



**Andy Beshear**  
Governor

**Jaime Link**  
Education and Labor Cabinet Secretary

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## **Executive Committee** **Minutes**

September 19<sup>th</sup>, 2023  
11:30am – 12:30pm  
Zoom  
Meeting ID: 813 5175 9851

**Chairs Present:** Merry Reid Sheffer, Amanda Owen, Jeff White, Katie Wolf Whaley, Morgan Turner, Diana Merzweiler

**Chairs Absent:** Jessica Beaven, Frank Huffman

**Staff Present:** Kentucky Office of Vocational Rehabilitation (KYOVR) Administrator, Nanci Howard, KYOVR Administrative Specialist, Pepper Caudill

**Staff Absent:** None

**Guest(s) Present:** None

### **Welcome, Introductions and Agenda Review:**

Administrator, Nanci Howard welcomed everyone to the meeting and explained that there were three members that had indicated they would be attending the meeting however they were not yet in attendance. She mentioned that because there was not a quorum the minutes would not be approved. She screen-shared the agenda and explained it line by line. Nanci explained that because we were all familiar with one another we would not need to provide introductions. She stated that she wanted to go over with the Committee, some issues that she had noticed since their last meeting. Nanci paused briefly to admit additional members to the virtual meeting and inquired from Administrative Specialist, Pepper Caudill, if a quorum had now been established. Pepper explained that there was an established quorum and that member, Dianna Merzweiler would need to turn on her camera to be counted as present and an active participant in the meeting. Pepper went on to explain that she had received recent instruction from the legal cabinet stating that if a person is unable to be seen on camera, they would be permitted to view the meeting, but they would be unable to make chatted or verbal comments during the meeting. Administrator, Nanci Howard requested chair, Katie Wolf Whaley to call for a motion to approve the minutes from the last meeting. **Katie called for a motion to approve the May 18<sup>th</sup>, 2023; Executive Committee meeting minutes as submitted. Member, Amanda Owen made the motion to approve the May 18<sup>th</sup>, 2023, Executive Committee meeting minutes as submitted. Member, Morgan Turner provided a second to the motion. A vote was taken and Merry Reid Sheffer, Amanda Owen, Jeff White, Katie Wolf Whaley, Morgan**

