 MINORITY CHAIRMAN KELLER: Thank you very
5 much. And we do appreciate what you and your company
6 are doing. Thank you.

7 MAJORITY CHAIRMAN SCAVELLO: Representative
8 Snyder.

9 REPRESENTATIVE SNYDER: Yes. Thank you, Mr.
10 Chairman. I, too, want to commend Giant Eagle. I see
11 it in my local Giant Eagle every day, so you're doing a
12 wonderful job. You're a great model for what other
13 companies would be able to do.

14 I just want to thank all the presenters
15 today, because it was really heartwarming to listen to
16 all the testimony. And, Representative Murt, thank you
17 for your leadership on this.

18 MAJORITY CHAIRMAN SCAVELLO: And,
19 Representative Murt, again, thank you for the
20 legislation.

21 REPRESENTATIVE MURT: Thank you, Mr.
22 Chairman. Jeremy, again, congratulations on the great
23 job that Giant Eagle has done in this regard. It's just
24 -- this program about hiring individuals with
25 disabilities, is that uniform across the Commonwealth,

1 Jeremy? Is it as common in Philadelphia as it is in
2 Pittsburgh?

3 MR. SHAPIRA: I can't speak to what other
4 companies are doing.

5 REPRESENTATIVE MURT: Well, I meant just
6 with Giant Eagle.

7 MR. SHAPIRA: Oh. So if we're talking
8 specifically about 21andable, right now we are in
9 agreement with United Way that we're hiring students
10 specifically in Allegheny County. But we have, as I
11 think you mentioned earlier -- we have already started
12 plans to expand to the Cleveland market. And when the
13 agreement with United Way ends at the end of next
14 August, approximately, we plan to expand the CTL's
15 responsibilities to counties outside of Allegheny
16 County, as well.

17 REPRESENTATIVE MURT: Well, keep up the good
18 work.

19 MR. SHAPIRA: Thank you.

20 MAJORITY CHAIRMAN SCAVELLO: Thank you,
21 everyone, for participating; and have a great evening.

22 (Whereupon, the hearing concluded.)
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CERTIFICATE

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

Tracy L. Markle,
Court Reporter/Notary