



Andy Beshear
Governor

Jaime Link
Education and Labor Cabinet Secretary

Employment First Council Quarterly Meeting

Minutes
April 12th, 2024
1:00pm – 3:00pm
Meeting ID: 893 6775 0478

Members Present: Chair, Katie Wolf Whaley, Legislative Liaison, Diana Merzweiler, David Allgood, Bill Bates, Johnny Calles, Todd Coffey, Tal Curry, Amanda Friend, Thomas Hamilton, Frank Huffman, Jason Wheatley as proxy for Gretta Hylton, Annette Jett, Amy Luttrell, Cora McNabb, Lori Norton, Amanda Owen, Merry Reid Sheffer, Larry Taylor, Jeff White, Andrew Johnson and Rebecca Wilson

Members Absent: Vice-Chair, Morgan Turner, Jessica Beaven, Staci Cain, Jeff Edwards, Dawn Gardner, and Leslie Hoffman

Staff Present: Kentucky Office of Vocational Rehabilitation (KYOVR) Administrator, Nanci Howard, KYOVR Administrative Specialist, Pepper Caudill, KYOVR Florence Branch Manager, Michelle Cobb, KYOVR Employer Services Branch Manager, Deana Wilson-Kimble, KYOVR CRP/SE Branch Manager, Ron O'Hair, KYOVR Staff Assistant, Betty Whittaker, KYOVR Division Director, Holly Hendricks, KYOVR Deputy Executive Director, Susie Edwards and KYOVR Assistant Director, Jonathan White

Guests Presents: Kimberly Wickert, Heather Wood, Johnny Collett, Shelly Durbin, Tracy Belfield, Audra Shutt, Carrie Wedding and Cathy Anderson

Interpreters: Alisha Salyer and Tara Eversole

Welcome, Roll Call and Agenda Review:

Chair, Katie Wolf Whaley welcomed all attendees to the meeting and a roll call was taken to establish quorum. Pepper Caudill provided the roll call and determined there was a quorum.

Staff Report:

Administrator, Nanci Howard, began her report by announcing that the meeting materials would no longer be distributed through the mail but rather via email. She concluded her report by providing virtual housekeeping rules and upcoming committee dates for Council members.

Approval of Minutes:

Chair, Katie Wolf Whaley directed members to the meeting minutes from the January 12th, 2024

meeting. **She called for a motion to accept the minutes as written. David Allgood made the motion to accept the January 12th, 2024 Council minutes. Second, Thomas Hamilton. No opposition. Motion carried.**

Chair Report:

Chair, Katie Wolf Whaley presented the Chair report. She announced that she is excited to see how Employment First is spreading and stated the House Bill 144 Commission's Employment Committee collaborated with UKHDI and the previous Employment First Council to produce a video. In the video, she explained, past and current council members are included speaking on the importance of Employment First. She encouraged attendees to share the video with their networks. Katie stated the video was shared with the Council but will resend. She concluded her report by informing attendees the Council's Executive Committee has discussed various ways to get the message out about Employment First and how to track this. She thanked the committees for their diligent work throughout the year.

National Expansion of Employment Opportunities Network (NEON) Project Update:

Chair, Katie Wolf Whaley, provided an update on Project NEON and the efforts made through the technical assistance award grant. She began by stating, the lead Subject Matter Expert (SME), Karen Lee, has been working with the committees and providing continuous support and guidance to each Chair and Council leadership. Katie said Karen has been working with the committees on how the committees can support the legislative charge as it relates to the Council Strategic Plan. She explained there is a spreadsheet that Karen created that is a crosswalk to both the charge and the plan. She announced there will be one on one meetings with Karen Lee and each chair to discuss how those goals and the charge coincide with the plan. Katie continued to say as part of Project NEON, there is also focus on Vocational Rehabilitation on rate restructuring and how to offer training around customized employment. She expressed her gratitude for Project NEON and the work of the Council. She concluded her report by announcing there will be an overview of council members' work in their respective agencies moving forward so that each agency and how it fits with employment first.