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**Turner, Diana Merzweiler were in favor of the motion. There was no opposition and the motion carried unanimously.** Administrator, Nanci Howard continued in her narration of the agenda and recently noted issues. She explained that there had been quorum issues realized during the committee meetings. She stated this was partly due to the lack of participation from certain Council Members that sit on these committees but do not attend meetings. Nanci stated that she intended to bring this issue to the Bylaws Committee's next meeting (later that same day) and ask for their input. She went on to explain that the Lunch & Learn Series Committee (Employer Education & Engagement Committee) was experiencing negative effects due to a lack of quorum as they were finding it difficult to bring their action items to the full council as they were unable to establish a vote from the majority of members, to do so. Nanci stated that there was also an issue of doodle polls often being uncompleted which was causing difficulties for staff to schedule meetings within a timely manner. She posed the idea of committee chairs mentioning this matter to their members, at the next meeting(s) and asking that members complete the doodle polls at their earliest conveniences so that staff could determine quorums and schedule meetings within a timely manner. There was discussion between Katie Wolf Whaley and Nanci Howard regarding the Employer Education & Engagement Committee consisting of six members and whether we could solicit other council members to join the committee. Member, Diana Merzweiler commented that frequency of meetings might be more than what people signed up for. She explained that in past committees there would only be one meeting (per committee) in between each quarterly meeting. Diana suggested that a "gentle letter" could be sent out to the council members explaining that the frequency of meetings would be reduced to twice, in between quarterly meetings to give people an expectation to retain and recruit members. Administrator, Nanci Howard reiterated Diana's comment and noted the suggestions throughout the conversations. Nanci stated that her expectation was to have a meeting of each committee at least once in between quarterly meetings because that is where the work is being done. She stated that if the committees are having a difficult time in establishing quorum(s) and move forward it is going to be hard for the council to be able to get anything accomplished. She went on to explain that she does not want to overwhelm or lose anyone, but she also does not want to lose the momentum the council has going. Brief discussions began of Todd Coffey's recent retirement announcement and whether he would be serving on the council, thereafter. Nanci explained that Todd is appointed as a "Business Industry & Labor Representative" and therefore he would be permitted to continue serving on the council until his successor is appointed. Member, Jeff White asked what constitutes a "committee member" for the purpose of a quorum. Nanci answered that a voting member or actual appointed council member would constitute a "committee member". Katie Wolf Whaley asked for clarification as to why only council members are counted as "committee members" and whether this was Boards & Commissions rules. Nanci stated that she would research this further and provide an answer at that time. Jeff White stated that this was not a Boards and Commissions rule and Katie Wolf Whaley agreed. Katie went on to state that she has understood that (non-appointed) people can join the committees and then be considered "committee members" and there wouldn't be a reason why they wouldn't count (for quorum). Administrator, Nanci Howard stated that she would speak to a representative of Boards & Commissions and get clarification on this matter in writing. Jeff made a comment that this matter would be determined by the organization's bylaws. Administrative Specialist, Pepper Caudill agreed and stated that the council's bylaws state that a person would need to be a council member in order to have voting rights. Jeff commented "Bylaws can be changed." Katie commented "Our bylaws haven't even been approved." Katie then went on to state that although it is true that a person would have to be a council member to vote in council meetings, she questioned whether it had been clarified into the committee meetings section of the bylaws. She stated that she did not recall writing that into the bylaws, when she wrote them and questioned whether that was something that had been changed or possibly not as clear as it could have been. Katie stated that this would be a question for the Bylaws Committee meeting (later the same day). Jeff commented that the House bill 144 Commission does not operate that way. He went on to

explain his personal experience serving and voting on that committee and clarified that he does not have voting rights on the commission, however. Jeff and Diana shared their own personal experiences of serving on other committees (or similar) and agreed that the present committee quorum practice was not common. Nanci asked whether this matter should be discussed at the Bylaws meeting at 1:00 PM and Katie agreed and stated that this would need to be reviewed by the attorney to be sure that it was done correctly. She then went on to say that although it does not say that only council members are allowed to vote, it is not clear. Nanci agreed and stated that this should be further discussed in the Bylaws Committee meeting. She went on to say that she was in favor of the Bylaws allowing for non-council members to vote in the committees if it would allow the committees to move forward in their work. Member, Amanda Owen stated that the Bylaws would need to specify the definition of a member versus the definition of a guest and what those roles (responsibilities) are. She gave an example of a person being invited to a meeting and voting during that meeting, then not participating in meetings afterwards. Member, Jeff White stated that (we) could add enough members (that regularly attend the meetings) to the committees so that a quorum could be established. Administrative Specialist, Pepper Caudill stated that the committee should consider if they were to allow non-council members to be counted for quorum, it would cause the minimum number of participants of each committee to create a quorum to be larger, and so that may not solve the quorum problem if some committees are struggling to get three members to participate. She gave an example using the Provider Capacity Committee and Employer Education Committees and there was discussion between Katie and Jeff regarding this. Katie requested an updated committee list be provided to her for reference. (Administrative Specialist, Pepper Caudill uploaded the Committee List to the chat feature and let the group know this was available for reference, moments later.) Jeff went on to explain that he considers members of the Provider Capacity Committee to include the persons listed on the "NEON Charter Document and he does not know of quorum issue amongst that group of persons. He went on to explain that "we don't just accept anyone that comes to provide comment as a member, just the folks that were on the charter." He also stated that the committee has another means of getting additional input and he would explain that later. He said that you can't have provider capacity issues and a provider capacity meeting without having providers involved. Member, Diana Merzweiler asked if the purpose of needing a quorum had to do with the fact that the Employment First Council is now under the Office of Vocational Rehabilitation? She clarified that prior to the Council being under KYOVR, it was not required to have quorum for committee meetings. She asked "is the change because we are under that umbrella? Or was it just assumed that we had to have quorum? Is that truly a requirement?" Administrator, Nanci Howard answered that in the law it states that the majority of council members that constitute a quorum for the purpose of conducting business however it doesn't say anything specifically about committees. She reiterated that this matter is something that should be resolved in the Bylaws so that the committees are not spinning their wheels. Jeff agreed and stated that his understanding of Robert's is that any member can bring a motion to the full council and that the full council has to have a quorum to act on that motion. He went on to say that whether or not there is a quorum at the Provider Capacity meetings, if ideas come up that need to be shared, he intends on sharing them at the meeting and they can either be knocked down or not. Katie stated that she was confused and agreed with Diana. She stated that the quorum at committees is very different and now how the council operated in the past. She said that previously the council was never told that they were in the wrong so if the council can write the bylaws to be however the council wants them, then they will write them to where they don't have to have a quorum at committee meetings. However, she wants to know if that is legal and if the committees are required to have a quorum. She went on to direct her statements to Nanci and ask if she or Pepper knew that the quorum was a requirement or an internal interpretation. Administrator, Nanci Howard stated that she would immediately email the Cabinet Legal Representative and ask them to advise on this matter. Katie stated that Diana raised a good point earlier in that people have been asked to do significantly more over the past several months, than was expected upon signing on to become a

