

## **Responses to 2015 Statewide Town Hall Meeting**

Disability Employment and Transitions Division (DETD) is one of the 12 divisions of the Montana Department of Public Health and Human Services (DPHHS). DETD includes Vocational Rehabilitation and Blind Services (VRBS) and the Independent Living (IL) program, which were the programs focused on during the statewide town hall meeting. Other programs within DETD include Disability Determination Services, the Montana Telecommunications Access Program, Achieving Success in Promoting Readiness for Education and Employment (ASPIRE) and DPHHS Public Transportation Coordination. DETD also provides and administers a variety of services through contractual arrangements. The Administrator of DETD serves as the state director of Montana's vocational rehabilitation and independent living programs.

The State Rehabilitation Council (SRC) and the Statewide Independent Living Council (SILC) assisted with the meeting. The 2015 statewide town hall meeting was held on March 20, 2015. The meeting was held statewide, at SummitNet Video Network sites in Billings, Bozeman, Butte, Great Falls, Havre, Helena, Kalispell, Miles City, and Missoula. About 60 individuals attended the meeting in person, 2 people participated on the phone line and 1 person responded by email or regular mail.

The comments help both programs evaluate their service delivery systems and help develop the IL and VRBS state plans.

The following narrative summarizes the comments received from members of the public. VRBS and IL staff have studied the issues and developed responses to those comments, and the responses are reported following the summary of the issue. While the reported comments are not verbatim, we believe that capture the essence and intent of the persons making the comments.

VRBS and IL would like to express their appreciation to those who took the time to provide comment, either in person or in writing.

The issues responded to in this document were received during the comment period related to the meeting. The comment period for this meeting ended April 1, 2015. Input that arrives through mail, email, or the Division website ([Montana Vocational Rehabilitation](#)) after this cutoff date will be responded to in the summary for the next statewide town hall meeting.

The preview to the response indicates the program providing the response. VRBS RESPONSE indicates the response came from VRBS. VRBS/IL RESPONSE indicates that both VRBS and IL contributed to the response.

Note: The approximate count of comments made on each issue follows the summary of the comments. All counts noted below are approximate. However, it is believed that the counts reflect the volume of comments. Making accurate counts in many cases is difficult as many comments are imbedded within other issues and indications of support for previous issues were sometimes too vague to specify which issues were involved. If the same person made comments through multiple methods (i.e. live comment at the hearing and email) all comments were included in the count provided.

**COMMENT #1:**

In general, hearing people and professionals, such as counselors, do not understand Deaf Culture and sign language.

*One comment*

**VRBS RESPONSE:**

It has been difficult to recruit qualified VR counselors who have the background and skills for working with the Deaf and hard of hearing populations. However, VRBS has identified one counselor in each office to work with consumers who are Deaf or hard of hearing. In most cases the designated counselor has an interest in this area and volunteered for the designation. In addition, DETD hired Shawn Tulloch in the role of Program Manager for Deaf Services in June 2012. She is Deaf and a fluent signer. She is well-aware of the Deaf Culture and importance of American Sign Language in the Deaf community. She has a deep appreciation, understanding and respect of the Deaf Culture.

Shawn works closely with the VR counselors who are assigned to work with Deaf clients. VR counselors with Deaf or hard of hearing cases are encouraged to contact Shawn as needed. Shawn provides informational trainings on different issues (Video Remote Interpreting, accommodations in high school & post-secondary programs, psychologist with understanding of Deaf Culture and American Sign Language, different ways to communicate with Deaf clients) and technical devices (UbiDuo, iPad, & video phone). Quarterly meetings are arranged for Shawn to meet with the VR counselors who specialize in serving Deaf and hard of hearing consumers. Shawn also meets with the VR counselors individually to review any issues of concern and keep counselors updated. She is currently working on a "How-to" guide as a resource for the VR counselors. She

maintains the Qualified Sign Language Interpreter list for the State of Montana.

