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Mr. Jeffrey A. Koses
Chairman
Ms. Kimberly Zeich
Acting Executive Director and CEO
AbilityOne Commission
1401 S. Clark Street
Suite 715
Arlington, Virginia 22202

Dear Chairman Koses and Ms. Zeich:

Thank you for taking the time to review our letter in response to the invitation to provide input to the Core Aspects of the AbilityOne Strategic Plan for FY 2022-2026, and the opportunity to submit this public comment on the Draft Strategic Plan. As we did with the Core Principles in our initial letter, we will follow the outline of the Draft Strategic Plan in making this comment. Before doing so, however, we want to underscore what we said at the close of our March 4 letter. It is imperative that the Draft Strategic Plan remain in draft form until the open seats on the Commission are filled and public hearings are held with the full complement of Commissioners. We recognize that the timing of appointments is not entirely in the control of the Commission, and we would be happy to provide support in encouraging the White House to complete this process. It is not enough to allude to input from the agencies that are not formally represented on the Commission in the drafting of this plan. We need to hear from these agencies directly. The decisions of this Commission will have long-term, real-world effects on individuals and organizations that fully support and value the AbilityOne Program and it is important that any changes to the Program be thoroughly discussed and vetted in a public forum by all concerned.

That leads to our next preliminary point. The Commission has kindly held a Town Hall for the federal contractors (NPAs) and a listening session for certain disability advocacy organizations. Has the Commission held any hearings for the employees essential to the AbilityOne Program? In its last in-person Congressional briefing, ACCSES had the privilege of inviting individuals working

through the AbilityOne Program *on the Capitol campus* to speak on the important work they do. What was said that day has stayed with us ever since. Pride, dignity, value, opportunity, and achievement are more than just words spoken that day. These words underline the importance of AbilityOne jobs to the individuals employed. Certainly, it behooves the Commission to hear from the people who will be most affected before making any substantive changes to the Program.

Our last opening remark on the overall Draft Strategic Plan is with respect to the changes recommended. It is important that the final plan be implemented in a transparent, inclusive way, with multiple opportunities for public input and genuine consideration of ideas presented and concerns raised. Many of the goals of the Draft Strategic Plan and the means of achieving those goals require far more detailed exposition and, indeed, collaboration with the stakeholders directly involved. This is not a time for ivory towers. Rather, the true stakeholders must be invited to roll up their sleeves and become an integral part of this process. Change cannot be willed into being. It takes work, input, understanding, data, and first-hand knowledge. Do not deprive the AbilityOne Program of the value of the participation of those who best know the Program and can provide the deepest insights and most substantive ideas.

Now we would like to briefly discuss each of the three Strategic Objectives of the Draft Strategic Plan.

Strategic Objective 1: Expand competitive integrated employment (CIE) for people who are blind or have other significant disabilities.

We are on the same team. Expanding competitive integrated employment is a goal for all of us. It is appreciated that the Commission acknowledges in the Draft Strategic Plan that numerous jobs in the AbilityOne Program are competitive integrated employment (CIE). Many of us have been fighting for the elimination of barriers to employment that too prescriptive a view of what constitutes CIE have forged over the five years since the Workforce Innovation and Opportunity Act (WIOA) regulations and sub-regulatory guidance were published. It is time to tear down those barriers, welcome the opportunities that the AbilityOne Program represents, and focus on making improvements without undermining the successes of the Program or those involved. At its foundation, the AbilityOne Program does not create jobs. It creates opportunities for individuals with disabilities to be connected to high-quality employment. The jobs themselves already exist.

That is where the Commission should focus its efforts as it provides details as to its proposed strategy. Our concern is that without those details or overall big picture goals, the Commission's Draft Strategic Plan could well open the door to change that is not to the benefit of the AbilityOne Program. Take for example, the request to amend the Javits Wagner O'Day Act (JWOD). While

the Commission will have a powerful platform from which to address Congress, we know from experience that there are a broad range of opinions heard in Congressional offices on this topic, not all of which are supportive of the Program. Some of these opinions, in fact, are based on misimpressions or an outdated understanding of the AbilityOne Program. Even so, there are advocates who are adamant as to changes that should be made that may not be to the full Commission's liking. This is the area in which the involvement of the true stakeholders is vital. Yet the Commission has neglected to include any mention of the NPAs or individuals with severe disabilities or who are blind in this process. They must be included.