council member. She said that her hope is that once the other things die down then people would have more time for the committee meetings. Katie asked about members who were repeatedly absent from meetings and the committee discussed this issue. Katie confirmed that she would like to determine if committees need to have a quorum as she is not aware of KRS governing this and the council opted to create these committees. Administrator, Nanci Howard received a response to her email and shared the response with the committee. "Legal has told me, it depends on what the bylaws say." Excitement was shared between she and Katie and Nanci stated that council should consider adding to the bylaws that a quorum is not necessary for the committees. Katie thanked Nanci for bringing this matter up and for doing her due diligence. Nanci offered her apologies to members in attendance for putting so much work on the council and stated that she may have gotten ahead of herself. She went on to explain that her intention was for the council to be proactive and get things done and "really push Employment First forward". She apologized for making members go to the meetings and do all the work, but she said that she really appreciated it and thanked the members in attendance. She then asked for each of the committee chairs to report out on their committee's work and turned the meeting over to Chair, Katie Wolf Whaley.

### **Policy Committee Chair Report:**

Chair, Katie Wolf Whaley stated that this committee hadn't met lately and that they are doing policy reviews however this doesn't overlap much with other committee's work.

Katie then asked to go through each committee to determine who has an update to present at the October quarterly meeting. She stated there would be a lot on that agenda and indicated that they had hoped for the Bylaws and Strategic Plan final draft(s) to be presented and those items would take a lot of time so the committee reports would need to be shorter.

### **Provider Capacity Chair Report:**

Chair, Jeff White stated that the committee has five topics, that have been identified through the "Spotlight on Employment Sessions", that will be brought to the council at the quarterly meeting. He stated that the council's function is to help determine how to address those topics. He stated that the Spotlight on Employment is not an official part of the Employment First Council. Katie asked for clarification. Jeff began by screensharing a document titled "Spotlight on Employment" and explained that there is a standing virtual meeting every Thursday afternoon from 3:30 – 4:15 PM where folks from the provider community can join in and discuss issues. He stated there have been attendees from Medicaid and OVR. He stated that this provides information and input for the subcommittee to consider and determine how it can be addressed. He indicated that most of the issues are things that could be done right now and some of it will require a little more work. Katie asked if the Provider Capacity Committee would meet again before the October quarterly meeting and Jeff said that he thought so. He explained that the committee had already discussed most of the stuff on multiple occasions but without as much definition and Katie asked if there was a plan of action. He began to screenshare a document titled "Topics for the Employment Spotlight" and went on to explain number one of the five topics as being "Impact of Conflict-Free Case Management". He gave details of the impact of the issue as being very difficult, the possible course of action and next steps which involved working with OVR to address these things now. He also mentioned that the committee is requesting input from other states to see if anyone has requested a waiver of conflict free rules from CMS. He referenced the second of the five topics as being a problem with team function and this is something that they were already aware of. He said this has been discussed a lot and there needs to be a training for case managers and others to educate them about employment. He indicated that this is something that would probably best happen through the supported employment training project. He identified the third of the five topics as being prevocational services being unavailable to adults in an organized fashion for some time. He indicated that this is a priority for OVR and they are working together to determine how to make that happen. He stated that they needed to design a curriculum

