

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Don Dahl at 9:30 a.m. on February 5, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Broderick Henderson- excused
Representative Doug Patterson- excused
Representative Kevin Yoder- excused
Representative Rick Rehorn- absent
Representative Rob Boyer- excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Michele Alishaki, Legislative Research Department
Norm Furse, Revisor of Statutes
Renaë Jefferies, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Steve Kelly, Kansas Department of Commerce`
James Garner, Secretary, Kansas Department of Human Resources
Rocky Nichols, Kansas Protection and Advocacy
Martha Gabehart, Kansas Commission on Disabilities
Michael Byington, Kansas Association for the Blind and Visually Impaired

Others attending:

See Attached List.

The Chairman opened the hearing on **ERO - 31 Executive reorganization of Kansas Department of Human Resources.**

Steve Kelly, Department of Commerce and Housing, a proponent to **ERO 31**, which was issued January 14, 2004, stated, based on a clear understanding that workforce development is economic development.

The **ERO** calls for the transfer of employment and training division and all workforce development programs from Kansas Department of Human Resources (KDHR) to the Department of Commerce.

The objective is to promote a workforce development system in Kansas that: (1) Produce qualified employees for any employer in any part of the state. (2) Is results oriented with a measurable return on investment. (3) Creates a single point of contact for businesses. (4) Ensures all Kansans, including persons with disabilities, have access to meaningful employment opportunities. (5) Strengthens Kansas' educational/training infrastructure. (6) Creates a seamless, market driven system.

Several recommendations have been consistently made in the studies of the workforce development center. Workforce training should be consolidated. Workforce training should be based on employers' requirements. Community college service areas should be reconstructed. Establish a state-wide body to provide oversight and management. Create local and regional workforce development boards. Create a seamless system. The Department of Commerce should act as the liaison to businesses for training programs.

The existing barriers to a comprehensive integrated workforce development system are the following: The Board of Regents, KDHR, Commerce, community colleges, technical colleges/schools, five local workforce investment boards (LWIBs) and the workforce network of Kansas board all have responsibility for some facet of training.

Altogether, forty-four entities have some responsibility. Representatives of these parties have met

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE at 9:30 a.m. on February 5, 2004 in Room 241-N of the Capitol.

together only one time, May 16, 2003, to discuss workforce development. Several large Chambers of Commerce also attended and all urged reform of the system.

There is no single source to integrate programs, evaluate quality and results, eliminate duplication and drive cost efficiency. The **ERO**, steps already taken and new legislation creating "Kansas First" moves Kansas toward a seamless, market driven system. "Kansas First" model is based on large part of South Carolina and Georgia that are some of the most effective in the United States. Under the model, businesses would contact "Kansas First" and commerce and the regents would select a community college or technical college/school to provide training. The hope is to have state of the art first class training so Kansas can provide quality workers. Commerce wants to be more involved in the development of the curriculum. The programs are designed to meet the needs of the employers. There is a program at the Johnson County Community College that is one of the best in the country and a hydraulics program that students come to from all over the country. The focus is on training people that companies will recognize as the best trained in the country and they would come to get the employee that are needed (Attachment 1).

Secretary Jim Garner, Kansas Department of Human Resources (KDHR), testified in support of **ERO 31**. The **ERO** would transfer the Kansas Department of Human Resources' Division of Employment and Training to the Department of Commerce where it will be known as the Division of Workforce Development. The **ERO** also moves the Kansas Commission on Disability Concerns to Commerce and renames KDHR the Kansas Department of Labor.

Consolidating workforce development and job training services within the Department of Commerce is a critical part of the Governor's Economic Revitalization Plan. It is a clear recommendation that arose from the Prosperity Summits held across Kansas this past summer and fall. The reasoning behind the consolidation of these services is to marry the demands of business and industry for a trained workforce with the needs of underemployed career seekers for advantageous and meaningful job training opportunities. By moving in a coordinated manner, the job training programs and the demands of business can better direct education providers, whether vocational technical colleges, community colleges, universities or propriety schools, to be responsive to these needs (Attachment 2).

Rocky Nichols, Kansas Advocacy and Protective Services, testified in support of **ERO 31**, stating the workforce development system is not working for persons with disabilities. It is recommended that the disability community would support **ERO 31** if some changes were implemented: (1) The Kansas Department of Commerce would create and maintain an Ad Hoc Implementation Oversight Advisory Committee with the responsibility to report on Commerce's efforts to make all Workforce Development Center (WDC) programs, services and resources available to persons with disabilities who are also job seekers. (2) If Kansas Rehabilitation Services (KRS) is not moved to Commerce by the 2004 Legislature, the Governor needs to commit to seriously studying a trailer ERO that would consolidate KRS with Commerce. (3) The Governor would appoint at least two persons with disabilities (not affiliated with State Government) as additional at-large members to the Workforce Network of Kansas. (4) The Kansas Department of Commerce would take the steps necessary to prevent LWIBs from applying discriminatory eligibility or suitability measures or restrictions for WIA participation and give priority for access to Individual Training Accounts to low income individuals with disabilities. (5) The Kansas Department of Commerce would take the necessary steps to develop and ensure the proper implementation of a new customer friendly direct service model for the WDCs that provides equal and appropriate employment search assistance for individuals with disabilities.

The staff at the University of Kansas' Center for Research on Learning, Division of Adult Studies has been involved with numerous projects to increase employment outcomes for Kansans with disabilities (Attachments 3 & 4).

Martha K. Gabehart, Executive Director, Kansas Commission on Disability Concerns (KCDC), a proponent of **ERO 31** testified the focus of KCDC work has been to improve employment for Kansans with disabilities. It is logical for the KCDC to move to the Department of Commerce with Employment and Training (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE at 9:30 a.m. on February 5, 2004 in Room 241-N of the Capitol.

Michael Byington, President and Registered Lobbyist, Kansas Association for the Blind and Visually Impaired, Inc., stated he had not planned to testify but did so after a suggestion made by Mr. Nichols. Mr. Nichols suggested a study might be undertaken concerning removing Kansas Rehabilitation Services (KRS) from the Kansas Department of Social and Rehabilitation Services (SRS), and placing KRS instead also with the Department of Commerce (Attachment 6).

The Chairman closed the hearing on **ERO 31**.

The meeting adjourned at 10:50 a.m. and the next meeting will be February 6, 2004.

Comm & Labor
2-5-04
Atch # 1

HOUSE COMMERCE & LABOR

EXECUTIVE REORGANIZATION ORDER No. 31

FEBRUARY 5, 2004

EXECUTIVE REORGANIZATION ORDER No. 31

- EXECUTIVE REORGANIZATION ORDER No. 31 (ERO) WAS ISSUED ON JANUARY 14, 2004
- BASED ON A CLEAR UNDERSTANDING THAT WORKFORCE DEVELOPMENT IS ECONOMIC DEVELOPMENT
- CALLS FOR THE TRANSFER OF EMPLOYMENT AND TRAINING DIVISION AND ALL WORKFORCE DEVELOPMENT PROGRAMS FROM KANSAS DEPARTMENT OF HUMAN RESOURCES (KDHR) TO THE DEPARTMENT OF COMMERCE (COMMERCE)
 - COMMISSION ON DISABILITY CONCERNS, WORKFORCE INVESTMENT ACT (WIA) OVERSIGHT RESPONSIBILITY AND CERTIFIED APPRENTICESHIP PROGRAM ARE INCLUDED