Additionally, Shawn promotes public awareness of the services and resources available through VRBS. She represents the agency at various statewide meetings. Shawn coordinates with other agencies, families, advocates, and legal representatives to ensure that effective services are available. This position provides technical assistance to public schools and the Montana University System to ensure effective transition services and access to post-secondary training opportunities. Shawn also advises on a variety of topics such as hearing aid costs, transition issues, accessibility issues, etc. Shawn recognizes the challenge of getting the word out to the Deaf and hard of hearing community. She continues to seek new avenues for outreach and welcomes suggestions in this regard.

Shawn is an active member in the Deaf Community and the Montana Association of the Deaf. Deaf clients are welcome to contact her via video phone (406) 564-4864) or email ([stulloch@mt.gov](mailto:stulloch@mt.gov) ).

The Great Falls regional office recognizes that there is a concentration of individuals who are Deaf and hard of hearing in the Great Falls area and are discussing doing a focus forum on Deaf and hard of hearing issues and meeting the needs of Deaf individuals.

In addition, the State Rehabilitation Council that provides guidance to VRBS currently has a representative from the Deaf community on the Council. Also of note, during the last year the Council held one meeting at the Montana School for the Deaf and Blind. This experience provided Council members and VRBS staff some exposure to Deaf culture. In addition, the Great Falls VRBS staff have been meeting with the School for the Deaf and Blind staff to discuss joint issues and responsibilities.

**COMMENT #2:**

Comments were made on how difficult it is for individuals with a hearing loss to get employment. There needs to be more effort made in this area. Also, employers need to understand their obligations under the Americans With Disabilities Act (ADA). In particular, employers do not understand the need to provide interpreters for their deaf employees. Also, there are instances where there is discrimination against deaf applicants and employees.

*Three comments*

## **VRBS/IL RESPONSE:**

The comments in the previous response related to Shawn Tulloch's outreach activities also relate to some of the issues in this comment section. Shawn has made interpreter resources available on the DETD website. She also speaks to community groups on services related to Deaf consumers.

The Great Falls office staff has dealt with some of these issues with the community rehabilitation providers in their area. This is an important component to this issue. The community rehabilitation providers are often the direct link between the employer and the consumer. Therefore, their understanding of the issues can help get the correct information to employers.

The new federal legislation related to rehabilitation services entitled the Workforce Innovation and Opportunity Act (WIOA) directs vocational rehabilitation agencies to provide services to employers. This is an expansion of state agency responsibilities. VRBS is currently in the planning stages of what the agency will be able to do in this regard. These comments offer some specific areas the agency could address with regard increased interaction with employers.

The following are some resources that are available to employees who are Deaf or hard of hearing and employers to develop accommodation strategies:

The accommodations, such as sign language interpreters, UbiDuo, CART, etc., must be reasonable for an employer. The deaf client needs to learn how to communicate with other employees without the heavy dependence on a sign language interpreter. Other options are paper/pen, text messages, and communication apps for iPads/tablets. The deaf client will need to learn advocacy skills such as requesting interpreter for staff meetings (it is the employer's responsibility to pay the interpreter's fees). Please refer to the link for more information:  
<http://askjan.org/media/Hearing.html>.

As stated above, the deaf individual needs to be able to advocate his/her communication needs in his/her work environment. VRBS counselors can assist consumers with self-advocacy. Additionally, the Montana Independent Living Centers are an excellent resource for individuals who need assistance with advocacy: CIL's assist clients with self-determination, self-help, equal

access, and advocacy in order to maximize independence and integration into the community:

<http://www.dphhs.mt.gov/detd/independentliving/centers.shtml>.

As a result of this comment, Shawn Tulloch is considering developing a brochure to inform employers to understand the resources available to assist individuals who are Deaf or hard of hearing on the job. The brochure would also assist employers understand their responsibilities related to deaf and hard of hearing issues.

**COMMENT #3:**

The Deaf-Blind population is underserved.