and he planned to use SEEK webpage resources relating to adult Pre-ETS. Jeff identified the fourth of the five topics as the amount of time necessary to get a career profile authorization through OVR. He stated that he has had a rough time trying to get his hands on a checklist of what is needed by counselors to make an eligibility decision. He said that he knows it exists and is being utilized by some other programs. Jeff stated that he has been able to determine three of the items on the checklist (1- Information confirming the person's diagnosis, 2- Copy of photo ID and 3- copy of Social Security card). He mentioned that having these items can speed up access to OVR services. Jeff stated that the team planned on continuing to determine what other items were in the checklist and then creating and sharing a resource document containing this information. He stated that they have already started advising folks of these items with requests for referrals to OVR. Lastly, he identified the fifth of the five topics as the impact of wages on benefits as still being a problem. He stated that the WIPA programs are doing great job and that this has not always been the case. Jeff went on to explain that the problem is at times they really don't have the resources to provide long term help with decision or planning for employment. He said that although this is part of their mandate it is one of the low priority areas. He explained that this creates a real issue when folks and their families have been told that the individual will never be able to work because we know this just isn't the case. With DB101 we have the opportunity to help providers have a forum to prove this fact to families or persons. The problem with this is that program staff is needed to be engaged with DB101 and orientated to be able to do that. Jeff stated that he is going to be start a regular DB101 orientation using typical situations that happen with folks as they go through employment. He gave an example of a person receiving benefits going to work and gave a scenario of how the DB101 program could work, using that example. Katie asked Jeff to clarify which parts of the five topics are Employment First Provider Capacity Committee related versus the parts that he will be taking on personally and mentioned that some of these things are already being provided such as the monthly DB101 drop in call. She asked whether the Provider Capacity Committee had recommendations to bring to the Council for action. Jeff answered that this is a step beyond what is now being done and that part of the charge off the committee is to identify things that could be done to improve the capacity of folks to provide supported employment. He stated that an endorsement of this would be assisting with marketing the information. He stated that he has not spoken to the council about that particular issue so that is hard to answer although they have spoken about some of the other stuff. Katie asked if Jeff anticipated any issues that would need a vote from the full council at the October quarterly meeting and he stated that he doesn't believe he will need vote and it would be more of an update on what the committee is working on. Katie commended Jeff on all the work he is doing and reiterated that the reports to the council need to be focused to the purview of the Employment First Council. She gave examples of recommendations that could be made, and she and Jeff discussed the recommendations that could be brought to the full council by the Provider Capacity Committee. Jeff stated that there are likely two action items (maybe just one) to be brought to the full council for the October quarterly meeting. He mentioned that there may be additional action items that come forward however the committee only had two meetings over the past two weeks, so these were the identified issues in those sessions.

### **Advocacy & Education Chair Report:**

Chair, Amanda Owen stated that her committee's action item to the council is to request approval of a QR Code to be used on flyer(s). She indicated that the committee had been gathering resources specific to the five identified categories (Self Advocates, Guardians/Parents, Professionals/Educational, Providers and Employers) and had planned to use a platform such as Padlet to house the information until such time that a website or similar could be approved and developed. Amanda stated that the accessibility level of the Padlet platform was still under review and if it was determined to not meet the minimum criteria for accessibility, then the team would need to regroup to determine an alternative platform to use. She stated that the Padlet platform offered a QR

Code option, and her committee wanted to create and share that code with the full council for review of the platform and determine any suggestions council members may have to better the resource page(s) of the platform. Katie confirmed that if Padlet was determined to be insufficient then Amanda's team would still have all of the gathered resources and that could be dumped into an alternative platform. Amanda stated that Pepper had done an amazing job of analyzing and categorizing the existing resources of the group but that there are more resources that need to be added. She stated her hope was to present this information to the full council via a QR Code and allow members the opportunity to fill in any resource gaps so that the library could be richer and to determine if the information shared is agreeable to the council's purview.