EXECUTIVE REORGANIZATION ORDER No. 31

- THE OBJECTIVE IS TO PROMOTE A WORKFORCE DEVELOPMENT SYSTEM IN KANSAS THAT:
 - PRODUCES QUALIFIED EMPLOYEES FOR ANY EMPLOYER IN ANY PART OF THE STATE;
 - IS RESULTS ORIENTED WITH A MEASURABLE RETURN ON INVESTMENT
 - CREATES A SINGLE POINT OF CONTACT FOR BUSINESSES
 - ENSURES ALL KANSANS, INCLUDING PERSONS WITH DISABILITIES, HAVE ACCESS TO MEANINGFUL EMPLOYMENT OPPORTUNITIES
 - STRENGTHENS KANSAS' EDUCATIONAL/TRAINING INFRASTRUCTURE
 - CREATES A SEAMLESS, MARKET DRIVEN SYSTEM

EXECUTIVE REORGANIZATION ORDER No. 31

- THE ERO WAS ISSUED AFTER A FULL YEAR OF STUDY

- CHANGES IN CONCEPT HAVE OCCURRED
 - NUMBER OF WORKFORCE INVESTMENT ACT AREAS
 - LOCATION OF ONE STOPS

EXECUTIVE REORGANIZATION ORDER No. 31

- WORKFORCE DEVELOPMENT IN KANSAS HAS BEEN STUDIED FOR AT LEAST 17 YEARS
 - 2003 - HOUSE COMMITTEE ON HIGHER EDUCATION
 - 2001 - BOARD OF REGENTS (BOR)
 - 2000 - VISION 21ST CENTURY TASK FORCE
 - 1999 - KCCI WORKFORCE DEVELOPMENT TASK FORCE
 - 1997 - KANSAS, INC
 - 1994 – INSTITUTE OF PUBLIC POLICY & BUSINESS RESEARCH
 - 1994 – KANSAS, INC.
 - 1986 – TASK FORCE ON BUSINESS TRAINING

EXECUTIVE REORGANIZATION ORDER No. 31

9-1

- SEVERAL RECOMMENDATIONS HAVE BEEN CONSISTENTLY MADE IN THOSE STUDIES
 - WORKFORCE TRAINING SHOULD BE CONSOLIDATED
 - WORKFORCE TRAINING SHOULD BE BASED ON EMPLOYERS' REQUIREMENTS
 - COMMUNITY COLLEGE SERVICE AREAS SHOULD BE RECONSTRUCTED
 - ESTABLISH A STATE-WIDE BODY TO...PROVIDE OVERSIGHT AND MANAGEMENT
 - CREATE LOCAL AND REGIONAL WORKFORCE DEVELOPMENT BOARDS
 - CREATE A SEAMLESS SYSTEM
 - THE DEPARTMENT OF COMMERCE SHOULD ACT AS THE LIAISON TO BUSINESSES FOR TRAINING PROGRAMS

EXECUTIVE REORGANIZATION ORDER No. 31

- EXISTING BARRIERS TO A COMPREHENSIVE INTEGRATED WORKFORCE DEVELOPMENT SYSTEM
 - THE BOARD OF REGENTS, KDHR, COMMERCE, COMMUNITY COLLEGES, TECHNICAL COLLEGES/SCHOOLS, FIVE LOCAL WORKFORCE INVESTMENT BOARDS (LWIBs) AND THE WORKFORCE NETWORK OF KANSAS BOARD ALL HAVE RESPONSIBILITY FOR SOME FACET OF TRAINING
 - ALTOGETHER, 44 ENTITIES HAVE SOME RESPONSIBILITY
 - REPRESENTATIVES OF THESE PARTIES HAVE MET TOGETHER ONLY ONE TIME, MAY 16, 2003, TO DISCUSS WORKFORCE DEVELOPMENT
 - SEVERAL LARGE CHAMBERS OF COMMERCE ALSO ATTENDED THIS MEETING
 - ALL URGED REFORM OF THE SYSTEM

EXECUTIVE REORGANIZATION ORDER No. 31

- EXISTING BARRIERS TO A COMPREHENSIVE INTEGRATED WORKFORCE DEVELOPMENT SYSTEM
 - THERE ARE NO FOCUSED COMMUNICATIONS AND SHARED GOALS REGARDING WORKFORCE DEVELOPMENT BETWEEN PROVIDERS
 - THERE IS NOT A SINGLE ENTRY POINT FOR EMPLOYERS
 - THE COMMERCE DEPARTMENT DOES NOT SHAPE TRAINING PROGRAMS
 - KDHR TRAINING PROGRAMS ARE NOT MARKET DRIVEN
 - HEARTLAND WORKS IN TOPEKA HAS MADE GREAT STRIDES

EXECUTIVE REORGANIZATION ORDER No. 31

1-9

- THERE IS NO SINGLE SOURCE TO:
 - INTEGRATE PROGRAMS
 - EVALUATE QUALITY AND RESULTS
 - ELIMINATE DUPLICATION
 - DRIVE COST EFFICIENCY

EXECUTIVE REORGANIZATION ORDER No. 31

- THE ERO, STEPS ALREADY TAKEN AND NEW LEGISLATION CREATING “KANSASFIRST” MOVES KANSAS TOWARD A SEAMLESS, MARKET DRIVEN SYSTEM
- COMMERCE’S TRAINING PROGRAMS, THE EMPLOYMENT AND TRAINING DIVISION PLUS STATE OVERSIGHT RESPONSIBILITIES FOR WIA WILL BE PLACED IN ONE ORGANIZATION
 - FORMS A PARTNERSHIP BETWEEN KEY PROVIDERS
 - OPTIMIZES COMMUNICATIONS, ACCOUNTABILITY AND INTEGRATION OPPORTUNITIES
 - DIRECTLY LINKS THE ORGANIZATION THAT IS AWARE OF AND HELPS CREATE JOBS WITH INDIVIDUALS SEEKING EMPLOYMENT

EXECUTIVE REORGANIZATION ORDER No. 31

- THE BOARD OF REGENTS, COMMUNITY COLLEGES AND TECHNICAL COLLEGES AND SCHOOLS WILL ALSO BE PARTNERS
- “KANSASFIRST” LEGISLATION FORMALIZES THIS PARTNERSHIP BETWEEN COMMERCE AND THE REGENTS
- THE MODEL
 - BUSINESSES CONTACT “KANSASFIRST”
 - COMMERCE AND THE REGENTS SELECT A COMMUNITY COLLEGE OR TECHNICAL COLLEGE/SCHOOL TO PROVIDE TRAINING
 - BASED ON CENTERS OF EXCELLENCE CREATED
 - COMMUNITY COLLEGES’ SERVICE AREAS FOR COMMERCE TRAINING PROGRAMS ELIMINATED
 - WORKFORCE CENTERS CAN BE CONSIDERED
 - PAYMENTS MADE TO PROVIDING INSTITUTION

EXECUTIVE REORGANIZATION ORDER No. 31

- AT THE CURRENT TIME, COMMERCE PROGRAMS PROVIDE DIRECT PAYMENTS TO RELOCATING OR EXPANDING EMPLOYERS FOR TRAINING
 - INVESTMENT IN MAJOR PROJECTS AND COMPREHENSIVE TRAINING (IMPACT)
 - KANSAS INDUSTRIAL TRAINING (KIT)
 - KANSAS INDUSTRIAL RETRAINING (KIR)
- PAYMENTS THROUGH THESE PROGRAMS AVERAGE OVER \$10.0 MILLION ANNUALLY
- \$.94 OF EVERY \$1.00 PAID UNDER THESE PROGRAMS ARE UTILIZED BY THE COMPANIES RECEIVING IT AND VENDORS THEY SELECT
 - CONTRAST TO GEORGIA
 - CESSNA/INDEPENDENCE EXPERIENCE
- OBJECTIVE IS TO PAY KANSAS INSTITUTIONS TO BUILD EXPERTISE, CAPACITY AND INFRASTRUCTURE
- A TRANSITION PERIOD WILL BE REQUIRED