NPAs already are the driving force behind increasing CIE. This should be acknowledged and expanded upon in any more detailed Plan. The reference to "expectations on NPAs in the AbilityOne Program to create CIE opportunities within the Program and to assist people who are blind or have other significant disabilities to obtain CIE jobs in the general economy" magnifies the reasons why the NPAs must be at the table. Simply put, the AbilityOne Commission and federal agencies should not create policy around what private businesses do without gaining their input and the benefit of their deep knowledge and experience. We will discuss this further under Strategic Objective 3.

The Commission's reliance on the statutory definition of CIE for the purposes of the Draft Strategic Plan is appreciated. It must be noted, however, that the regulations and sub-regulatory guidance have proved problematic in expanding opportunities. We believe the Commission should be more specific in any more detailed Draft Strategic Plan (and we hope there will be one available for further comment) as to how it will work with the Department of Education and the Rehabilitation Services Administration on modifying the regulations and sub-regulatory guidance to embrace the job opportunities the Program represents. If the sub-regulatory guidance continues to make presumptions that any job subject to a ratio is not CIE, then the Commission's efforts will be for naught.

We cannot underscore heavily enough how much we appreciate the Commission's plan to "identify existing examples of CIE." We also applaud the NPAs that "have established settings in which workers on AbilityOne contracts are paid in a manner consistent with workers without disabilities, perform their work alongside other individuals doing the same type of work, and are given the opportunity to advance in the workplace similar to that afforded to other workers." There is more, however, to this discussion that needs to be included in the Commission's thinking. The fact is: many of the settings in which AbilityOne jobs are performed *are integrated settings*. Full stop. The entire debate around whether military bases, government buildings, airports, the Capitol campus, and myriad other locations are or are not "integrated settings" is an example of how the artificial or presumptive barriers that have been constructed are *limiting not expanding* CIE. Tear down these

barriers and let us work together on increasing CIE. The Commission has the means and the ability to truly benefit people's lives, to open doors to opportunity, and to expand on an already successful program. That should be the foundation of the final strategic plan.

Before we move on to the next section, we feel it is important to point out that the entire proposition that underlies much of disability policy, namely that *working with people without disabilities* is somehow superior to *working with people with disabilities* is inherently distasteful and demeaning. Serious consideration needs to be given as to what this message implies, and policies modified accordingly.

Strategic Objective 2: Ensure effective governance across the AbilityOne Program.

We will not be quite so verbose with respect to this section of the Draft Strategic Plan. Compliance is an integral and important part of the AbilityOne Program. The NPAs should never be surprised during an audit by policy changes already in effect. NPAs, in cooperation with the CNAs, deserve the opportunity to participate in and learn immediately about any policy changes. Governance can only be effective if it has the participation of the governed. Policy changes that are made without input or wide publication create problems. A system should be put in place inviting comment to any proposed policy changes, and for making certain that every NPA is directly informed of any changes and has an opportunity to request clarification of changes along with ample time to comply with said changes. Working with the NPAs on proposed policy changes will allow the Commission and the CNAs to have the benefit of the NPAs ideas and concerns. Certainly, a place at the table can be set for the NPAs to be represented in these discussions.

Having NPAs at the table also will assist the Commission and the CNAs in honing any plans for technical and financial support for NPAs as well as in determining whether or how competition should be developed for contracts on the procurement list.

Strategic Objective 3: Partner with Federal agencies and AbilityOne stakeholders to increase and improve CIE opportunities for people who are blind or have other significant disabilities.

