

**PURCHASING FROM PEOPLE WITH DISABILITIES  
ADVISORY COMMITTEE MEETING MINUTES  
May 13, 2016**

**MINUTES NO. 3**

**PENDING AUGUST 3, 2016 APPROVAL**

A duly posted open meeting of the Purchasing from People with Disabilities Advisory Committee was held on Friday, May 13, 2016, at 1:00 p.m. at Texas Workforce Commission, 101 E. 15<sup>th</sup> Street, Room 151, Austin, Texas. A quorum was present.

**MEMBERS PRESENT**

Jean Langendorf  
Larry Johnson  
Linda Logan  
Nicky Ooi  
Michelle Wilkinson  
Brandye Lacy  
Sean Quigley  
Kevin Jackson  
Judy Zavalla  
Brooke Hohfeld  
Dave Wells

**MEMBERS NOT PRESENT**

Russell Capers  
Ron Pigott

**I. INTRODUCTIONS OF ADVISORY COMMITTEE MEMBERS AND STAFF**

Each Advisory Committee member introduced themselves and gave a brief background.

Ed Serna, Executive Director, Texas Workforce Commission  
Kelvin Moore, Program Manager, Texas Workforce Commission  
Howard Joseph, Program Manager, Texas Workforce Commission

**II. APPROVAL OF THE MINUTES FROM THE MAY 3, 2016 ADVISORY  
COMMITTEE MEETING**

Committee member Linda Logan moved to approve the May 3, 2016 Advisory Committee's meeting minutes. Committee member Michelle Wilkinson seconded the motion. The motion passed.

### III. PUBLIC COMMENT

**1. Dave Dodson, President of Expanco, Inc. Fort Worth, Texas**, brought individuals from Expanco to share their stories and talk about what they do at Expanco. Mr. Dodson briefly discussed jobs at Expanco that are available for individuals with disabilities such as packaging, assembly, and document shredding for the state and private sector. Mr. Dodson stated that Expanco pays both minimum and subminimum wages. Mr. Dodson also stated that Expanco place 50 individuals with disabilities in community jobs each year over the past two years.

Mr. Dodson commented that Expanco supports what Employment First Legislation stands for, except for not allowing subminimum wages paid to some individuals with disabilities. Mr. Dodson asked the Advisory Committee to make a recommendation to the Texas Workforce Commission to continue paying subminimum wage as an option for Expanco. Mr. Dodson felt that's a valid option for some individuals with disabilities.

**2. Laraine Caraway, Fort Worth**, advocated on behalf of Bobby Caraway adult working at Expanco. Ms. Caraway was strongly against doing away with subminimum wage. She felt that individuals with a disability should have a choice to work in the community or a facility like Expanco. Ms. Caraway stated that in the community, individuals are left alone but Expanco has life coaches that prepare them through their issues or problems. She said that many do not want to be placed in the community; they've worked in the community before and decided to go back to Expanco.

She said that there are extracurricular activities for individuals with disabilities working at Expanco and that people are not kind to individuals with disabilities working in the community. She said that individuals with disabilities should have the choice of where they want to work, just like individuals without disabilities.

**3. Ralph Hays, Fort Worth**, advocated on behalf of his 36 year old daughter, Michelle Hays, who has Down syndrome. He said that she have problems other than Down syndrome. Mr. Hays said that Michelle worked at Expanco for 11 years this month and that she has a moderate level of capacity. She wears a brace on each leg that limits her ability to move. There are some things that an adult as you and I but other thing she's a very young child. She learns by intense repetition. Mr. Hays said that Michelle cannot produce at a minimum wage production. A company in the community would lose money paying her a minimum wage. He also that Expanco gives Michelle an opportunity to break from her Dad and give her other opportunities with individuals like herself. Mr. Hays said that he was happy and Michelle was productive. Please don't take her job away.

**4. Mary J. Gilbert, Fort Worth** commented she has 33 years of experience as an advocate for individuals with disabilities and is a proud caregiver for Tommy Gilbert, a client at Expanco. Ms. Gilbert said that she is Tommy's parent, guardian, and foster parent. She wears all those hats in order for Tommy to function as an adult in today's society. She worried about where he would go that would provide him a safe environment. Ms. Gilbert said that the option for the individuals with disabilities was hard to find. She was informed about Expanco, she researched, studied and visited their facilities. Together Mary Gilbert and Tommy decided that Expanco was where he should work. She said that Expanco was the best thing to happen to Tommy, he learned to spell his last name at Expanco. He loves his work there. His disabilities would put him at risk at an integrated private sector company outside of a sheltered workshop. She said Tommy needs constant supervision. If

sheltered workshops and 14(c) were eliminated, where would these individuals go? Do not take away their right to choose.

