

THE TIME IS NOW: EMBRACING EMPLOYMENT *FIRST*



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This report examines **Employment First** as a fundamental lynchpin to advance the well being of people with developmental disabilities, their families and communities. Employment First “reflects a series of policies, practices and procedures based upon a collection of guiding principles.”¹ Employment First, as its name suggests, is a mindset that says that **integrated competitive employment should be the expected outcome for people with developmental and other disabilities**. As such, service delivery systems need to adopt new strategies that successfully lead people with significant disabilities into the workforce.

Councils on Developmental Disabilities seek to change and enhance expectations around employment and to promote progressive changes in the support infrastructure that will enable people with developmental disabilities to pursue employment opportunities and achieve economic independence. Employment First is a service delivery strategy that presumes that all citizens with significant disabilities can and should have opportunities to work in the community. Employment First supports competitive, integrated employment as the preferred outcome and requires that systems have a responsibility to provide services and align their reimbursement practices, policies and guidance to incentivize, encourage and fund services and supports that lead to this outcome.

This report outlines some of the opportunities and challenges of Employment First, and emphasizes the role of Councils on Developmental Disabilities in advancing Employment First in select states. The National Association of Councils on Developmental Disabilities (NACDD) formally endorsed an Employment First position in 2010 as a key component in advancing opportunities for people with developmental disabilities. As such NACDD urges all member Councils, and their allies, to embrace Employment First and make it the policy and practice of every state and territory.

The current economic downturn has led some to suggest that now is not the time to push for integrated, competitive employment for people with developmental disabilities. NACDD respectfully disagrees. While many people with and without disabilities are unemployed or underemployed, and struggle to find jobs, we cannot and should not tolerate the abysmal employment rate of people with developmental disabilities. Indeed, people with developmental disabilities have largely been kept out of the job market, in good economic times as well as bad. That needs to change. The economy and job market will improve. In fact, the changing demographics of the United States forecast a shortage of workers in the coming years. People with developmental disabilities can and should be part of the solution for this coming workforce shortage.

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Background

Historically, people with developmental disabilities have been denied many of the rights and opportunities which most Americans take for granted, such as access to education, community-based housing, and employment at living wages. While much progress has been made on the education and housing fronts, very little progress has been made in employment. In fact, only 14.1 percent of working age adults with intellectual disabilities have jobs in integrated non-facility situations.² Unfortunately, it appears that far too many people, including some employers, service providers, policymakers and the public at large, hold on to the false notion that people with developmental disabilities are not capable of working successfully in integrated employment settings.

However, there is a growing movement to tackle what once seemed intractable: people with developmental and other disabilities are demanding full participation in society, and understand that this must include the opportunity to live *and* work in the community. People with developmental disabilities want and deserve opportunities to advance economically and become more productive members of society. Indeed, the Developmental Disabilities Assistance and Bill of Rights Act states the goals of independence, productivity and integration of people with developmental disabilities. As the DD Act notes, “disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social cultural, and educational mainstream of the United States society.”

The DD Act underscores the need to address the employment challenge: If people with developmental disabilities are not included and valued within the workforce, they cannot truly achieve the independence, productivity and integration expected by the Act.

Other federal legislation also underscores the need to advance employment for individuals with significant disabilities. The landmark American with Disabilities Act (ADA) states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by such entity.” The Individuals with Disabilities Education Act (IDEA) recognizes the competencies, capabilities and personal goals of individuals with developmental disabilities.

The U.S. Supreme Court’s landmark 1999 decision in *Olmstead v L.C.*, upheld the inherent right of an individual to be free from unnecessary segregation from the general public. Furthermore, *Olmstead* specifies employment as one of the rights of people with disabilities.

Indeed, progress is being made on several important fronts. Universal design is quickly gaining acceptance as the standard to improve general accessibility; schools are providing

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“free and appropriate public education” to students with developmental disabilities in integrated classrooms, not separate, segregated settings; barriers to comprehensive healthcare coverage such as life time caps and exemptions for pre-existing conditions are being dismantled; and perhaps most significantly, institutional settings are being closed with tens of thousands of people with developmental disabilities successfully transitioning back to community- living settings.

