

I am the Public Relations and Government Relations Facilitator at Outlook Nebraska, a nonprofit in Omaha, NE dedicated to positively impacting everyone who is blind and visually impaired. I have been blind since birth. I am married and have a son, have purchased a home, and recently acquired my accreditation in public relations certification. I did all of this while working at an AbilityOne agency in Nebraska that provides employment to over 50 blind and visually impaired individuals in my community.

I am using this comment to express my strong opposition to Vocational Rehabilitation rules enacted by the Department of Education in August of 2016. We must insure that people who are blind continue to receive federal support for critical services and meaningful training and employment. I consider my story to be a success. Every day, I go to work knowing that I am helping to make a difference in the lives of others. I work among my co-workers and business partners, and I consider this to be a very integrated environment. I know for a fact that I would not be where I am today without my Outlook Nebraska career, and pre-judging AbilityOne agencies is only going to hurt those they serve.

My Outlook Nebraska career has allowed me to carry the health benefits for my family and has eliminated the need for me to receive social security benefits. I have the same responsibilities as a sighted person would in my role. I work with three sighted team members each day to execute our initiatives. I would invite anyone having doubts about Outlook Nebraska providing competitive and integrated employment to come visit us.

The following are examples of statements found in the VR rule that pre-judge our program:

- “When the criteria are properly applied by DSUs, group and enclave employment settings operated by businesses formed for employing individuals with disabilities will not satisfy the definition of “competitive integrated employment.”
- “Therefore, the Secretary maintains the long-standing Departmental policy that settings established by community rehabilitation programs specifically for the purpose of employing individuals with disabilities (e.g., sheltered workshops) do not constitute integrated settings because these settings are not typically found in the competitive labor market – the first of two criteria that must be satisfied if a DSU is to determine that a work setting is an integrated location under final 361.5 (c) (9).”
- “The factors that generally would result in a business being considered “not typically found in the community,” include: (1) the funding of positions through Javits-Wagner-O’Day Act (JWOD) contracts; (2) allowances under the FLSA for compensatory subminimum wages; and (3) compliance with a mandated direct labor-hour ratio of persons with disabilities.”

In the same rule, the DoED reminds agencies that they still must examine each job and make a determination on a case-by-case basis.

- “We emphasize that it is the DSU’s responsibility to apply final 361.5 (c) (9) (ii) in a manner consistent with long-standing Departmental policy. The DSU must

apply the criteria equally to any position, whether it involves the management or administration of, or the production and delivery of goods and services by, the organization, and without regard to the type of business operation, such as, but limited to, a call center within a community rehabilitation program, the manufacture of office supplies by a State industries program for individuals who are blind, or a contract for landscaping services. The criteria contained in final 361.5 (c) (9) (ii) and 361.5 (c) (32) (ii) provide important clarifications that are necessary to better enable a DSU to determine, on a case-by-case basis, whether or a particular position in an organization's specific work unit is in an integrated location."

These harmful statements put everyone in the same category. Assuming that all AbilityOne affiliated non-profit agencies operate like a sheltered workshop creates a misconception of our jobs and takes away an individual's right to choose when it comes to their own employment.

We cannot automatically write off a program that provides over 46,000 blind Americans with employment. We are supporting our families and living the lives we want because of this program. The livelihoods of thousands of Americans who are blind have been placed at risk by an agency that engaged in regulatory overreach and went beyond the will of Congress in 2016, and it is imperative that we correct these wrongs by reminding state VR agencies to remember the AbilityOne Program.