



**DISABILITY
POLICY
COLLABORATION**

A Partnership of The Arc & United Cerebral Palsy

Comments on the
Advanced Notice of Proposed Rulemaking

to the

Committee for Purchase From People
Who Are Blind or Severely Disabled

Submitted by the

Disability Policy Collaboration

on behalf of

The Arc of the U.S. and United Cerebral Palsy

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Staff Director

The Disability Policy Collaboration is pleased to have the opportunity, on behalf of two of our nation's largest organizations that serve people with severe disabilities, to submit comments regarding the advanced notice of proposed rulemaking to better implement the Javits-Wagner-O'Day (JWOD) Act. Both The Arc of the U.S. and United Cerebral Palsy were among the small handful of disability organizations that worked to amend this vital law decades ago so that persons with severe disabilities other than blindness would be able obtain employment under this program. Today, JWOD employs tens of thousands of our constituency and many of our affiliates and chapters are active participants in JWOD. Many others are qualified to participate in the program. It is well established that people with disabilities are among the most unemployed and underemployed citizens of our country. We strongly believe that it is imperative for the federal government to more proactively create more employment opportunities for people with disabilities and to remove the still numerous disincentives to employment.

Given this serious predicament, our first comment on these preliminary proposals is that the Committee do nothing, intentionally or unintentionally, that would have the effect of reducing or hindering the employment of our constituents. This "do no harm" approach is necessary since there exist today so many impediments that prevent certain people with disabilities from working. The government and the public and non profit sectors must work together to solve this problem, not make it worse.

In regards to that section of the advanced proposed rules related to the qualifications of nonprofits to participate in JWOD, The Arc and UCP wholeheartedly support the fourteen benchmarks of good nonprofit agency governance practices. We propose several additional criteria:

- 1) Add people with disabilities, including workers employed on JWOD contracts, and their family members as members of the board of directors. Chapters of The Arc and UCP affiliates are resolute that such representation on the board of directors is essential for good governance and good policy.
- 2) Require that each board of directors subscribe to the principles and tenets contained in the Americans with Disabilities Act.
- 3) Accreditation is one process that agencies can pursue but accreditation, by itself, cannot assure quality services or adequate rights protections.
- 4) Every program can use more and better oversight and such oversight must be layered with federal, agency and public roles.

In regards to executive compensation and its role in assuring a fair market price, The Arc and United Cerebral Palsy believe that such compensation does not impact pricing. That has been fairly well established by numerous informed sources. Nevertheless, we are concerned by ludicrously high executive compensation that serves to hurt the non profit community and the disability network. We know there is a very small incidence of this

practice and we abhor it. Yet, when it does occur, we are not certain that a federal entity should be enabled to set arbitrary compensation limits.

Using many of our chapters and affiliates as examples, none limit their operation to JWOD work exclusively. Many are involved in 24 hour a day, every day residential programs for some of our most vulnerable people who have severe and multiple disabilities. These programs can be funded by Medicaid, HUD, or other funding streams, often in combination. Many of our programs operate weekend and evening activities. Some are involved in children's services such as early intervention and therapy services. Most do not simply operate 9 to 5 employment programs. How, then, would government agencies play a role in executive compensation in such agencies? We believe that would be virtually impossible, make provider agencies vulnerable to several federal entities that have nothing in common and would likely solve nothing.

A non profit organization that meets the qualifications to do JWOD work per the good government practices as spelled out the advance notice does not need any federal agency to set its compensation levels.

In closing, The Arc and United Cerebral Palsy, as two of the six National Nonprofit Agencies which sit on the NISH Board of Directors, wish to endorse the comments on these rules as put forth by NISH.

We look forward to working with the Committee at all times to assure the best possible implementation of the JWOD Act and to maximize employment opportunities for our constituents.