*Two comments*

**VRBS/IL RESPONSE:**

VRBS is working with the I Can Connect program, which is the National Deaf-Blind Equipment Distribution Program to make sure that individuals that are Deaf-Blind have communication access. Blind and Low Vision Services (BLVS)(a component of VRBS) has also assisted individuals to attend the Helen Keller program, which is a national program that specializes in services for Deaf-Blind.

In addition, some counties in Montana have a Senior Companion Program through Rocky Mountain Development Council, Action for Eastern Montana, or Missoula Aging Services that can provide assistance with independent living issues like shopping, helping with mail, some transportation, etc. However, the companion usually does not have sign language skills. BLVS may be able to provide training on skills to be more independent and/or assist the individual with employment related services. This might include the individual attending a training program like what is available through Helen Keller or learning skills in the home community through the Vision Rehabilitation Therapist and Orientation and Mobility Specialist. The Older Blind Independent Living program in particular serves a number of people who are Deaf-Blind as the possibility of this combination of disabilities increases as a individual grows older.

The concept of underserved can have many facets. VRBS does believe that if an individual who is Deaf-Blind applies for services that in most cases services can be provided services that are of some assistance. However, it recognizes that information on what services may be available may not be reaching the Deaf-Blind population because communication difficulties may make it difficult for the population to be aware of what is available. The

comments have made the agency more aware of these possibilities. Two specific actions the agency will explore in this regard are:

What can the Centers for Independent Living do to make this population more aware of Independent Living Services?

Older individuals who are Deaf and hard of hearing may not be aware of BLVS services that are available as they lose their vision. Is there a way to get information to the Deaf community on the wide variety of services available through BLVS?

**COMMENT #4:**

Comments were made on the inequities of federal law that allows entities holding a 14 (c) Certificate to pay individuals with disabilities below the minimum wage. Commenters felt it was misused and unnecessary.

*Five comments*

**VRBS/IL RESPONSE:**

For many years the vocational rehabilitation program has not recognized placement that involves less than minimum wage as a successful closure. WIOA has now changed the requirements for a successful closure to be competitive/integrated employment meaning that in addition to the minimum wage requirement a consumer needs to be working in an integrated setting with other employees who do not have disabilities. Also, each eligible VR applicant is presumed to be able to achieve employment at a competitive wage unless there is clear and convincing evidence that the individual cannot achieve that level of employment. In the rare cases that this occurs, the case is closed and no VR services are provided. The exception to the preceding is self-employment, as there are times when a self-employment situation may generate earnings that would equate to below minimum wage.

In the Extended Employment program, which is administered by DETD, many of the consumers served by the program are in sheltered employment placements. It is likely that many of these consumers are employed at their placement site for less than minimum wage. About three years ago, DETD made a commitment to work towards reducing the resources committed to sheltered employment services in order to increase services to individuals needing supports in community employment. Over that time, the expenditures related to sheltered employment have decreased and some

sheltered employment slots within the program have been converted to community employment positions.

DETD has made programmatic changes that will create more options for competitive/integrated employment for consumers traditionally referred to sheltered employment. Changes in this regard are difficult because there needs to be an adequate infrastructure for supporting competitive community employment. The Division will continue to explore and implement procedures that lead towards increased opportunities in competitive community employment for those with the most severe disabilities. Specific examples of these efforts are:

- The Extended Employment program has been facilitating a series of meetings with a variety of stakeholders to explore how to better support job placements in competitive/integrated employment and how to assist individuals who are employed in noncompetitive/integrated employment settings to prepare for competitive/integrated employment.
- VRBS staff were recently trained on customized employment. This is an employment option that can assist an individual to obtain competitive/integrated employment through assisting employers develops competitive/integrated positions that are tailored to the individual's abilities and interests.
- VRBS is in the process of partnering with schools to establish a variety of pre-employment transition services for high school students with disabilities. These services will include, but are not limited to:
  - Work based learning experiences
  - Workplace readiness training
  - Career exploration counseling
  - Instruction in self-advocacy
  - Counseling on opportunities for enrollment in postsecondary education programs

WIOA implements a number of new actions and expectations involving rehabilitation services ensuring that youth with disabilities have the opportunity to experience competitive/integrated employment and to have access to a wide variety of pre-employment transition services to be better

prepared for competitive/integrated employment. Section 511 of WIOA creates new requirements to be met before an individual starts non-competitive/integrated employment. Because WIOA is new legislation and the regulations to guide its implementation have yet to be finalized, VRBS is only in the initial stages of implementing these changes. However, the agency recognizes the importance of being a leader in establishing a new environment that increases the competitive/integrated choices for individuals with severe disabilities and provides a full array of services to assist in overcoming obstacles in preparation for competitive\integrated employment.