EXECUTIVE REORGANIZATION ORDER No. 31

- THE MODEL FOR THIS SYSTEM EXISTS IN KANSAS
 - KANSAS TECHNICAL TRAINING INITIATIVES (KTTI)
AND
KANSAS INSTITUTE FOR TECHNICAL EXCELLENCE (KITE)
 - KTTI – A PARTNERSHIP BETWEEN BOEING, CESSNA, BOMBARDIER, RAYTHEON, KANSAS, WICHITA, SEDGWICK COUNTY AND UNIFIED SCHOOL DISTRICT #259
 - CREATED TO MEET THE AVIATION INDUSTRY’S NEED FOR AIRFRAME MECHANICS
 - AFTER THE PARTNERSHIP WAS FORMED, THOUSANDS OF AIRCRAFT WORKERS WERE DISPLACED
 - THE NEED FOR MECHANICS CONTINUED



EXECUTIVE REORGANIZATION ORDER No. 31

- KTTI IS PROVIDING NEEDED MECHANICS
 - UNDER COWLEY COUNTY'S FEDERAL AVIATION ADMINISTRATION (FAA) APPROVED PROGRAM
 - A UNIQUE PREPARATORY CLASS HAS BEEN CREATED
 - ONE OF ONLY TWO IN THE COUNTRY
 - AN INDIVIDUAL WITH 18 YEARS AVIATION EXPERIENCE CAN TEST FOR AIRFRAME MECHANIC CERTIFICATION AFTER THREE TO SIX MONTHS
 - NORMAL CURRICULUM IS NINE MONTHS
 - 20 GRADUATES – ALL SUCCESSFUL
 - 50 OTHER STUDENTS IN THE PREP CLASS
- TRADITIONAL AIRFRAME MECHANIC COURSE BEGAN ON JANUARY 26
 - 70 STUDENTS
- MECHANICS COURSE IS: OPEN ENTRY AND OPEN EXIT; IN OPERATION 12 MONTHS OF THE YEAR AND OFFERS DAY AND NIGHT CLASSES

EXECUTIVE REORGANIZATION ORDER No. 31

- KITE IS A PARTNERSHIP OF BUTLER, COWLEY AND HUTCHINSON COMMUNITY COLLEGES AND WICHITA AREA TECHNICAL COLLEGE
- CENTERS OF EXCELLENCE ARE BEING CREATED
 - BCCC - IT
 - HCC – MANUFACTURING
 - CCCC – AVIATION
 - WATC – HEALTH PROFESSION
- PROCESSES ARE IN PLACE FOR THE PARTNERS TO IDENTIFY ADDITIONAL CENTERS OF EXCELLENCE
- ALL NEW CLASSES HAVE TO BE APPROVED BY KITE’S BOARD.
 - THE INSTITUTIONS’ PRESIDENTS

EXECUTIVE REORGANIZATION ORDER No. 31

9/16

- KITE PARTNERS ARE MOVING TOWARD ONE APPLICATION, ONE FINANCIAL AID PACKAGE AND ONE ASSESSMENT CENTER
 - SEVEN ASSESSMENT CENTERS CURRENTLY
- KITE AND KTTI ARE CREATING A SEAMLESS, MARKET DRIVEN WORKFORCE DEVELOPMENT SYSTEM THAT IS MEETING THE OBJECTIVES OF EXECUTIVE REORGANIZATION ORDER No. 31
 - RESPONDING TO MARKET NEEDS AND ACCELERATING THE RETURN OF WORK IN HIGHER PAYING JOBS OF DISPLACED INDIVIDUALS
- ENDORSED BY THE BUSINESS COMMUNITY

EXECUTIVE REORGANIZATION ORDER No. 31

- OTHER ACTIONS TO DATE
 - A THOROUGH, PROFESSIONAL TRANSITION PLAN IS BEING PREPARED
 - CONVERSATIONS WITH ALL STAKE HOLDERS ARE BEING HELD

81-1

EXECUTIVE REORGANIZATION ORDER No. 31

- A NEW OPPORTUNITY
 - BURLINGTON NORTHERN SANTA FE RAILROAD NEEDS 6,000 CONDUCTORS/ENGINEERS
 - 2,400 ARE NEEDED NOW
 - CONDUCTOR/ENGINEERING POSITIONS START AT \$50,000
 - SALARY CAN GROW TO OVER \$100,000
 - COURSE TO BECOME A CONDUCTOR/ENGINEER IS 16 WEEKS LONG AT JOHNSON COUNTY COMMUNITY COLLEGE (JCCC)
 - TUITION IS \$1,400
 - APPLICANTS ARE ASSESSED FOR SPATIAL/MECHANICAL APTITUDE AND COLOR BLINDNESS

EXECUTIVE REORGANIZATION ORDER No. 31

- JCCC IS OPENING SEVEN ADDITIONAL CLASSROOMS AND TRAINING ON THREE SHIFTS
- COMMERCE WILL MAKE EFFORTS TO RECRUIT, HAVE ASSESSMENTS PERFORMED AND SEEK FINANCIAL ASSISTANCE FOR APPLICANTS
- JOB OPENINGS LINKED TO JOB SEEKERS

61-1



DEPARTMENT OF HUMAN RESOURCES
Jim Garner, Secretary

KATHLEEN SEBELIUS, Governor

**Testimony before the
House Commerce and Labor Committee
Executive Reorganization Order No. 31
Secretary Jim Garner, Kansas Department of Human Resources
5 February 2004**

Chairman Dahl and Members of the Committee:

Thank you for the opportunity to appear today and share our support for the Governor's Executive Reorganization Order (ERO) No. 31, which would transfer the Kansas Department of Human Resources' Division of Employment and Training to the Department of Commerce where it will be known as the Division of Workforce Development. The ERO also moves the Kansas Commission on Disability Concerns to Commerce and renames KDHR as the Kansas Department of Labor.

Why move the Division of Employment and Training?

The Division being transferred encompasses primarily the federal job training and employment service programs administered by the state. Attached is a listing of the programs involved in the Division of Employment and Training. The most significant financial programs are the Workforce Investment Act programs and the Job Service (labor exchange) operations.

Consolidating workforce development and job training services within the Department of Commerce is a critical part of the Governor's Economic Revitalization Plan. It is a clear recommendation that arose from the Prosperity Summits held across Kansas this past summer and fall.

The reasoning behind the consolidation of these services is to marry the demands of business and industry for a trained workforce with the needs of unemployed dislocated workers and underemployed career seekers for advantageous and meaningful job training opportunities. We also believe and expect that the creation of a seamless, coordinated workforce development system will also involve the education community. By moving in a coordinated manner, the job training programs and the demands of business can better direct education providers, whether vocational technical colleges, community colleges, universities or proprietary schools, to be responsive to these needs.

This is not a new idea. It is a recommendation that goes back over 15 years to the 1986 Task Force on Business Training. Many states are moving to consolidate their employment and training programs. At a recent meeting of the National Association of State Workforce Agencies an entire session was dedicated to the topic of merging job training programs with state economic development agencies. This is a growing trend in state government which recognizes that workforce development is economic development.

What does this involve?

The two agencies are now in the process of planning the transfer of approximately 280 employees. The Division of Employment and Training administers roughly \$39 million in primarily federally-funded job training and labor exchange programs. The transition will involve 250 employees from the Division of Employment and Training and approximately 30 support service personnel from KDHR's fiscal, legal, personnel, information technology and building and office divisions.

Why move the Kansas Commission on Disability Concerns?