Jeff White commented later in the meeting that Padlet is WCAG level eight accessible and not level two accessible. He stated that there are a dozen alternatives that are level two accessible and gave some examples including Coli board, Envision and Concept Board. He also indicated that Padlet is currently working towards a level two certification but are not there yet. Amanda thanked Jeff and mentioned that her group was looking for a platform that was free and could produce a QR Code and said she would explore the other options. Jeff stated that Whiteboard is accessible. Administrative Specialist, Pepper Caudill recalled a platform known as Wakelet that had been mentioned at the committee's recent meeting and Amanda stated that the QR Code in this platform was pricy so it would not be a good fit compared to Padlet. Amanda went on to explain that she and Nanci determined the platform would need to be easy for the uploader to manage. Padlet had proven to be user friendly in this aspect however she agreed that this would not matter if the user could not access the information. Diana Merzweiler commented that any published information would need to go through the state government and that they probably already had the QR Code license. She mentioned that Nanci should check into this. Amanda stated that these were great considerations and that she would discuss with her committee. She went on to say that her committee may consider continuing to use the Padlet platform to collect information so that they are not stopping dead in their tracks. Jeff stated that if a QR Code could not be used then an alt URL could be a solution and mentioned Patty Singleton as a reference for further help with this matter. Jeff and Katie discussed that they are both able to create QR Codes for existing projects however Padlet is also allowing the information to be stored in lieu of a webpage. Jeff stated as long as the content is accessible then it should be fine.

### **Employer Education & Engagement Chair Report:**

Chair, Merry Reid Sheffer stated that the committee had been working on a Lunch & Learn Series for employers and acknowledged there had been recent issues with quorum of the committee. She explained there are six presentations (Customized Employment for Industry Innovation – Merry to present; An Intro to Etiquette Myths and Range of Disability Experience – presented by Cora McNabb and Dina Wison-Kimble; Demystifying Regulatory Issues Around Disability – presented by Bary at Southeast ADA; Coalition Creation and Replication – presented by Todd Coffey, Amanda Owen and Kitty; Adult Education and Apprenticeships for Employers – presented by Andrea Roy and KCTCS representatives; and WIPA for Employers- presented by Linda Wilson and possibly Donna Mundy) that the committee would like to present through the series. There is a seventh topic for consideration, Universal Design for Employers to be presented by Christina who attended the Chamber Workforce Summit. She went on to explain that the series would present monthly, and the committee is working with SHRM to determine if continuing education credits could be offered. Merry also mentioned that the trainings would be recorded and then could be sent to Amanda Owen to log into the resource platform as additional shared resources. She stated that everything is ready to launch however because the group had lacked quorum for the past two meetings, they have been unable to vote this into an action item however she expressed excitement for earlier discussions revolving around the bylaws not requiring quorums of committees to vote on action items. Merry stated that although her intent is to provide ASL interpretation for all of the series topics, it will be

provided to Southeast ADA. Katie asked Administrator, Nanci Howard if it was possible to use OVR Staff Interpreters since the council is housed within OVR and Nanci replied that this could be done.

### **Transition Chair Report:**

Jessica Beaven and Frank Huffman were unable to attend the meeting. Katie stated that the committee did have a quorum at their last meeting.