Also, in developing the State Plan for Independent Living there is an activity indicating the IL centers will host meetings to facilitate discussions related to exploring and implementing alternative services for consumers who have been traditionally served in sheltered workshops. This follows the model of Vermont IL centers activities when Vermont transitioned from sheltered employment services to competitive employment in the community. In addition, the SILC has recently established a committee focusing on competitive/integrated employment.

It must be noted that employing individuals with disabilities at below minimum wage is legal under the guidelines of 14(c) of the Fair Labor Standards Act. Therefore, the DETD's efforts are focused on developing and encouraging reasonable alternatives to this practice rather than a total ban or punitive actions.

**COMMENT #5:**

A comment was made that in some parts of the state it is very difficult for individuals with disabilities to find employment. This was particularly true for young individuals with disabilities. Therefore, at times the flexibility of being able to pay below the minimum wage for these individuals assisted them in getting employment. Currently, VRBS does not fund placement in non-competitive/integrated settings except for a short time for assessment or work experience. The Developmental Disabilities program funds a number of people in these employment settings, but there is a long waiting list for those services.

*One comment*

## **VRBS RESPONSE:**

The response to the previous comment provides significant background on this issue. First, there continues to be federal guidelines that allow payment of below minimum wage. So, this continues to be an option. However, historically and with even clearer direction from WIOA competitive/integrated employment is to be the focus of rehabilitation services, particularly for youth. VRBS is in support of this philosophy and intends to join with stakeholders to develop a workforce infrastructure in Montana that supports individuals with severe disabilities having the opportunity and choice to obtain competitive/integrated employment.

VRBS recognizes that the current infrastructure is inadequate to meet this goal. However, through initiatives mentioned previously and others that will be developed in the next few years the opportunities for competitive/integrated options will be increased and give individuals with severe disabilities better options for competitive/integrated employment when they are making their job and career choices.

Section 511 was mentioned above. It requires an individual to have contact with vocational rehabilitation services prior to entering non-competitive/integrated employment. During this contact, VRBS is committed to developing an array of services that will allow each of these consumers to see all of the possibilities of competitive/employment that exist for them.

The commenter also mentioned that some areas of Montana have less employment possibilities than others. WIOA also requires VRBS to collaborate with other partners in the workforce system and with employers. VRBS needs to work harder in these activities and is committed to doing so. These efforts should open opportunities for consumers that VRBS did not access previously, even in areas with significant employment difficulties.

WIOA has changed how federally funded rehabilitation services operate. The act also created new tools to utilize in assisting consumers achieve competitive/integrated employment. VRBS is committed to this goal for consumers, and encourages individuals with severe disabilities to work with VRBS counselors regarding the new service options including pre-employment transition services, customized employment, longer time for supported employment, and extended services for youth with disabilities in order to jointly come up with a strategy that can lead to competitive/integrated employment.

**COMMENT #5:**

It was noted that several new programs are being funded through the PETS initiative and we need to note that there have been a few programs providing services in this area for a number of years. The key for all programs being as effective as possible is developing coordination of these efforts and not getting competitive.

*One Comment*

**VRBS/IL RESPONSE:**

During the roll out of PETS there was a very short time span to get some new initiatives started and the ability to coordinate schedules was very limited. This did create an unfortunate set of circumstances with two programs running at the same time. VRBS is limited in the oversight of all details in related to contract activities that might lead to such circumstances.