The disability rights movement has made great strides during the last two decades, but there is much work to be done. In no area has progress lagged as evidently as it has in employment. The old model of segregated work settings, (such as sheltered workshops) where people with developmental disabilities are paid subminimum wages, is not the answer. It is time to embrace a much more ambitious agenda to change attitudes, expectations, and results. People with developmental disabilities should live and work in communities and have the opportunity to advance economically. Employment is a key to this outcome. Councils and their allies can and should be leaders in this “next frontier” towards full inclusion.

The State of Employment for People with Developmental and Other Disabilities

Studies consistently show that working age individuals with disabilities are disproportionately unemployed compared to their non-disabled peers; this disparity is exponentially greater when comparing people with significant, developmental disabilities with persons without disabilities. The statistics are numbing: 88% of working age adults who have a developmental disability are unemployed.³ According to the National Association of State Directors of Developmental Disabilities Services (NASDDDS) “although the actual number of people with developmental disabilities in integrated community jobs has increased slightly over the past several years, the percentage of individuals served in state developmental disabilities systems who are employed in a regular community job has actually fallen during the same time period.” The NASDDDS report suggests that rather than moving full steam towards community-based employment, we have actually regressed and are now more, rather than less, dependent on non-integrated “work” settings.

Segregated day activity programs and sheltered workshop environments may have been considered progressive and innovative at one time, but no longer meet the expectations and desires of people with developmental disabilities and their allies. Yet hundreds of thousands of people with disabilities participate in these programs which are rooted to some degree in the old notion that people with developmental disabilities cannot succeed in the community. Sheltered workshops are testaments to inadequate vocational training that is geared not toward integrated community employment but “busy work” at best. Sheltered workshops also contradict more recent evidenced best practices that indicate that individuals with severe disabilities can best learn new skills in real settings – a “place and train” model of employment. Workshops have the effect of segregating people with disabilities from community settings where they make friends and build relationships with

³ Alliance for Full Participation, “Real Jobs - It's Everyone's Business”. Accessed: July 24, 2011. <http://www.allianceforfullparticipation.org/about-afp-2/campaign-for-real-jobs>

friends without disabilities. And, participants in workshops often perform piecemeal and/or contract work, and too often earn sub-minimum wages.⁴ These settings fail to cultivate the full potential of people with developmental disabilities, and can actually stunt their potential and can lead to negative behavioral issues.⁵

We know that lack of access to community-based employment is a substantial issue among people with developmental disabilities. Self advocates understand that the advances made in education and community living are not fully leveraged or realized when so few people with developmental disabilities actually work in the community. This underscores the urgency of embracing Employment First as a key step to realizing the goal of integrated, competitive employment for people with developmental disabilities as the norm.

Employment First and Self Determination

Employment First begins with an effort to change the expectations people have about the ability of people with developmental disabilities to work—in policy, in practice and in person. Employment First requires examining current expectations, policies and practices and determining, then implementing, actions to create a comprehensive system that reaches the goal for all individuals with developmental disabilities to obtain and sustain integrated competitive employment.

Employment First is a concept and a practice which presupposes that all individuals with developmental disabilities, given adequate supports, can obtain and sustain integrated competitive employment. Employment First aligns with the vital concept of self-determination that underpins the disability rights movement: Self determination means that all people have the right to direct their futures, have control over how they live their lives, where and with whom they spend time and share experiences, and have authority over the resources that provide their important supports. The key principles of self-determination are freedom, authority, support and responsibility. This latter principle, responsibility, is the acceptance of a valued role in a person's community through gainful (competitive) employment, organizational affiliations, spiritual development and general caring for others in the community, as well as accountability for spending public dollars in ways that are life enhancing for persons with disabilities.