ERO No. 31 also proposes the transfer of the Kansas Commission on Disability Concerns (KCDC) with the Employment and Training programs. This recognizes the role KCDC plays in improving access and services to persons with disabilities in local workforce centers.

The desire of the Kansas Commission on Disability Concerns and its director is to locate their responsibilities with the same agency overseeing the workforce development centers. We must continue to ensure that persons with disabilities are afforded full benefits of the workforce development programs. Improving the accessibility of job training and job services for persons with disabilities is an important part of this reorganization. In her message accompanying this ERO, Governor Sebelius states her commitment to "breaking down the barriers to employment, ensuring that all Kansans, regardless of their abilities, can obtain meaningful employment."

Why the name change to KDOL?

The ERO also moves to rename KDHR as the Kansas Department of Labor. Quite simply, the name Kansas Department of Labor more accurately conveys the programs and services provided by the operations remaining within KDHR.

This new (old) name* better reflects the responsibilities of the agency and will help the public access the services of the agency. The agency has many important responsibilities. It administers the Unemployment Insurance Program and the processing of claims for such benefits. The agency operates the State's workers compensation system. We enforce the employment standards for Kansas – wage and hour laws, the wage payment act and child labor laws. The agency's Labor Market Information Services is the research unit which compiles critical data on employment in Kansas and meets the reporting requirements of the U.S. Department of Labor's Bureau of Labor Statistics. The Public Employees Relations Board is located in the agency and oversees the Public Employers and Employees Relations Act and the Professional Negotiations Act.

* The agency was known as the Department of Labor from 1939 to 1976.

In most states, agencies with similar functions are denoted as that state's "Departments of Labor." The federal agency we work closely with in administering these functions is the U.S. Department of Labor.

There are 12 other states that have Departments of Human Resources. However, in 7 of those states they are the states' personnel operations (similar to Kansas' Division of Personnel Services within the Department of Administration) and in five they are state social welfare agencies (much like our SRS). Kansas is the only state that provides the name "Human Resources" to our labor services agency.

This generates a fair amount of confusion among the public. We receive many misdirected phone calls from individuals seeking employment with the state of Kansas or seeking information from our State's social welfare agency. For two months, August and September of 2003, we tracked the wrong numbers received by our agency. 196 callers contacted the Department of Human Resources thinking we were the personnel department for state government (DPS), and 104 callers thought we were the social welfare agency for the state (SRS). The name change will better communicate the services provided by the agency.

We definitely believe the new name will allow Kansans to more easily find the services they desire. There is no question of the need for employers and employees to have a central location where they can find the administrative programs concerning the workplace – the Department of Labor is recognized as that part of government.

Conclusion

The decision reflected in ERO No. 31 is the result of much deliberation and thoughtful planning and consideration. After thorough examination, the administration concluded that this transfer makes good sense and will facilitate the next generation of workforce development in Kansas.

Bottom line, we truly believe this action will improve the delivery of services to the people and businesses of Kansas.

It is time to create a seamless, integrated workforce system – aligning the responsibilities for job training with the demands of industry for a trained workforce

I encourage your strong and complete support of Executive Reorganization Order No. 31. Again, thank you for the opportunity to appear and express my thoughts. I will be glad to stand for any questions you may have.

Programs in the Division of Employment and Training

The Workforce Investment Act (WIA) operations which include the adult, youth and dislocated workers training programs and promotes the One-Stop system.

The Job Service (labor exchange) operations funded pursuant to the Wagner-Peyser Act, which assists employers and job seekers in matching job openings with qualified workers.

The Apprenticeship program and the Apprenticeship Council which oversees and approves all such labor/management apprenticeship customized training programs in Kansas.

The Older Kansans Employment Program (OKEP) which provides career assessment, job matching, and job search assistant to Kansans age 55 and older.

The Senior Community Services Employment Program (SCSEP) provides skill training through subsidized part-time employment for Kansans age 55 and older who are at or below 125 percent of the poverty level.

The Disabled Veterans Outreach Program (DVOP) which conducts outreach directed to disabled veterans and facilitates labor exchange services for this population.

The Local Veterans Employments Representative (LVER) which identifies, tracks, and provides case management services and job development for the veteran community.

The Work Opportunity Tax Credit which allows employers to receive a tax credit for hiring certain targeted populations of difficult to place job seekers.

The Neighborhood Improvement and Youth Employment Act (NIYEA) which funds summer and after-school employment projects for high school students.

The Labor Certification Programs which processes applications for foreign workers seeking temporary and permanent work visas in the United States.

The Trade Act and NAFTA programs (TRA) which provides employment and training services to workers who have lost jobs because of foreign competitions. This program is only available to workers whose companies have been certified as eligible under the Trade Act provision.

The Wheat Harvest program which provides farmers with a system to locate and hire custom cutting crews to harvest winter wheat.

Kansas Workforce Development Program Position Paper and Recommendations

Developed by:

**Kansas Advocacy and Protective Services
Statewide Independent Living Council of Kansas
Kansas Commission on Disability Concerns**

PROBLEM – The Workforce Development system is not working for persons with disabilities.

RECOMMENDATIONS – The disability community will support ERO 31 if the following recommendations are implemented to help fix system:

1. The Kansas Department of Commerce will create and maintain an Ad Hoc Implementation Oversight Advisory Committee with the responsibility to report on Commerce's efforts to make all Workforce Development Center (WDC) programs, services and resources available to persons with disabilities who are also job seekers. This Advisory Committee will be made up of representatives from the organizations that developed this plan, Kansans with disabilities, and other interested parties. This Committee will be charged with advising the Governor and the Secretary of Commerce on implementation of these systems change issues and reform measures.
2. If Kansas Rehabilitation Services (KRS) is not moved to Commerce by the 2004 Legislature, the Governor needs to commit to seriously studying a trailer ERO that would consolidate Kansas Rehabilitation Services with Commerce. If KRS is not moved to Commerce, it would mean that every program under the control of State Government that finds jobs for Kansans would be under Commerce, except KRS. Because of this fact, this study also needs to ensure that services at KRS are not segregated, regardless of where it is housed. Implementing these recommendation will help prevent segregated services.
3. Governor will appoint at least two persons with disabilities (not affiliated with State Government) as additional at-large members to the Workforce Network of Kansas. The Workforce Network of Kansas shall require Local Workforce Investment Boards (LWIB) to have a least two persons with disabilities on their boards.
4. The Kansas Department of Commerce will take the steps necessary to prevent LWIBs from applying discriminatory eligibility or suitability measures or restrictions for WIA participation and give priority for access to Individual Training Accounts to low income individuals with disabilities.
5. The Kansas Department of Commerce will take the necessary steps to develop and ensure the proper implementation of a new customer friendly direct service model for the WDCs that provides equal and appropriate employment search assistance for individuals with disabilities. Along with this will be discontinuing the current "self-serve" model. Included in this priority is a requirement to track persons with disabilities served, services that the population receives, success of the employment search and feedback from those customers regarding reasonable accommodation, access to programs and resources, and access to and use of assistive technology.