Goodwill Presentation:

Member, Amy Luttrell, provided information about the efforts Kentucky Workforce Innovation Board (KWIB) are making towards Employment First. At the end of the presentation, guest, Johnny Collett, made the comment that he is the new chair of the Education Attainment Committee on KWIB and expressed gratitude for working with the KWIB. Discussion was held regarding changes to WIOA. Although those changes passed the House, there has not been written confirmation or details. Council member, Amanda Owen, asked if she could have permission to embed Amy's KWIB slides particularly around Employment First. It was said that Amanda would need to contact KWIB staff, specifically, Alisher Burikhanov. Council member, Todd Coffey, asked how the Employment First Council can align KWIB committees to avoid duplication. Amy Luttrell said the intent is to have someone serve on both Councils in attempt to avoid this issue. Cora McNabb said there are continuous conversation with the Chamber of Commerce on how to better build on initial relationships with them. She provided an example of the Chamber sponsored employer summit last year. Cora explained there would be another event in the planning stages for 2024 in conjunction with the Chamber. Council member, Todd Coffey, continued by asking if meetings are open to the public. It was confirmed that all KWIB meetings are open. Amy Luttrell said individuals are welcome to become a member on the KWIB committees. PowerPoint will be sent to the Council.

Kentucky Council on Autism Presentation:

Member, Tal Curry, provided a presentation on the efforts the Kentucky Council on Autism is making towards Employment First and an overview of the work the Kentucky Advisory Council on Autism's

initiatives. A new autism diagnosis resource sheet was shown in the presentation as well as information regarding the Innovative Supports for Autistic Workers (ISAW). Extensive discussion was had regarding first person language and the difference between identity first language. These can be found on their [website](#). PowerPoint will be sent to the Council.

Committee Reports:

Advocacy & Education Committee:

Chair, Amanda Owen, provided the Advocacy and Education report. She stated the committee has been working diligently on developing PowerPoint slides. She reminded council members that she has slides developed and the goal is to have the presentation branded by Employment First. She stated the committee continues to collect information and resources and she encouraged other committees to send in any resources available to place in the Council Dropbox. She stated the committee is not trying to create more resources but rather collect them so that parents, employers, self-advocates, etc. will be able to find them in one place. She also stated the committee has been working on email templates as well. Chair of the Council, Katie Wolf Whaley said the request for resources from council members will be in the follow-up email after the meeting. Amanda said to send resources via email to Pepper Caudill so she can coordinate those and gather up the information. She stated her next step would be to collaborate with other committees and concluded her report.

Employer Education & Engagement Committee:

Chair, Merry-Reid Sheffer, provided the Employer Education and Engagement report. Merry-Reid was pleased to announce Employment First Council's collaboration with KYRETAIN on their Lunch N' Learn Series. Merry-Reid then announced the first Employer Lunch N' Learn Series in partnership with KYRETAIN would be launching on April 23rd, 2024, at noon. She stated the topic would be from the South ADA Center in which Barry Whaley and Pam Williamson would be presenting. Merry-Reid said initially the committee wanted to develop their own. However, after much thought, she said, rather than recreate the wheel, a partnership would be best suited. She explained the session would be virtual and she posted the information in the chat for council members. She stated in May a presentation will be held and the topic will be provided by KYOVR Employer Services Branch Manager, Dean Wilson-Kimbler. She expressed thanks to the committee members for this assistance with the series. She said the committee will continue to suggest topics and presenter ideas to KYRETAIN. Merry-Reid then encouraged council members to send in any ideas they may have for topics to the committee. She then reported the committee is working on a few documents on how to engage employers. Merry-Reid announced there would be a Coalition for Workforce Diversity meeting for Employers which would be held on May 8th, 2024 and concluded her report. Council member, Frank Huffman, asked about the summit information the Chamber of Commerce hosts and asked for the difference between the employer luncheon and the summit. Committee Chair, Merry-Reid Sheffer, explained the Coalition for Workforce Diversity would be hosting the event to celebrate employer partnerships and that there would be different agencies present to speak with employers. She explained she would be in attendance along with a guest from Brown-Foreman to speak on customized employment. Chair of the Council, Katie Wolf Whaley, mentioned to Frank he could be referring to the Inclusive Workforce Summit that would be held in the fall Chamber of Commerce.