Clearly, the principles of self-determination align with Employment First, just as they do not align with sheltered workshops and other forms of segregated employment or activity. Employment First should produce opportunities for individuals with developmental disabilities to obtain jobs that they have chosen and feel comfortable doing (*self-determination*), are situated in locations typical of that kind of work (*community-based*), provide compensation on par with their non disabled counterparts in like positions (*competitive employment*), and are performed alongside co-workers without disabilities

⁴ APSE, "Position on Sub-Minimum Wage". Accessed: August 5, 2001. <http://66.147.244.209/~tashorg/wp-content/uploads/2011/01/APSE-Subminimum-Wage-Statement-Final.pdf>

⁵ National Disability Rights Network, "Segregated and Exploited". Accessed: July 20, 2011. <http://www.ndrn.org/images/Documents/Resources/Publications/Reports/Segregated-and-Exploited.pdf>

(integrated). A policy or initiative which produces an outcome that lack one or more of these pillars should not be considered true Employment First or for that matter a true manifestation of the values of the ADA, the DD Act, IDEA or Olmstead.

The Benefits of Employment

When implemented successfully, Employment First has a broad array of benefits, both social and economic, affecting not only the person seeking employment but their family, their place of business, their community and the economy as a whole. In short, Employment First, when done right, is a “win-win” situation.

Social Benefits to Individuals with Developmental Disabilities and their Families

One of the underlying foundations of the disability rights movement is to insure that people with developmental and other disabilities have the opportunity to live independent meaningful lives alongside their non disabled peers. Without Employment First in policy and practice, this equal opportunity cannot be achieved. Because most people with developmental disabilities have not been provided the adequate supports to obtain and maintain community-based employment, there are few job opportunities available to many of them after leaving school. As one disability policy expert puts it, “What happens after the school bus stops coming?” The lack of effective transition from school to work for people with developmental disabilities results in too many individuals with developmental disabilities being isolated at home after they complete their school-age educations. This isolation can lead to social, physical and cognitive regression.

In addition, meaningful employment offers individuals with developmental disabilities the opportunity to bolster self-esteem, expand their network of natural supports, make friends, and demonstrate their professional abilities in a public setting. These benefits all contribute to the deconstruction of negative stereotypes surrounding the potential of individuals with developmental disabilities, and ultimately increase their quality of life. For most of us, work is where we make friends and broaden our connectedness in our community. Segregated employment does not afford these opportunities to citizens with disabilities.

Since many adults with developmental disabilities live at home with caregivers, typically their parents or other family members⁶, it is important to note the benefits to families. Touching again on the lack of options for individuals with developmental disabilities following their secondary education, many times parents are forced to leave their jobs in order to provide support and/or care for their loved one while they remain at home during the day: 1 out of 5 families recently surveyed reported this reality.⁷ If the person with a disability was employed in a traditional job, the caregiver could likely remain at his/her

⁶ The Arc of the United States, “FINDS Study”. Accessed: July 19, 2011.
<http://www.thearc.org/document.doc?id=3140>

⁷ The Arc of the United States, “FINDS Study”. Accessed: July 19, 2011.
<http://www.thearc.org/document.doc?id=3140>

own job. If the caregiver were not employed, they nevertheless could take advantage of much needed respite, focusing time on other parts of their lives. This is highly significant because 82% of families who fulfill a caregiving role report problems balancing other family and life responsibilities.