**5. Linda Patrick, Fort Worth** advocated on behalf of her son, Scott Patrick. Ms. Patrick said that her son worked in competitive employment before working at Expanco. He worked at a hospital. She said the hospital took advantage of her son because he couldn't advocate for himself. Eventually he was fired because he made too many mistakes. She stated that he went to a day habilitation center and became depressed. Ms. Patrick sent him to Expanco and that changed his life. She said his self-esteem increased and he won employee of the year and he looks forward to working with his friends. Job coaches do not stay with disabled employees at competitive job setting forever. Ms. Patrick wanted the Advisory Board to take these issues in consideration with making their decisions regarding sheltered workshops and give individuals with disabilities and their families a choice.

**6. Linda Tayler West, Fort Worth** advocated on behalf of her disabled sister Mary Williams that works at Expanco for 18 years. Her disability did not allow her to attend today. Ms. West said her sister was placed in competitive employment from Expanco and was fired due to her disability. Now she's back at Expanco, she's successful and loves her job. Ms. West said that she was her care giver and without Expanco their family would not know what to do. Expanco can respond to her sister's needs. She did not want the Advisory Committee to get rid of 14(c).

**7. Thelma Butler, Fort Worth,** advocated on behalf of her 26 year old son, Ray Butler. She said he worked at Expanco for 5 years. Ms. Butler commented that Expanco was a safe community for her son and that gives her peace of mind when he's there. He feels like he belongs. She said his social skills have improved since he started working at Expanco. Do not take that away from him.

**8. Steve Seizmore, Fort Worth,** advocated on behalf of his 27 year old son, Richard Seizmore. Mr. Seizmore said he also has a niece and a nephew with Fragile X Syndrome that works at Expanco. His niece was able to find a job in competitive employment and her family supported her decision, but his son and nephew will continue to work at Expanco as long as there's opportunity. Mr. Seizmore pointed out the previous speakers have strong emotions about this issue. He said we've been struggling most our lives with these individuals growing into adults with problems and fights. Hearing of this issue now that we've found a comfortable place for them is unsettling. Mr. Seizmore is wondering where they will go now. Mr. Seizmore said we need more places like Expanco. It's not about the money; it is about dignity and pride. A competitive community job will not have the patience, understanding, and training like Expanco. Mr. Seizmore is on the Advisory Committee for Tarrant County MHMR he would like to see Expanco grow. He feels that the 14(c) subminimum wages should continue in order to support individuals with disabilities.

**9. Mark DeKeyser, Fort Worth,** advocated on behalf of his brother Scott DeKeyser, he was proud of his brother for winning the Texas State Use WorksWonders award for 2009. (Audience Applauded) Mr. DeKeyser said he was proud of Expanco and that they were a blessing. His brother has fetal s alcohol yndrome. This affliction causes bouts of yelling, screaming and/or laughter. He said that Expanco knows how to deal with his brother. Mr. DeKeyser said that he knows there are some companies that have taken advantage of the individuals that sounds like an enforcement problem. This program has changed his life. Do not try to fix the problem of a few by destroying the lives of many.

**10. Susan Nelson, Fort Worth**, advocated on behalf of her son Michael Nelson, she commented that her son has worked hard to gain and maintain his independence and his income has allowed him to stay in his own apartment because of Expanco. Ms. Nelson said that Michael also works at a competitive employment environment and they have cut his schedule to 10 hrs a week and they do not encourage him to reach his potential, Expanco encourages him. She said that Day Habilitation facilities provided little-to-no meaning or a purposeful life, but he could watch TV in color. She said that Michael learned new skills while working contract for companies. Mr. Nelson worked with special needs students. She said that some students will be able to move into integrated employment and some will never. Ms. Nelson stated that eliminating 14(c) will close facilities like Expanco and will limit opportunities for individuals with disabilities.

**11. Susan Miller, Fort Worth**, Speech pathologist, (not associated with Expanco) commented that she had negative views about Expanco and other sheltered workshops until Ms. Miller visited one of her students at Expanco. Expanco impressed her because of Expanco's community they provided for their employees. She believes Expanco should branch out to other communities.

**12. Jetty Cole, Fort Worth**, advocated on behalf of her son David Cole. Ms. Cole is a Psychiatric Nurse that works with mental health and mentally retarded individuals for 31 years. She wanted to echo a lot of what was said earlier. Her son tried to integrate in competitive employment but was too slow and could not complete tasks. Expanco gives him structure, self-esteem and confidence.