### **Committee Discussion:**

Jeff White mentioned that he had received an email from Jessica Beaven however it diverted to his spam folder. He stated that she was interested in the former Employment First Council's work in Transition. He stated that there were a lot of materials developed during that time however when funding ended for Kentucky Works, a lot of those materials were no longer available on the webpage. He mentioned that he still has access to these materials however the files are way too large to email. He stated that he sent Jessica the checklists that are on the HDI webpage because there are active links in that document that appear to be maintaining well. Katie Wolf Whaley stated that she believes Jessica is under the impression that Jeff has the start of a Toolkit that could be shared with her. Jeff stated that the toolkit did exist once however it was dependent on the informational links being maintained on the various sites in which they lived which they are no longer. Jeff clarified that he has copies of the documents however they are no longer on a platform where they can be easily accessed and shared. Katie stated that Pepper could create a folder in the Employment First Dropbox where all of the information could be stored, and Pepper stated that she was about to suggest this idea. Jeff stated that because the size of the files were too large to email he would need to transfer them to Pepper via thumb drive at the October quarterly meeting and Pepper agreed this was a good idea. Pepper wondered if the documents that Jeff was housing could also be stored on the OVR website and he stated that he had been trying to get them added to the DDID webpage but was told that was in process and he did not expect it to happen. He went on to explain that he did not expect the documents to be able to be added to the OVR webpage because of brand policy requirements. Katie corrected Jeff's verbiage and stated that if the documents were not accessible then they would not go on the website and Jeff stated that the documents are accessible however it may not meet the brand policy requirements of the state government agency. Katie stated that she has been able to send information to Nanci and the information will be uploaded to the OVR website within minutes. Nanci agreed that typically requests to add information to the OVR website are processed immediately. Katie said that its a matter of the layout and the website is big and clunky and hard to find things which is why the other group was looking into Padlet. Jeff said you're lucky if you can get stuff online that quickly because he hasn't been able to do it with other cabinets. Katie confirmed with Nanci that the venue for the October quarterly meeting to be held at the Mayo Underwood Building in Frankfort, KY. Katie asked if the venue information had been added to the calendar updates and Nanci stated that she was in the process of preparing the agenda and meeting materials to be sent out this week. Katie stated that presently the calendar invite interprets as a hybrid only option and requested that the physical location be added to encourage in person attendance. Diana Merzweiler asked if the Legislative Liaison Committee is who to report budgetary recommendations to. Katie answered that there is no Legislative Liaison Committee however Diana does serve as the Council's Legislative Liaison. She went on to explain that she was unaware of any recommendations that had been made that would need to be taken to the state legislature and that budgetary issues would need to be first addressed with Cora and Nanci at Voc. Rehab to determine if the matter was something that could be done without having to go to the legislature.

### **Future areas of focus:**

- Administrator, Nanci Howard stated that she would speak to a representative of Boards & Commissions and get clarification on this matter in writing. (Quorum & voting in committee)

meetings)

- Merry stated that although her intent is to provide ASL interpretation for all of the series topics, it will be provided to Southeast ADA. Katie asked Administrator, Nanci Howard if it was possible to use OVR Staff Interpreters since the council is housed within OVR and Nanci replied that this could be done.
- Diana Merzweiler commented that any published information would need to go through the state government and that they probably already had the QR Code license. She mentioned that Nanci should check into this.
- Katie stated that Pepper could create a folder in the Employment First Dropbox where all of the information could be stored, and Pepper stated that she was about to suggest this idea. Jeff stated that because the size of the files were too large to email he would need to transfer them to Pepper via thumb drive at the October quarterly meeting and Pepper agreed this was a good idea.
- Possibility of also uploading Jeff's documents to the OVR website.

**Action Items: None**

**Public Comment: None**

**Adjournment:**

**Chair, Katie Wolf Whaley called for a motion to adjourn the meeting. Member, Amanda Owen made a motion to adjourn the meeting. Member, Jeff White provided a second to the motion. A vote was taken and members, Merry Reid Sheffer, Amanda Owen, Jeff White, Katie Wolf Whaley, Morgan Turner, Diana Merzweiler were in favor of the motion. There was no obvious opposition, and the motion was considered passed and the meeting adjourned.**

**Next Meeting Date:**

Friday, October 13th, 2023  
1:00pm – 3:00pm  
Hybrid Format  
Location: 500 Mero Street  
1st Floor (Hearing Room)  
Frankfort, KY. 40601

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