Comm + Labor
2-5-04
Atch # 3

6. The Kansas Department of Commerce will require that all WDC employees (public and private) receive training about working with people with disabilities, access to and use of assistive technology and general services available through the WDC's partner organizations and programs. This training will include the appropriateness and methods of referring customers to partner organizations (including fixing the current problem of over-referrals to Kansas Rehabilitation Services). Compliance will be documented prior to funds being released or before they are eligible for additional funding, such as incentive grants or bonuses.
7. The Kansas Department of Commerce will take specific steps to ensure that the needs of individuals with disabilities will be met by the Kansas One-Stop System and specify the actions that LWIBs must take if the current markets of intensive service and training providers are unable to meet the service needs of individuals with disabilities in the relevant service areas.
8. The Governor will have the Kansas Department of Commerce and the Kansas Department of Social & Rehabilitation Services clarify the role of the Kansas Rehabilitation Services (VR) program in the Kansas One-Stop System, and establish mechanisms to ensure full integration and collaboration between these systems. The Department will further ensure that these different program streams will be integrated to form a statewide, comprehensive, coordinated and accountable system that will adequately serve individuals with disabilities. Also, KRS is an Employment Network under Ticket to Work. To further this collaboration, the Department and the Workforce Network of Kansas will require One-Stops to become Employment Networks under Ticket to Work. Because no One-Stops or WDCs are Employment Networks it further sends the message that they don't want to serve Kansans with disabilities.
9. The Kansas Department of Commerce will provide new WDC customers with an orientation about direct services available, partner services available and methods of accessing all of the various programs, services and resources of the WDCs. This will include the person's rights as a customer (ex: right to receive services at a WDC even if they are VR eligible, etc.).
10. The Kansas Department of Commerce will review all WDCs annually for compliance with the assistive technology requirements, as required by the State's 5 year Plan. The Department will also ensure that WDC employees are competent and knowledgeable about how assistive technology is used to assist persons with disabilities searching for employment.
11. The Kansas Department of Commerce will ensure that all WDC facilities comply with the applicable architectural accessibility requirements. The Department will ensure that WDC employees are skilled in the procedures of acquiring interpreter services and alternative formats for print resources in addition to knowing and understanding the non-discrimination policy of the Kansas Department of Commerce.
12. The Governor and the Department of Commerce need to take any and all steps to ensure that both the 5-year plan and the requirements of federal law that ensure better services for persons with disabilities are followed. This includes requirements under WIA like the Methods of Administration (MOA), Section 188, etc.

BACKGROUND – Why these recommendations are needed.

There is an expansion of activity around workforce development programs in Kansas. A growing concern is that the employment search assistance needs of people with disabilities are not being considered as these changes are occurring. Because the unemployment rate for Kansans with disabilities runs as high as 70 percent, it is time to focus on how the Kansas workforce development system can improve service to job-seekers with disabilities. Kansas Advocacy and Protective Services (KAPS), the Statewide Independent Living Council of Kansas (SILCK) and the Kansas Commission on Disability Concerns (KCDC) have combined their knowledge and experience to develop this position paper on the improvements the Kansas workforce development system needs.

Employment is central to living independently and self-esteem for all persons. The key to effectively moving people, both with and without disabilities from state and federal public assistance programs is to help them find employment that provides the wages and benefits necessary for self sufficiency. All persons, regardless of abilities must receive employment search assistance that meets their individual skills, talents, needs and abilities. The current Kansas Workforce Development Center service programs do not adequately address the needs of persons with disabilities seeking employment.

The Kansas WIA Five Year Plan states the following:

- *KDHR will ensure that all applicable laws pertaining to nondiscrimination (i.e. Section 504 of the Rehabilitation Act of 1973 and Section 188 of WIA) and equal opportunity are followed. The Workforce Compliance and Oversight unit shall monitor at least annually all grantees for compliance with applicable nondiscrimination and equal opportunity laws and equitable service levels among the significant segments mentioned above. Monitoring will be performed on-site and will be followed by a written report of any findings along with requested corrective action and follow-up as appropriate.*
- *KDHR will also ensure compliance with the Americans with Disabilities Act throughout the One-Stop service delivery system. The LWIBs will develop policies to prioritize intensive and training services for special population groups that include displaced homemakers, low-income individuals such as migrants and seasonal farm workers, public assistance recipients, women, minorities, individuals training for non-traditional employment, veterans, and individuals with multiple barriers to employment, including older individuals, people with limited English-speaking ability, and people with disabilities. Active local outreach will be coordinated among service providers and described in MOUs. Efforts will be implemented to serve customers who do not have easy access to transportation to a One-Stop Career Center or a means to access information through computer linkages.*
- *Customers with disabilities will receive the full range of services available through Wagner-Peyser including registration and referrals. As One-Stop partners, Wagner-Peyser staff, Vocational Rehabilitation Counselors, and representatives of community based organizations that serve people with disabilities will provide customized services for individuals with disabilities. To assure that customers with disabilities are able to access job listings and use the self-registration and self-service resources, all physical and satellite One-Stop Career Centers will adhere to requirements of the ADA and disabilities-related requirements found in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794; Section 188 of WIA U.S.C. 2938 and their implementing regulations.*

- One-Stop Career Centers will be accessible to people with disabilities. Centers will modify or adjust their environments to enable customers with disabilities to access services. This may include adjustments to assure customers with disabilities are afforded the rights and privileges equal to those of customers who are not disabled. Examples of accommodations that may be made include acquiring or modifying equipment; providing qualified readers or interpreters; and appropriately modifying examinations, training, or other programs. Accommodations to provide access may include removing architectural, physical, communications, and transportation barriers; providing readers, interpreters, and other auxiliary aids; and acquiring or modifying equipment or devices.
- It is the stated policy of the State of Kansas that all persons regardless of ability / disability will have equal access to, and benefit from the Workforce Development Centers operating in and for Kansans.

Disability advocacy groups would argue that the State is not following its own 5 year plan and the requirements of federal law, given the fact that Kansans with disabilities have experienced so many problems in accessing the WDCs.

Further Evidence of Problems with the System for Persons with Disabilities (from KU Studies):

The University of Kansas' Center for Research on Learning, Division of Adult Studies recently conducted four studies that focus on the needs of persons with disabilities seeking employment and the WDC system in Kansas. The most recent study, Ready and Able II: Enhancing the One-Stop System in Kansas to Increase the Employment of People with Disabilities focused on the WDCs in seventeen counties of Local Area II and includes the offices in Lawrence, Topeka, Atchison, Manhattan and Junction City. The report concludes the following.

1. The WDC staffs need access to quality training on a broad range of disability issues. Focus group activities with entire staffs of the Region II offices indicate:
 - a. The staff feels a clear need for more information and training on two "populations" ... people with mental illness and people with learning disabilities.
 - b. Staff members believe that a notable lack of use of the Centers by persons with disabilities exists. Among other things, this underutilization of resources makes it difficult for staff to maintain confidence and/or expertise with regard to the use of the assistive technology.
 - c. The most knowledgeable staffs are those who have been on the job the longest. The information they have and the contacts with other agencies and services are not readily available to others.
2. Staffing at the WDCs is problematic. Staff members are not required to have specific expertise in employment services nor in working with diverse populations.
3. Numerous programmatic issues impede the effective delivery of WDC services to customers with disabilities, including:
 - The library model of services
 - i. None of the five WDCs in Region II have an 'orientation' to their centers. A repeated observation is that this fact leaves most customers at a loss in terms

of a.) Knowing what is available in the centers, and b.) Having a process or method of utilizing available resources they might discover.

ii. Experiences reported by Region II ‘mystery shoppers’ indicate that unless a customer is a.) Comfortable with asking questions, b.) Is good at asking the right questions, and c.) Is persistent – they will not fare well in the environments created by the WDCs.

- The hours of operation
 - Ineffective integration of services with both mandated partners and community services providers
4. Outreach by the WDCs to employers about hiring people with disabilities is virtually non-existent.
 5. Local governance of the WDCs, through the LWIBs, does not currently incorporate the perspectives or membership of people with disabilities or disability-related service providers. Anecdotal information is that staffs from disability-related service organizations have been refused the opportunity to participate on their local workforce investment boards (LWIBs). Further, some mandated partners, such as VR and adult education, have been told they must help pay for the One-Stop facility or be denied representation on the LWIB.
 6. WDC customers with disabilities consistently report dissatisfaction with the WDCs, especially noting that they desire more one-on-one services, WDC staff with disabilities, and information about intensive services for which they may be eligible. The sense is that the WDC has little to add to the information available on websites. Thus, visiting a WDC is neither efficient nor effective.

