



**STATE OF DELAWARE
COMMISSION FOR STATEWIDE CONTRACTS TO SUPPORT EMPLOYMENT FOR
INDIVIDUALS WITH DISABILITIES
(STATE USE LAW COMMISSION)**

**State Use Law Commission Meeting
January 24, 2017 Meeting Minutes**

Members Present: Debbie Harrington (Chair), Elisha Jenkins (DVI/Ex-Officio), Cynthia Fairwell (Member, DVR), Michele Mirabella (Member, Chimes) Doyle Dobbins (Co-Chair), Jo Donoghue (DAG/Counsel), Present by phone: Dean Stotler (Member, OMB)

Absentees: Valerie Watson (Member, Finance), Thomas Cook (A.N. D./Ex-Officio)

Guest: Lloyd Schmitz (General Public)

- A quorum was determined and the **meeting was called to order at 2:15 PM**

Ms. Harrington started the meeting with honoring the Loss of one our Commissioner Mr. James "Ty" Case on January 13, 2017 by reading his obituary.

We have two vacancies on the Commission. If anyone knows of someone who is interested and would work well with this commission, let Debbie Harrington know and she will make sure that the name is sent to Lydia for application.

I. Approval of Minutes

September 20, 2016 Minutes – motion to accept made by Doyle Dobbins and second by Cynthia Fairwell. Motion carried.

October 18, 2016 Minutes – motion to accept made by Doyle Dobbins and second by Cynthia Fairwell.
Motion Carried.

November 2016 (cancelled Meeting)

December 20, 2016 Meeting- No quorum was present

It was suggested to move the format of the minutes from dictation to a summary. The structure would be agreed upon by Ms. Harrington, Chair. The draft minutes will be presented to Ms. Harrington, in approximately 10 days or less from the date of the meeting for review.

II. Old Business

III. New Business

- (a) **Advice on recording of public meetings-** Not presented



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(b) Janitorial Services – Price Reduction Request DelDot Highway Administration Building Proposal

A.N.D is not present at today's meeting. Ability to do adjustment because of delay in the build. Renovations are taking place to reduce cleaning space, a reduction in the amount of cleanable square footage. This is a temporary reduction for approximately 7-12 months. Janitorial Services Proposal documents presented to the Commission. Reduction is on page 8, the reduction would be 7113.27/month, for a period of time to complete the renovations which would be the only thing that we are asking the commission to consider. With the information in front of the commission, we can vote on it. Dean Stotler offered the motion to accept the request by A.N. D. to reduce the billable amount for the Administration Building at the DelDot, Bear Campus to \$12,267.40/monthly which would reflect a reduction of \$7113.27/month for a period sufficient to permit the renovations to occur. Doyle Dobbins second the motion. Motion carried.

(c) Request for Temporary Employment Services Pay/Bill Rates for Set Aside Classifications

The rates for other contractors information is public information and can be obtained from the website. Any additional information A.N.D. can advise the Commission Chair to request the additional information necessary from GSS. The Commission will request confirmation from A.N.D. for any information that is needed that is not published on the website.

IV. Committee Reports

(a) Vote on Bylaws

Commission has copy of the final draft of Bylaws-did not have a quorum last meeting to vote.

Commission asked to have a section included on Public Comments. DOJ/DAG (counsel) put all the Bylaws in the correct numbering and font and drafted the additional language regarding Public Comment, public comment section language was something to the effect of, that basically public comment should be allowed only during the Public Comment Session only after recognized by the Chair, members of the public can speak outside of this time period only with the permission of the Chair; the second change was the address that board members and members of the public can contact, the DVI address was used, since this address we have always used. Nothing was changed from the draft these are just additions. After being voted on, we would then send to the Registrar Office where they get published, this must be submitted by the 15th of the month in order to be published for the 1st of the next month. The Chair and DOJ/DAG Counsel will review both the final draft and the draft submitted with the changes to be assured everything is correct.

The subcommittee does not have to be reconvened because this is an addition that the Commission wants added. These will be sent to the Commission and The Bylaws will



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be voted on at the next meeting. Because these are procedural regulations there will be a notice; you don't have to except public comments on them because they are procedural on how your organization operates, they fall under an exception which allows you to publish them and go into effect without public comment. The Commission will publish online with our minutes.

(b) Stand up the Regulations

All the Bylaws will be part of the Regulations. The Regulations Committee will meet after the Bylaws are voted on. The first meeting of Regulation Committee will be in March 2017.

V. Report – DIB

Elisha Jenkins -DIB continues to be challenged financially, approaching the hard decision of whether the operation can continue. Our previous partnerships have yielded limited opportunity. DVI is engaged with other leadership to seek other employment opportunities for the employees. Contractual obligations are being met for the Federal contracts, two employees have been temporarily laid off, as the supplier had notified of a 3 week delay in shipment of the neckerchiefs. Eventually it may be 20 people without jobs.

Question: How can this Commission help with DIB? Did the audit tell us what the problem is with DIB, need more contracts, is it leadership or just financial? Can we obtain a copy of the audit? There was a preliminary audit and audits are still ongoing to review the books.

Response: Basically it is a cash flow issue. In meeting with some of our other partners they had uncovered that DIB relies a lot on promotional products, which are not what some of the larger agencies outside the state government participate in. DIB cannot sustain on its own for lack of resources and lack of availability to grow on its own.

The Commission wishes to explore statewide contracts that would generate employment opportunities for DIB. DIB relies on one contract, which is not large enough to sustain employment for 20 people. Discussion continued around how to help DIB. Some concern expressed over the close connection with DVI and limitations formed that might not be there if DIB was more independent or private. Also, DIB is still considered a shelter workshop (DIB being connected with DVI) which has negatives. The ultimate issue is cash flow.

Michele Mirabella discussed the controversy indicating that a facility base program may not be acceptable under the Medicaid waiver, because Individuals with disabilities have sufficient options. In the private sector the employment and training within a facility base program may go away, this has not been resolved yet. The states will decide, and the new Cabinet Secretary will likely decide for Delaware.

The Commission suggest that the prevailing question is, does DIB continue to employ the people or close the door? Business will continue as usual until the new administration arrives on the 6th. DePaul Industries and VR are working with employees to prepare for the potential of closing DIB doors. This matter will not be brought up by DVI or DHSS at the upcoming Joint Finance Committee (DFC) meeting.



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VI. Ability Network of Delaware (A.N.D.)

A.N.D. is not represented today.

VII. Public Comment

Lloyd Schmitz- Received today the financial report for November and December. Has not looked it over as of yet, but suggested that the Commission may want to receive this report going forward.

VIII. Adjournment

Meeting was adjourned by the Chair at 3:55 PM

Respectfully submitted
Michele Hamilton
Administrative Specialist

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