Social Benefits to Employers and Communities

From Main Street to Wall Street, it is becoming increasingly apparent that commercial enterprises (public, private and non-profit) are realizing the benefits of constructing a diverse workforce. People with developmental disabilities can be a vital part of a rich, vibrant, diverse workforce. Research acknowledges the benefits of a diverse work environment, which includes a larger pool of ideas, more innovation, and increased tolerance/acceptance.⁸ A recent Gallup poll found a strong correlation between companies' diversity efforts and the satisfaction of their employees. 61% percent of employees who ranked their employer in the upper third of all companies on diversity efforts were extremely satisfied with their companies, versus only 34% of those who ranked their employer in the middle third and 21% of those who ranked their employer in the bottom third.⁹ Employees with developmental disabilities have the potential to contribute to the beneficial diversity of their workplaces. This isn't just a "feel good" concept. The benefits of diversity are real:

- Ideas and Innovation

People with developmental disabilities, due to their life experiences, often see the world from a different perspective than their non disabled counterparts. Innovation, creative thinking and determination are traits people with disabilities developed in part to the many challenges and obstacles experienced in their day to day life. As employees, they add to the range of viewpoints businesses need to succeed, offering fresh ideas on how to solve problems, accomplish tasks and implement strategies.¹⁰

- Increased Tolerance and Acceptance

Due to a historical lack of exposure, especially in the work place, non disabled individuals may have a certain level of apprehension around people with developmental disabilities. This apprehension is not necessarily bred by innate intolerance or lack of acceptance, but more likely a byproduct of unfamiliarity with people with disabilities in the work place. Having an individual with a developmental disability as part of the workforce allows other employees the opportunity to broaden their scope of experiences and open their minds to

⁸ Bright Hub, "Fostering Diversity by Recognizing All the Benefits". Accessed: July 28, 2011. <http://www.brighthouse.com/office/human-resources/articles/90910.aspx>

⁹ Harvard Business School, "A Framework for Pursuing Diversity in the Workplace". Accessed: August 8, 2011. <http://www.acc.com/chapters/sandiego/upload/HBS%20-%20Pursuing%20Diversity.pdf>

¹⁰ Office of Disability Employment Policy, "Diverse Perspectives: People with Disabilities Fulfilling Your Business Goals". Accessed: August 3, 2011. <http://www.dol.gov/odep/pubs/fact/diverse.htm>

differences. This experience can yield a more thoughtful and open minded group of workers, valued characteristics in any business environment.

Economic Benefits to Individuals with Developmental Disabilities and Families

In addition to the various social benefits of Employment First there also exists a wide array of economic benefits. When individuals with developmental disabilities are provided the appropriate supports to earn competitive wages alongside their non disabled peers, they are given the opportunity to build wealth and assets which lead to a higher quality of life and a greater degree of independence. This is highly significant due to the fact that, despite making up the country's largest minority population, the poverty rates of people with disabilities are much higher than that of the general population. One survey found that 34% of people with disabilities live on a household income of less than \$15,000 per year, compared to 12% of people without disabilities. Another survey found that, among the population aged 25 to 64 with a severe disability, 28% have incomes below the poverty level compared to 8.3% for persons in the same age group without a disability.¹¹

The implications of poverty are that many people with disabilities are not able to meet their basic needs, including housing, proper nutrition, and healthcare. This leads to people with developmental disabilities being dependent on government funded programs.

A recent survey of nearly 5,000 caregivers, reported that 80% of families surveyed said that they do not have enough money to pay for the support or care of their relative with a disability.¹²

Competitive integrated employment under the umbrella of Employment First should yield systemic change for people with developmental disabilities by helping them improve their economic status.

Economic Benefits to the Economy (and Society) at Large

In light of the country's current economic and fiscal crises, it is especially important when promoting Employment First to understand the potential state and national economic benefits of putting people with developmental and other disabilities into the mainstream workforce. The potential economic benefits of integrated, competitive employment for people with disabilities are two-fold: First, it would broaden the tax base, and second, it would create an environment where people with disabilities are less reliant on government funded programs such as SSI, SSDI, and Medicaid.