More information from these KU reports and studies are attached.

The Inadequacies of the WDC Current System for Kansans with Disabilities

1. The Kansas Workforce Development Centers (WDC) has a “self-serve” method of service delivery. The self serve model does not provide adequate one-on-one service to job-seekers to help them with their job search.
2. WDC staff are not trained to work with job-seekers with disabilities in their job-searches, use of assistive technology and alternative forms of communication, e.g., sign language, Braille, large print and other auxiliary aides and services. Also, the staff tend to refer job-seekers with disabilities to Kansas Rehabilitation Services rather than helping the job-seeker directly through the WDC (which they are supposed to do under federal law and regulations).
3. WDC staff are not trained on the services of their WIA partners.
4. Assistive technology is not available in every WDC and not all staff have been trained to use the technology that is available to them and / or the consumers.
5. Some WDCs are neither architecturally accessible nor programmatically accessible.

Additional details of the WDC Inadequacies for Kansans with Disabilities

- The Kansas Workforce Investment Act (WIA), One-Stop Centers or Workforce Development Centers (WDC) in Kansas currently operate under a “self-serve” model. This model allows skilled job-seekers to enter, use the computers and other resources and leave without direct contact with the WDC staff. This self-service model is effective for experienced job-seekers, but is not

sufficient support for those consumers who are first time job hunters, or who have little, or no experience with technology and other resources available at the WDC.

- Another barrier to effective service to persons with disabilities seeking employment at the WDC in their community is the attitude of the administrators and staff at the Centers. Assisting individuals with disabilities in their employment search can be time consuming and challenging and it appears that some administrators and staff avoid those challenges by simply referring the person elsewhere.
- The Kansas Commission on Disability Concerns (KCDC) has implemented two projects that included training opportunities for WDCs in Kansas to improve their services for people with disabilities. Unfortunately only Kansas Department of Human Resources (KDHR) staff have taken advantage of the sensitivity training on working with customers with disabilities. When approached by KCDC to offer the same opportunity for training, private One-stop Center managers have not given their staff time to complete training. As a result, the training provided by KCDC consisted of only a brief overview of the issues facing persons with disabilities who might be seeking employment through the WDCs, and a few minutes on assistive technology with an accompanying worksheet. Additional training is needed and needs to be required of all WDC employees.
- The experience of job-seekers with disabilities and KCDC staff is that WDC staff are unaware of the services and programs their WIA partners provide and so, are unable to make appropriate referrals. They do not know they can contact partners and coordinate services for both job-seekers with, or without disabilities. The purpose of WIA is to coordinate funding and provide a variety of services that leads to successful gainful employment of all Kansans.
- The accessibility policy the Division of Employment and Training adopted for WIA programs requires that assistive technology be available for use by both job seekers and staff. Additionally, the WIA requires assistive technology be available and usable for job-seekers with disabilities in WDCs. However, only a limited number of the WDCs have the assistive technology required or have the technology installed so that it can be used by consumers and/or staff.
- It has been reported that some WDCs are not architecturally and/or programmatically accessible. Architectural access refers to the building meeting the physical accessibility standards. Programmatic accessibility means a computer has appropriate assistive technology to meet the WIA requirements for access, or that a method is in place for providing interpreter services, alternative formats for print media, and that other assistive technology is available and usable. Access to direct services is critical to job seekers, especially persons with disabilities and WIA specifically requires architectural and programmatic accessibility.

Improving Outcomes for Persons with Disabilities in Kansas' Workforce Development System

Staff at the University of Kansas' Center for Research on Learning, Division of Adult Studies has been involved numerous projects to increase employment outcomes for Kansans with disabilities. Four recent research and demonstration projects include:

- Responding to Specific Learning Disabilities in WtW Clients and in the Employment Setting, funded by the Kansas Department of Human Resources, 1999-2001. This project was statewide in scope, with training provided to 621 SRS and KDHR staff members on barriers to employment for people with disabilities.
- Ready and Able: Enhancing the One-Stop System in Kansas to Increase the Employment of People with Disabilities, funded by Kansas Rehabilitation Services, 2001-2003. This project focused on WDCs in Local Area III: Kansas City, Leavenworth, and Johnson County.
- Strategies to Promote Accessible Cost-Effective Advocacy and Generic Community Services for Individuals with Significant Disabilities, funded by the U.S. Department of Education, National Institute on Disability and Rehabilitation Research, 2001-2004. This project's materials were developed with Kansas WDCs and Independent Living Centers. Field tests and dissemination will continue nationally.
- Ready and Able II: Enhancing the One-Stop System in Kansas to Increase the Employment of People with Disabilities, funded by U.S. Department of Labor, 2002-2004. This project focuses on the WDCs in seventeen counties of Local Area II and includes the offices in Lawrence, Topeka, Atchison, Manhattan and Junction City.

Based on these projects and related health care, social service, adult education, and rehabilitation service research activities, we can attest to the complexity of issues involved in the attainment of competitive employment for people with disabilities. We offer the following observations and recommendations about the Kansas Workforce Development system as an initial, but critical, step in increasing the employment of Kansans with disabilities.

Observations:

1. The WDC staffs need access to quality training on a broad range of disability issues. Focus group activities with entire staffs of the Region II offices indicate:
 - a. The staff feels a clear need for more in formation and training on two "populations": people with mental illness and people with learning disabilities.
 - b. Staff members believe that a notable lack of use of the Centers by persons with disabilities exists. Among other things, this underutilization of resources makes it difficult for staff to maintain confidence and/or expertise with regard to the use of the assistive technology.

- c. The most knowledgeable staffs are those who have been on the job the longest. The information they have and the contacts with other agencies and services are not readily available to others.
2. Staffing at the WDCs is problematic. Staff members are not required to have specific expertise in employment services nor in working with diverse populations.
3. Numerous programmatic issues impede the effective delivery of WDC services to customers with disabilities, including:
 - The library model of services
 - i. None of the WDCs in Region III or Region II have an 'orientation' to their centers. A repeated observation is that this fact leaves most customers at a loss in terms of a.) Knowing what is available in the centers, and b.) Having a process or method of utilizing available resources they might discover.
 - ii. Experiences reported by Region III 'mystery shoppers' indicate that unless a customer is a.) Comfortable with asking questions, b.) Is good at asking the right questions, and c.) Is persistent - they will not fare well in the environments created by the WDCs.
 - The hours of operation
 - Ineffective integration of services with both mandated partners and community services providers
4. Outreach by the WDCs to employers about hiring people with disabilities is virtually non-existent.
5. Local governance of the WDCs, through the LWIBs, does not currently incorporate the perspectives or membership of people with disabilities or disability-related service providers. Anecdotal information is that staffs from disability-related service organizations have been refused the opportunity to participate on their local workforce investment boards (LWIBs). Further, some mandated partners, such as VR and adult education, have been told they must help pay for the One-Stop facility or be denied representation on the LWIB.
6. WDC customers with disabilities consistently report dissatisfaction with the WDCs, especially noting that they desire more one-on-one services, WDC staff with disabilities, and information about intensive services for which they may be eligible. The sense is that the WDC has little to add to the information available on websites. Thus, visiting a WDC is neither efficient nor effective.