**13. Rubidell Peoples, Fort Worth**, advocated on behalf of her 29 year old son Robert Johnson. Ms. Peoples commented that Expanco is a great place for her son to work, and that Expanco gives her son appropriate work that is challenging. Her son enjoys the interactions with his peers at Expanco. His job gives him a sense of accomplishment. Ms. Peoples said that they've sat at home in front of the television, they've also went to the Day Habilitation facilities and kindergarten coloring activities, that's tough when your son realizes he's an adult. Ms. Peoples endorsed and agreed with the previous comments before her. She stated that Expanco pays their employees based on the individual productivity for the type of job assignments. Ms. Peoples feel that her son gets a fair wage, which is a relief for her. She was concerned that Robert might lose his job because of the elimination of 14(c) subminimum wage. Expanco is a place that her son is safe and cannot be ridiculed.

**14. Gregory Antoine, Fort Worth**, advocated on behalf of his 27 year old son David Antoine. Mr. Antoine stated that his son has Down syndrome and had several competitive opportunities. He said when business slows down he's the first to be fired. Mr. Antoine stated that individuals like his son need continuous training and supervision which takes away the productivity from other jobs. He said that his son is now working at Expanco and thriving. Mr. Antoine asked the committee to continue allowing Expanco to pay based on the productivity of the client, 14(c) subminimum wage.

**15. Carl McCarron, Fort Worth**, advocated on behalf of his 31 year old son David McCarron. (Mr. McCarron was too emotional to continue, said he was proud of his son.)

**Ms. Terreva Clawson** stepped up to read public comment on behalf of Mr. McCarron. The letter said that Mr. McCarron and his wife were awarded custody of their son David McCarron. He said that David has many disabilities and was concerned about him having a good life. Mr. McCarron thanked Expanco for turning David into the man he is today, but David still cannot drive, can't shave himself, is highly influenced by others, will never be able to work without supervision, and cannot say no. He loves Expanco and is eager to go work there. Mr. McCarron said that he believes if the Advisory Committee rules in such a way that sheltered workshops have to close they would be sending many individuals to the streets. Mr. McCarron believes that if the Advisory Committee rules against subminimum wage that would close workshops and take away their choice. David would not get the attention and support working at an integrated work setting. Mr. McCarron asked why are YOU making a decision for their (my kid) lives. Do not take their choice away.

**16. Ogbo Assai, Fort Worth**, advocated on behalf of his son Victor Assai, diagnosed with autism. Mr. Assai said his son has only been with Expanco for about 6 months. Mr. Assai and his wife are very pleased with Expanco. He said that his son has thrived since he started working at Expanco. He didn't want to repeat everything that was said previously but Mr. Assai respectfully requeststo allow companies like Expanco continue to pay 14(c) subminimum wage.

**17. Steward Cruston, Fort Worth**, advocated on behalf of his 30 year old son Taylor Cruston. Mr. Cruston said that his son is moderately ADD challenged with Cerebral Palsy. Mr. Cruston said that his son worked with Expanco for almost 3 years and worked in a similar program in Maryland. Mr. Cruston said his son was not successful in competitive employment and that he was successful and loves working at Expanco. Mr. Cruston believes that removing 14(c) provisions would deny his son from being a tax pay productive citizen. Most important Expanco gives his son self-esteem. Competitive jobs would not provide his son with the individual support he needs. He said that his son Taylor loves his job and does not want to work at any other place.

Chairperson Jean Langendoff stated that the Advisory Committee does not have the authority to eliminate 14(c) subminimum wage provisions. The Advisory Committee's only authority is over the State Use Contract. They cannot kill the 14(c) program.

Mr. David Dodson stated that he understood that the committee does not make decisions to eliminate 14(c), but knows the Advisory Committee makes recommendations to TWC. He asked that if they ever have the opportunity, do not recommend that the State Use program not do business with programs like Expanco that use 14(c) subminimum wage previsions. Mr. Dodson hoped that the Committee would not make that recommendation. Mr. Dodson said that's what our group is asking. We would like to continue to receive contracts through the State Use Program so we continue to provide opportunities for individuals with disabilities.

Committee Member Larry Johnson asked David Dodson, President of Expanco, what percentage of your products is sold through the State Use Program.

Mr. David Dodson, said that less than 30%... most of the work is commercial.

Committee Member Larry Johnson also asked Mr. Dodson how many individuals are paid below minimum wages.

Mr. David Dodson, said that 140 out of 149 are paid subminimum wage.

Committee Member Larry Johnson also asked Mr. Dodson if he had a competitive advantage over other Community Rehabilitation Programs that pay at least minimum wages.

Mr. David Dodson said that Expanco's prevailing wage rate is based on \$11.79, which is more than minimum wage. When Expanco prices a job, the job's price is based on \$11.79 an hour. For example, there could be 4 individuals or 1/4 making an amount equaling \$11.79. It takes four individuals to equal one person making \$11.79 an hour. There is no advantage.

Committee member Judy Zavalla, asked how many similar companies are there in Texas like Expanco and how many clients are served by these companies.

Ed Serna, Executive Director, Texas Workforce Commission said that we do not have that information now but we will make that information available to the Advisory Committee.