¹¹ World Institute on Disability, A Perfect Fit: People with Disabilities Building Assets. Accessed: August 1, 2011. <http://wid.org/employment-and-economic-equity/access-to-assets/equity/equity-e-newsletter-october-2005/a-perfect-fit-people-with-disabilities-building-assets>

¹² The Arc of the United States, "FINDS Study". Accessed: July 19, 2011. <http://www.thearc.org/document.doc?id=3140>

In order to grasp the potential benefits of a broadened tax base, it is important to remember that people with all disabilities make up a significant percentage of the U.S. population: just under 20% or 54 million people.¹³ Within this large number, many are unemployed, underemployed or simply not even considered part of the workforce. However, a large majority of people with disabilities (two-thirds) report a desire to work¹⁴. Given these statistics, and in light of the fundamental and correct assumption of Employment First that virtually all people, regardless of their disability, can obtain and maintain competitive integrated employment when provided the proper supports, we find a largely untapped workforce and potent economic stimulus.

In addition to supplementing the tax base with the salaries and wages of people with disabilities, we can also assume that caregivers who have reported being forced to stay home and care for their family member with a disability, will be able to be more productive in their own employment. Moreover, as both these constituencies are able to build additional wealth they will very likely become more robust consumers in the market place, thus contributing additional resources back into the economy.

In addition to increasing the state and national tax base, community based employment increases the potential for people with disabilities to become less reliant on government funded programs. Therefore, Employment First could provide some relief for local, state and federal governments. For example, employment could lessen the need for SSI benefits, heavy dependence on Medicaid and SSDI.

One State's Employment First Initiative

The California State Legislature passed Assembly Bill 287 (A.B. 287) with the purpose of laying the ground work to eventually increase the number of individuals with developmental disabilities who engage in integrated and gainful employment. A.B. 287 required the State Council on Developmental Disabilities to form a standing Employment First Committee and implement an Employment First Policy by July 1, 2011. Additionally the legislation requires an annual report to the Legislature and the Governor describing the committee's work and recommendations. The report, was published in August 2011, and includes the Employment First Policy and steps to achieve a significant increase in the number of individuals with developmental disabilities who engage in integrated employment, self-employment, and microenterprises, and in the number of individuals who earn wages at or above minimum wage. The California Department of Developmental Services (DDS) is involved with these efforts and represents individuals with developmental disabilities at the table.

In addition to A.B. 287, the California budget crisis that has caused rate reductions and funding freezes across virtually all state agencies and programs has permitted some

¹³ US Census Bureau, "Fact and Features: Special Edition". Accessed: July 20, 2011.

http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb10-ff13.html

¹⁴ National Center on Workforce and Disability, "The worker in N.E.'s future" by James T. Brett and William E. Kiernan. Accessed: August 2, 2011. <http://www.onestops.info/website.php?page=globeoped>

flexibility for state agencies to make prudent investments in certain program areas. Through the implementation of a rate increase to supported employment in the last few years and a wage enhancement for day programs that are at least 50% community-based, the state has experienced a slight increase for supported employment funds and a decrease in funding for sheltered work programs.

Challenges and Solutions: Lessons from California

Employment First provides a policy framework to help individuals with disabilities gain integrated employment. It seeks to remove barriers and disincentives to employment. These barriers may include transportation and flexible options for on the job support. Disincentives include the fear of losing benefits and supports upon becoming employed, and not being able to regain necessary benefits if becoming unemployed.

Making Employment First the policy and/or practice of states and territories is a major step towards realizing the goal of competitive integrated employment outcomes for most people with developmental (and other) disabilities. We also know that ultimately the challenge is effective implementation of this progressive policy in a holistic and integrated way.

The following Employment First issues and recommendations are based largely on those that were developed and put forth by California's State Council on Developmental Disabilities in August, 2011. These recommendations serve as a model for the entire nation, and NACDD is grateful to our California member Council for its leadership and for sharing them with us:

The Need for Interagency Collaboration and Coordination

Issue: Interagency coordination assists youth and adults with developmental disabilities who have needs across multiple agencies to gain access to services and supports for integrated employment. However (in California, and most states) there is no overall framework for state or local agency collaboration and coordination. As a result, individuals with developmental disabilities do not have the necessary linkages, services and supports they need.