Under Strategic Objective 1, the Commission includes as a strategy: "The expectations on NPAs in the AbilityOne Program to create CIE opportunities within the Program and to assist people who are blind or have other significant disabilities to obtain CIE jobs in the general economy." This includes no further discussion in that section, but is raised again in Strategic Objective 3, with the following statement:

For the NPAs to meet the goal of moving their employees into CIE in the general economy, as set forth in Strategic Objective I, there must be a demand for those employees. The Commission intends to work with the Office of Personnel Management (OPM) and the Equal Employment Opportunity Commission (EEOC) to help connect Federal agencies with employees working on AbilityOne contracts so that Federal agencies can meet the expectations set forth in EEOC's regulations enforcing Section 501 of the Rehabilitation Act of 1973. In addition, the Commission will work with the Office of Federal Contract Compliance Programs (OFCCP) at the Department of Labor to help connect Federal contractors with employees working on AbilityOne contracts so that Federal contractors can meet the expectations set forth in OFCCP's regulations enforcing Section 503 of the Rehabilitation Act of 1973.

To be blunt, this language turns the Draft Strategic Plan on its head and suggests that the Commission may not have gone into the strategic planning process with a true appreciation of the significance of AbilityOne, the important role of the NPAs, or the dignity of individuals working AbilityOne jobs. We are not going to discuss whether the Commission is acting beyond its ken in seeking to intrude upon the employment relationships individuals have with their federal contractor employers who also happen to be NPAs, although we do find it a point worth raising. What is worthy of further discussion is why the Commission does not recognize the value of AbilityOne jobs and the choice that individuals make to work under the Program.

We laud the idea of connecting people to work, to activities, and to each other. It is something we all regularly practice. As we have previously stated, expanding CIE is a goal for all of us. Over the past five years, however, NPAs in many states have had real difficulty in getting referrals to excellent jobs under the AbilityOne Program because of a government agency bias against those jobs, a bias that was prompted at least in part by language in the preamble to the WIOA regulations and in the sub-regulatory guidance. The Commission must not and –and indeed cannot – denigrate the Program or the jobs involved in its final strategic plan, even unintentionally. Moreover, the Commission must recognize the individual choice involved in working under the AbilityOne Program. Posting jobs that are available across the federal contracting space is a worthy idea and, although not mentioned in the Draft Strategic Plan, it may be one well worth exploring. We believe all employers should encourage their employees to grow – all employers in every sector with all employees, whether with disabilities or not. That does not mean the job a person has is not worthwhile or that anyone should be forced out of their employment.

Distinguishing AbilityOne from the “general economy” while including other federal contractors and government agencies in the “general economy” is a significant error that will cast a pall over the entire strategic planning effort. Words matter and we do not take the Commission's lightly. This entire section needs to be rewritten to underscore the value of AbilityOne federal contracting jobs. Opening doors to further employment and developing connections will be much easier and far more successful if it comes from a place of strength.

We leave you with this. At an advocacy meeting several years ago, someone commented (and we are paraphrasing), “How do we convince people working for high pay, often with benefits, under AbilityOne that they would be better off working in a fast-food restaurant ‘in the community’?” Our question is: Why would you want to? That is the question we ask the Commission to consider. Whatever the content of the final strategic plan, it is vital that the Commission avoid asking individuals with disabilities to adhere to someone else’s vision for their lives. That would be neither right nor fair. Every individual has the right to choose the path that meets their personal goals.

Thank you for the opportunity to comment on the Draft Strategic Plan. We also want to thank the Commission for recognizing that many of the jobs under the Program already meet even the narrowly applied definition of CIE. We trust the Commission will develop a robust list of jobs that fit the criteria. ACCSES stands ready to support the Commission, the CNAs, the NPAs, and AbilityOne workers in the worthy endeavor to expand CIE and to make positive changes around the AbilityOne Program, changes that will recognize and increase the value of AbilityOne.

Please feel free to contact me when we can be of any assistance.

Very truly yours,

Kate McSweeney

Kate McSweeney
President & CEO