Committee member Judy Zavalla also stated that the public comments today brought back terrible memories, Ms. Zavalla said that her daughter Mandy Zavalla stayed home for years and spent time at a Day Habilitation facility (fortunately she's high functioning) then finally decided to volunteer. Several weeks ago Mandy was awarded the volunteer award. (Audience applauded)

Ed Serna, Executive Director, Texas Workforce Commission announced that Advisory committee's role is to make recommendations to the Texas Workforce Commission with regards to items that the committee finds of interest. Legislatively there are two things: the Certification of Community Rehabilitation Programs that participates in the State Use program; and in regards to the performance measures for the program.

Ed Serna, Executive Director, Texas Workforce, stated that an Advisory Committee member resigned (Russel Capers). He served the committee as an employee with disabilities that work for a Community Rehabilitation Program. Staff will make recommendation to the Commission for his replacement from the existing pool of applicants.

#### **IV. DISCUSSION REGARDING PRESENTATION BY THE TEXAS WORKFORCE COMMISSION ON THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)**

Jason Vaden Texas Workforce Commission, Jeff Kauffman, Michelle, Department of Assistive and Rehabilitative Services gave an overview of the Workforce Innovation and Opportunity Act. The act was signed into law July 22, 2014 and most provision of the law went into effective on July 1, 2015. (See Attachment A)

## **V. DISCUSSION AND POSSIBLE ACTION REGARDING COMMUNITY REHABILITATION PROGRAM'S CERTIFICATION PROCESS**

Chairperson Jean Langendorf presented a proposed Certification process list. (See Attachment B)

The PPD Advisory Committee compared the current certification process to the proposed certification process list then discussed possible changes to the certification procedures for Community Rehabilitation Programs to participate in the State Use Program.

Committee member Judy Zavalla stated that the committee should define "Benefits" from the proposed certification process list.

Committee member Dave Wells expressed concern regarding the proposed certification process list. Mr. Wells thought that the proposed certification list of items that should be in the form of a report provided by TIBH. The certification process should be a check list.

Committee member Judy Zavalla stated that the committee should define "Management" from the proposed certification process list

Committee member Dave Wells said that he reviewed the current list of procedures from the current certification process and could not think of anything that should be added.

Chairperson Jean Langendorf stated that the committee should clarify the current process.

Fred Weber, TIBH Industries stated that the Community Rehabilitation Program (CRPs) have to maintain their Documentation of Disabilities. When TIBH inspects CRPs those documentations are reviewed and make sure to be up to date.

The PPD Advisory Committee discussed what is currently being reported in the program.

Chairperson Jean Langendorf stated that reported information from TIBH should be related to performance measures.

Chairperson Jean Langendorf thought that the Sunset commission was concerned that the Council was not reporting this information.

Fred Weber, TIBH Industries thought that the Sunset Commission was mainly concerned about the wages paid to individuals and that the Council on Purchasing from People with Disabilities did not create performance measures for the program.

Chairperson Jean Langendorf said that performance measures should be related to the certification process.

Committee member Larry Johnson asked what is an Integrated Employment Plan.

Kelvin Moore, Texas Workforce Commission said that an Integrated Employment Plan explains how your CRP will outplace individuals with disabilities into companies in the community.

Committee member Larry Johnson asked how realistic will CRPs be able to transition employees with disabilities who are not suited for Integrated Employment.

Chairperson Jean Langendorf said that VR will be addressing this issue for individuals with higher levels of disabilities. The VR system will be shifting with more resources. Ms. Langendorf disagreed with Committee member Larry Johnson.

Committee member Sean Quigley said that he's been in this field working with DARS since 1988 and that increased funding has been promised before... it's not come through. Sean agreed with Committee member Larry Johnson, and stated that, at the CRP level we will receive individuals with disabilities which have been unsuccessful. Mr. Quigley stated that there needs to be realistic goals concerning outplacements. These individuals should have a choice to move into integrated employment.

Committee member Sean Quigley thinks the program should have an integrated employment statement instead of an employment plan.

Committee member Dave Wells suggested that the Committee make a motion not to change the Certification Process. It should be left as is for now.

Committee member Linda Logan agreed. Ms. Logan thinks that it is premature to make a motion to change the process right now. It should be reviewed more.

Committee member Dave Wells made a motion not to change the Certification Process at this time. Committee member Sean Quigley seconded the motion. The motion passed.

## **VI. DISCUSSION AND POSSIBLE ACTION REGARDING STATE USE PERFORMANCE MEASURES**

Chairperson Jean Langendorf forwarded this item to the next meeting.

## **VII. ESTABLISH NEXT MEETING DATE**

Next meeting date will be Tuesday, July 26<sup>th</sup> or Wednesday, August 3<sup>rd</sup> 2016 at the San Antonio Lighthouse for the Blind.