The PETS program has adequate resources to fund a wide variety of activities, which was the intent of WIOA. This is very positive and creates a multitude of options for youth and their families to consider. VRBS does agree that the various programs, new and old, need to communicate and coordinate when possible in order to complement each other rather than appear to be in competition.

Montana recently sent a team representing OPI, Department of Labor, VRBS, Higher Education and a teacher to learn about a goal planning tool and work on a collaborative plan for programs serving transition aged youth. The overreaching goal is to coordinate services more efficiently thereby benefitting the students and youth we serve. VRBS will explore whether this initiative may develop a model or provide assistance with coordinating PETS activities.

**COMMENT #6:**

Dissatisfaction was expressed regarding the effectiveness of public transportation. Difficulties with the local system prevented him from attending the meeting in person and he had to call in.

*One Comment*

**VRBS/IL Response:**

This situation presents well the real difficulties that individuals with disabilities are presented with. If this transportation problem had occurred in relation to a job interview, it would have had a significant impact on the individual's opportunity for employment. It was noted that this situation occurred in a city that has a fairly well developed public transportation program. While the coverage is better than in many other towns in Montana, there are areas that have inadequate coverage and there are

inconsistencies in system operation. Transportation availability has been a major concern expressed by consumers for many years.

Transportation is a very large and diverse issue. One agency such as VRBS cannot address this issue on its own. However, the agency has tried in a variety of ways to improve transportation resources for individuals with disabilities.

Several years ago through advocacy coordinated primarily by the SILC, the Department of Public Health and Human Services created a full-time position to assist with addressing transportation issues related to consumers within the Department. That position is now located within DETD and focuses primarily on issues related to individuals with disabilities. Pat Sanders, who is currently in the position, has worked with a variety of transportation providers across the state to improve access to transportation for VRBS consumers. In addition, he has worked on making purchase of transportation resources for consumers more affordable.

Also, several VRBS and Independent Living representatives have been active on several Transportation Advisory Committees across the state. Transportation Advisory Committees are important for providing input on the unmet transportation needs of a community. The Committees develop the plans to meet these needs and are a key to getting many sources of transportation funding approved. Therefore, agency participation is vital to disability issues being recognized when transportation decisions are made.

**COMMENT: #7**

Employers are prejudiced against hiring persons who are Blind. Appreciation was expressed for the service provided by VRBS in the case.  
*One Comment*

**VRBS RESPONSE:**

It is very unfortunate that there continue to be a number of misconceptions and misinformation related to disability in the general public. These issues can lead to prejudicial actions by employers. VRBS staff attempt to educate employers when such issues arise in specific instances. Also, the staff does outreach activities that include presenting the positive aspects of hiring individuals with disabilities and counteracting some of the misinformation.

As mentioned before, WIOA requires rehabilitation services to also provide services to employers. There has been very little guidance on the expectations of this aspect of the legislation, but there is no doubt that VRBS will be increasing their commitment and activity in this area. Other states have been more active in this area in the past and Montana will research

existing models. The agency also welcomes suggestions on what activities VRBS could pursue that would be effective in services to employers regarding the understanding of disability issues. It is believed that better understanding of the issues would assist in alleviating much of the prejudice that exists.

### **Positive comments and gratitude:**

Several comments were made thanking VRBS for the initiatives with transition. Different details were involved with each comment. The collaboration on these initiatives between VR and IL were mentioned often. The importance of concentrating services on the transition population was also mentioned often.

*ten comments*

Appreciation was expressed for the support provided to the Business Enterprise program. The program provides much needed assistance for consumers with visual impairments in obtaining and operating their own businesses.

*One comment*

A consumer with a hearing and visual disability was appreciative that VRBS assisted them in attending a special out-of-state program that provided a comprehensive evaluation and a number of useful strategies that were helpful.

*One comment*

A consumer was appreciative of the assistance and support provided by VRBS to her while she completed training.

*One comment*

Consumers were appreciative of VRBS providing funding for the NFB Newline. This is a helpful service.

*Two comments.*