Recommendations:

1. Disability-related training be provided on an on-going basis to WDC staff via multiple formats including in-person and on-line. The training should include at least the following:
 - Non-discrimination requirements of WIA

- Disability etiquette
 - Auxiliary aids and services
 - TW-WIIA
 - Working with mandated partners and community agencies
 - Universal access
 - Addressing barriers to employment for people with disabilities
 - Disclosure and accommodation of disability with employers
2. Require that all customers entering a WDC be given an orientation to Center services and information about available core and intensive services. Additionally, conduct customer surveys to ascertain the need for evening and/or weekend hours.
 3. Mandate increased integration of services with required partners and community service providers. Encourage the development of MOAs with local disability-services providers.
 4. Mandate outreach to employers as a required function of WDCs. Such outreach should include working with employers to understand their rights and responsibilities in regard to hiring people with disabilities.
 5. Change the required composition of the State and Local Workforce Investment Boards to include people with disabilities and/or staff from agencies that provide services specifically to people with disabilities.
 6. Discontinue the library model of service delivery in exchange for more personalized and intensive services. In addition, increase affirmative action to hire WDC staff members with disabilities.
 7. Consider alternative strategies for improving the WDC culture regarding services and outcomes for persons with disabilities. Staff development activities are not sufficient. Performance standards might help identify important considerations from WDC staff, but they too seem insufficient. A combination of strategies seems appropriate. Some suggestions are offered above. Central to those strategies is increasing the sense that successful outcomes for persons with disabilities is an important part of a WDC's staff person's role and how the WDC staff work together and with their partners. Imagination, determination and continued dedication are important.

Possible Resources:

From the projects listed above, we have the following resources available to WDC staff and others involved in their activities:

Printed and Internet-Posted Materials:

- *Help Wanted: Diversifying and Strengthening Your Workforce by Hiring People with Disabilities*; for WDCs and other organizations to use in reaching out to employers.
- *Opening Doors: Empowering People with Disabilities*; for staff development for WDC and other service providers.

- *The Road to Success*; a job skills curriculum for people with disabilities.
- *One-Stop 101*; this publication is also available on CD-ROM and is designed to help disability-related organizations work with their local WDCs to make them more accessible to jobseekers with disabilities.

The Department of Labor grant has also resulted in a new website (For specifics, please see: <http://kansasjoblink.com/ada/disability/>) that is designed for two audiences: the WDC staff as well as the customer. The website enables both audiences to a.) Begin to systematically identify their own needs and (perhaps) barriers to employment, and b.) Find local resources appropriate to the individualized needs of the customer. The site also has a 'career planning' component that has demonstrable value to new and continuing customers. This website and its multiple tools should not be construed as a substitute for effective and personal assistance to customers by WDC staff. Rather, the website has been conceived of as a set of tools to complement this assistance and address current shortcomings.

Below and on the following pages, we provide excerpts of findings from several of our WDC-related projects.

From our consumer focus groups:

Two pervasive themes in all the focus groups were the belief that the One-Stops should make more efforts to have people with disabilities as staff members and that services needed to be more personalized. The following examples are from the Leavenworth Consumer Focus Group conducted in November 2001:

"You get people out there that aren't disabled and they look down on people who are. I prefer talking to somebody who understands and knows what it's like to be there (have a disability and be looking for a job)."

"You sit there and post a résumé with the Kansas JobLink and I've never gotten one answer back on the JobLink – never."

From our "mystery customers" who visited and described their experiences with a WDC in Kansas [Local Area III] in early 2003, after staff training on jobseekers with disabilities had been provided:

On their first visit, each person was asked to visit the WDC and state that they were looking for work. With two exceptions, each person conducting the first visit was given a list of websites and was directed to the computers. One of the exceptions was our customer who was blind. She had a one-on-one session with one of the staff members who attempted to get the screen magnification on the computer to work, but who was unsuccessful and so helped with reading the information displayed on the computer. The other exception was a person with multiple sclerosis. Rather than being offered any assistance, he was simply told that he could go home and use the list of websites to look for a job.

4.4

Two themes emerged from this first session visit. If a person knew exactly what type of employment s/he was seeking, or could narrow it down to some specifics, they were more likely to get information. The WDC worked best for the customer with cerebral palsy (CP) who did not know anything about searching on-line before she went to the center, but she knew what kind of work she wanted. She was also not shy about asking questions when she didn't understand something.

Our blind customer and our customer with CP gave the staff and center very good reviews while the others were dissatisfied with the services that they received. Comments included: "They always seem grouchy;" "I walked in there and right away the person behind the desk kind of leered at me;" "People were either helping others or looking busy and moving around. Other than that person at the front, really nobody there looked approachable."

WDC staff must realize that people with disabilities often have low self-esteem, especially when it comes to issues of employment and they may be sensitive to even the slightest inattentive behavior. In fact, one of our participants felt that he wasn't even welcome to use the computers when the receptionist told him that he could do what they offered at a friend's computer. He walked out and said, "I'll probably never go back there. I don't know what these people are getting paid for, to sit around in front and read a paper." Quite a bit of cajoling from project staff was needed to get him to make a second visit.

The prevailing feeling amongst participants after the first visit was that besides using the computer to look for jobs no other services were available. They were all given a list of different job sites to search, but no one was given any additional help. They felt that "Basically, the only way that they have to be able to look up job listings is on the Internet." Some were told, "they used to offer all sorts of services but with budget cuts, everything they have is on the computer." Unanimously, KU staff was told that WDC staff neither asked about disability (either verbally or in writing) nor did they describe any other services that might be available. No one was given a pre-application form for WIA services. The WDC operator had told project staff that each person who came to the center would receive this application form.

One mystery customer said: "He left my disability alone. I think he was afraid to talk too much about my disability." Disability is relevant in the job search process for many reasons: 1) Several of our participants lost their previous jobs because of their disability; 2) Of those people, not one of them knew their rights regarding reasonable accommodation; 3) None of them knew how to talk to potential employers about their disabilities or when they should or shouldn't; 4) They would be eligible for services under WIA; and 5) They might have been entitled to services through Vocational Rehabilitation.

Second visits:

For their second visit, mystery customers were coached to tell WDC staff that the on-line job searching was not working for them (in fact one of them had been looking for a job for four years) and to ask if any other services were provided by the Workforce system. On the second visit it was again noticeable that individuals with visible disabilities received more information than individuals with no visible disability.

Our blind participant was told about training (she didn't feel that she needed training) and about resources for on-the-job training that the WDC would work with the Coalition for Independence and VR to set up. Our participant with cerebral palsy was satisfied with her first visit and the number of leads she received; however, she became ill and could not pursue them.

The experience of our customers without visible disabilities was different. After asking on his second visit if any other services were available, Jim, our customer with severe asthma and depression, had the following conversation:

Jim: "Okay. I've signed up and done everything, now is there someone who's either a counselor or somebody who is supposed to assist?"

WDC: "Not really. We used to do that but not anymore."

Jim called the KU staff and asked for the manager's name because he wasn't satisfied with this response. He spoke with the assistant manager. In this conversation he mentioned that he had a disability and was given the same response. He and a couple of other customers wondered what all the staff people were doing there if the only help they had to offer was the Internet.

Another of our mystery customers without a visible disability was concerned about her résumé. She had a four-year gap in her work history and thought that she was including too many health professionals on her résumé as references. She relates this story:

I told them, this one gentleman, I said, 'I've been having trouble getting a job and I've been off four years because of health problems.' I said, 'well they're going to ask why I've been gone for so long' and he kind of shook his head like he understood but there was no further mention of anything. He was just kind of quiet, you know what I mean. He didn't listen. I was putting people from the SRS down for references. I don't know if this is the right thing to do because I think it tips the employer off that I've had problems. I told the guy this and he just kind of shook his head again. And then he went back to his desk.

Many individuals with disabilities struggle with the issues of gaps in work history and lack of appropriate references. This is an issue that could have been addressed in a brief period of time and with some simple changes to this mystery customer's résumé this

potential problem could be resolved. If WDC staff members do not feel they have the knowledge or resources to help a person on this level they should make referrals to other agencies that can.