Provider Capacity Committee:

Chair, Jeff White, provided the Provider Capacity report. He began by stating the committee has no action items but more of information sharing. He began by showcasing a map that was created entitled, "Capacity of Kentucky: Supported Employment Services". He expressed gratitude to the Office of Vocational Rehabilitation's Supported Employment Consultants for collecting the data to

construct the map. Jeff explained the intent of the map is to see where the state has sufficient capacity for services, a marginal need, or a critical need. He further explained the map will be updated quarterly. As they begin to analyze the data, there has been some areas of the state that are improving. This does not include VR services provided directly by VR staff. He showcased another map entitled, "Potential Waiver Participant: Demand for Supported Employment". Jeff stated the map is based upon the number of working-age waiver participants ages 16-65. He then said there is a significant demand in Jefferson County, Kentucky where over 1,000+ who are waiver participants in this county who wish to work in the community. There is a demand for VR services delivered through Community Rehabilitation Programs, he stated. Jeff then showcased the Kentucky Occupational Outlook slide from 2021 – 2031. He provided an example of the Green River and the future demand overview for 2022 – 2027 and said this might give individuals an idea of what types of jobs are available in each county and what the estimated entry level wage/salary is for each category. He continued to report the committee is working on developing a workbook as a guide for providers to assist them with developing a policy and procedures manual. Jeff also said long-term goals for the committee include exploring ways to promote the career of Employment Specialist. He concluded his report by encouraging attendees to view the many resources from KWIB.

Public Policy Committee:

Chair, Diana Merzweiler, provided the Public Policy report. She began by stating the proposed definition change of competitive integrated employment was decided upon by this committee to bring to the full council. She explained the committee has made the recommendation for the state definition of competitive integrated employment to align more with the federal definition. She directed attendees to view the proposed recommendation. Chair of the Council Katie Wolf Whaley directed council members to page 48 of their meeting packets for review. Committee Chair, Diana Merzweiler, expressed gratitude for fellow council member, Andrew Johnson, for his diligent work and research. The Public Policy Committee recommends amending Kentucky KRS 151B.211 to 151B.214, the definition of competitive integrated employment, to align with the United States Federal definition as follows:

- (1) For the purposes of Sections 1 to 4 of this Act ~~KRS 151B.211 to 151B.214~~, "competitive integrated employment," **consistent with the definition in section 7 of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (Public Law 93-112, 29 U.S.C. § 705(5)), and consistent with federal regulation**, means work that is performed on a full-time or part-time basis **(including self-employment):**
- (a) ~~Earning compensation at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience;~~
 - (b) ~~Receiving the same level of benefits provided to other employees without disabilities in similar positions;~~
 - (c) ~~Working at a location where the employee interacts with other individuals without disabilities; and~~
 - (d) ~~Receiving opportunities for advancement when appropriate similar to other employees without disabilities in similar positions.~~
- (a) **For which an individual:**
- 1. **Is compensated at a rate that:**
 - i. **shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law; and**
 - ii. **is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or**

- iii. in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and*
- 2. is eligible for the level of benefits provided to other employees;*
- (b) That is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and**
- (c) As appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.**

Chair, Katie Wolf Whaley called for a motion to amend the definition of competitive integrated employment in the Employment First Legislation so that it is consistent with the federal regulations. **Member, Amanda Owen** made the motion to accept the amended changes brought forth by the committee. **Member, David Allgood** provided a second. **No discussion. Motion passed.** Diana Merzweiler then explained that the committee continues to reexamine the policy reviews that were completed by committee members in the last year. She expressed thanks to Jeff White for his work on the reviews on the Michelle P. Waiver and Supports for Community Living (SCL). She concluded her report by stating she hopes to turn these reviews into action items.

Transition Committee: Co-Chair, Frank Huffman, provided the Transition report. He stated Chair Jessica Beaven discussed with him on ways they could receive transition success stories. The committee, he said, would be working on gathering those stories. He concluded his report by encouraging attendees to send those to him and Jessica and that he was open to suggestions and ideas. Chair, Katie Wolf Whaley encouraged members to send in positive transition stories and what contributed to their success. KYOVR Branch Manager, Michelle Cobb, suggested to Frank that an email be composed requesting transition success stories from the OVR staff who may have releases in hopes of having greater success with collecting the stories for the committee. She said she would be glad to share it.

Public Comment:

None

Adjournment:

Chair, Katie Wolf Whaley called for a motion to adjourn the meeting. **Member, Amy Luttrell** made the motion to adjourn. **Member, Tal Curry** provided a second to the motion. **The motion passed and the meeting was adjourned.**

Next Meeting Date:

Employment First Council:

Friday, July 12th, 2024

1:00pm – 3:00pm EST

[Zoom Link](#)

Hybrid Format

Location: Transportation Cabinet
200 Mero Street
Conference Room C107
Frankfort, KY 40622

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