Summary:

Based on our mystery customer data, we question what strategies might be effective in improving the quality of services and outcomes for persons with disabilities using the WDC. We question whether training the WDC staff on disability issues alone makes much difference in their behavior with regard to services for people with disabilities. On a positive note some of our customers, those with apparent disabilities, were given more one-on-one attention, but customers who had hidden disabilities were not. For the WIA system to be helpful to customers, customers need to be aware of services that are offered and how to access those services. We are especially concerned that none of the mystery customers were referred to Vocational Rehabilitation. This referral is perhaps the easiest referral that staff can make and takes minimal time from their other tasks. With VR being a mandated partner in the WIA system, this lack of referrals seems indefensible.

Jean Hall, Richard Johnson, and Daryl Mellard
University of Kansas, Center for Research on Learning
Division of Adult Studies
1122 West Campus Road, Room 517
Lawrence, KS 66045
785-864-4780

4-7



DEPARTMENT OF HUMAN RESOURCES
Jim Garner, Secretary

KATHLEEN SEBELIUS, Governor

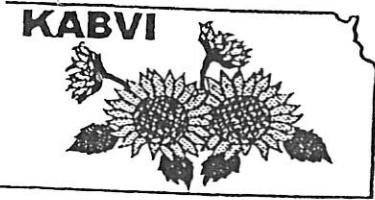
House Commerce and Labor Committee
February 5, 2004
Testimony in Support of Executive Reorganization Order 31
By Martha K. Gabehart
Executive Director, Kansas Commission on Disability Concerns

Thank you Madam Chairwoman and members of the committee for this opportunity to testify in support of Executive Reorganization Order 31. The focus of Kansas Commission on Disability Concerns (KCDC) work has been to improve employment for Kansans with disabilities. During the last four years we have worked closely with workforce centers in Local Areas II and III providing staff training on sensitivity, assistive technology and assisting job seekers with disabilities.

With this close link to the Division of Employment and Training and the workforce centers, it is logical for us to move to the Department of Commerce with Employment and Training.

Also, I have worked closely with Rocky Nichols of Kansas Advocacy and Protective Services (KAPS) and the Statewide Independent Living Council of Kansas (SILCK) on a position paper that outlines changes that need to occur with implementation of the Workforce Investment Act (WIA) with regard to job seekers with disabilities. We have met with Lt. Governor Moore, Secretary Garner and the Governor's staff on the changes requested in this paper. We are confident that the Governor and Lt. Governor are supportive of improving the system for people with disabilities and will support as many changes as possible.

Thank you for the opportunity to testify in support of ERO 31.




Kansas Association for the Blind and Visually Impaired, Inc.

OUR NEW CONTACT INFORMATION:

603 s. w. Topeka Blvd., Suite 303
Topeka, Kansas 66603
(785) 235-8990
(800) 799-1499
kabvi@earthlink.net
www.kabvi.org

TO: House Commerce Committee

FROM: Michael Byington, President and Registered Lobbyist 

SUBJECT, ERO 31

DATE: February 6, 2004

I want to thank the Committee for hearing my impromptu comments concerning this legislation on the morning of February 5, 2004. This document is follow-up written testimony concerning my comments.

The Kansas Association for the Blind and Visually Impaired, Inc. (KABVI) has been monitoring this Legislation, but had not thought there would be a need to testify. Our testimony is now forthcoming largely with regard to a suggestion made by Rocky Nichols in the testimony of the Kansas Advocacy and Protective Services.

Mr. Nichols suggested that in addition to the provisions currently within ERO 31, a study might be undertaken concerning removing Kansas Rehabilitation Services (KRS) from the Kansas Department of Social and Rehabilitation Services (SRS), and placing KRS instead also with the Department of Commerce. KABVI wishes to support the merit of studying this issue. Many blind Kansans have long supported the removal of Kansas Services for the Blind and Visually Impaired, which is a portion of KRS, and other aspects of Rehabilitation Services as well, from the bureaucracy of SRS. We believe additional focus and program efficiencies would be found through removing the SRS bureaucracy from the chain of command.

If such a study is to be undertaken, however, we believe it should be specifically ordered through Legislative action. For example, language added to ERO 31 might initiate the study.

Commerced labor
2-5-04
Atch # 6

If this happens, we believe that there are some specific goals and parameters which should be placed on the study through specific wording in the authorizing legislation. This would be necessary to protect and insure the survival of some very small functions of KRS, which are not totally related to employment training and placement for people who have disabilities, but which need to nonetheless continue to exist and provide services, and which may or may not fit well into the mission of the Department of Commerce. One such Program is the Kansas Services for the Blind and Visually Impaired (KSBVI). Another is Kansas Commission for the Deaf and Hard of Hearing (KCDHH).

KSBVI certainly provides employment training opportunities for blind Kansans. It also, however, administers programs for older Kansans who are losing vision and who need services to continue to live independently in their homes. KSBVI can also provide independent living training and services to any newly blinded Kansan whether they have a vocational objective or not. KSBVI operates the Kansas Rehabilitation Center for the Blind and Visually Impaired, and it operates the Business Enterprises Program which assists blind Kansans in operating their own businesses. Don Wistuba, who operates the concession here in the Capitol is an example of a blind businessperson trained through that program.

Another current House Bill, 2388, would remove the blind services (KSBVI) from SRS, and make it a small, free standing agency. One possibility would be to roll the 2388 language into ERO 31. This would protect the blind services functions of KRS without requiring that these particular functions of Kansas Rehabilitation be considered for relocation with the Department of Commerce.

KCDHH works with many aspects of community access for Kansans who are deaf. This entity certainly makes a contribution to additional employment of Kansans who are deaf or hearing impaired, but like the blind services, its functions go far beyond employment placement and training. KCDHH, for example, handles standards and credentialing issues for sign language interpreters for the deaf. At this writing, I have not had the opportunity to discuss with the Executive Director of KCDHH, Rebecca Rosenthal, where KCDHH would want to move if KRS is removed from SRS with most of its functions going to the Department of Commerce. I am certain, however, that KCDHH does excellent work, and that they need to be able to continue that work with more flexibility and autonomy than they have under the KRS system.

These remarks should in no way be seen as critical to the work of KRS. Dale Barnum, the Director of Kansas Rehabilitation Services, and his staff do a fine job. It is indeed likely that they might do their work even more efficiently, however, if the core services of KRS are relocated into the workforce development programming of the Department of Commerce. Commerce may simply not be the ultimate placement for KSBVI and KCDHH, and certainly having these two entities remain orphan children of the giant SRS might well cause their demise, or at least cause them to lose the autonomy they need to be effective. The Blind of Kansas have generally expressed the view that KSBVI should

become a small, freestanding agency. KCDHH members and supporters should certainly also have the opportunities to be active in driving their own destiny.

There is one other service of Kansas Rehabilitation services which needs to be mandated to continue even if most of KRS moves to the stewardship of the Department of Commerce. While much of the work of Kansas Rehabilitation Services is involved with relatively short-term job training, assistive technology, and placement assistance so that people who have severe disabilities can go to work, it is possible for a person who has a disability to qualify for assistance in procuring a four year college degree. This type of preparation, especially for people who have severe physical disabilities that will prevent them from doing manual labor, often leads to more stable employment placements, and the ability to have transferable work skills to move to another job if something happens to make the first job no longer available. The Department of Commerce would need to acknowledge the value of this longer term type of employment preparation, and would need to agree for this option to continue under the new management structure. This should be codified in the authorization for any study.

Thank you for your consideration of these matters. Please contact me if you have questions.