Goal: Evaluate and reform existing state laws, regulations guidelines and operational procedures to institute systemic changes that increase agency collaboration and coordination toward the employment of individuals with developmental disabilities. These recommendations should increase interagency cooperation to develop an infrastructure to support and further employment as a priority outcome.

- Review current laws and regulation to determine if they can be strengthened to ensure adequate collaboration among various and relevant state agencies and departments, school districts, service providers and employers to promote, develop and support work experience, training and on-the-job training for students with developmental disabilities.

- Maximize system efficiency through interagency collaboration and coordination between state department of education, developmental disabilities services, employment and community colleges to focus on the transition of youth and working age adults with developmental disabilities into integrated competitive employment. Strengthen regulations and processes that encourage the blending and braiding of funds between relevant state agencies and departments.
- Identify and disseminate promising practices and partnerships where community colleges are providing inclusive education, job preparation and places services that lead to integrated competitive employment.
- Coordinate the viability and usage of assistive technology across systems for individuals with developmental disabilities.
- Develop and implement evaluation strategies to determine effectiveness of models for interagency collaboration and coordination.
- Review and analyze existing employment data and develop and implement a system to establish benchmarks and measurable outcomes for the number of individuals with developmental disabilities that are competitively employed in integrated setting including self-employment and microenterprise.

Making Transition *Work*

Issue: A high proportion of students with developmental disabilities leave high school without being employed in integrated competitive employment or attending postsecondary education. While federal and state laws require school districts to provide transition planning and services, many stakeholders reported transition to be an especially problematic area. There is a significant need to adequately prepare students and their families to understand the range of available possibilities and facilitate transition to integrated gainful employment.

Goal: To ensure that students with developmental disabilities are adequately prepared for integrated competitive employment.

- Ensure that transition planning and services for students begins early in secondary school and such services should be included in individualized education plans (IEP), individualized transition plans (ITP) and individuals plans for employment (IPE).
- Ensure that all relevant agencies and partners participate in the transition planning process.
- Students must have opportunities to explore all postsecondary options, including college and other post-school training for employment.
- Provide students with opportunities for career exploration and preparation through peer mentoring work-based learning, internships, volunteer opportunities, and paid employment.

Getting Work

Issue: The majority of working age individuals with developmental disabilities are not in the labor force.

Goal: All working age youth and adults with developmental disabilities will have the choice and opportunity to work in jobs that are integrated within the general workforce and work side-by-side with co-workers with and without disabilities, earning benefits and competitive wages, or to engage in self-employment or microenterprises.

- Employment related training, services and supports should target areas of present and future workforce growth with direct input from employers.
- Increase opportunities for individuals with developmental disabilities to pursue self-employment and the development of micro-enterprises or small businesses.
- Ensure supports are provided as needed and that generic resources including natural supports with the family, community and work setting are included as much as possible.
- Showcase parts of the system that are demonstrating success with implementing and Employment First agenda through planning, service provision, job preparation and placement, removal of systems barriers and provision of supports.
- Provide training and technical assistance to develop knowledge and skills for providers, job developers, job coaches, and agencies and employers to use best, promising, and emerging practices to provide employment related services and supports

Fear of Losing Benefits

Issue: Some mechanisms exist for individuals with developmental disabilities to maintain public benefits while working. However, individuals with developmental disabilities, their families, and service providers are often not fully aware of those mechanisms. This lack of knowledge sometimes serves as a disincentive to work.

Goal: Individuals with developmental disabilities, their families, and services providers will have access to resources that fully inform them of ways to maintain benefits while working if needed. Any disincentives to working caused by the actual or perceived risk of losing benefits will be reduced.

- Individuals with developmental disabilities understand the impact of work on their benefits.
- This includes overcoming the barrier of a lack of outreach to individuals with developmental disabilities about work and benefits. Therefore, information must be provided in plain language to working age individuals with developmental disabilities including those in transition from school to adult life.
- Make public benefits more flexible to support working individuals with developmental disabilities.

- Ensure that all agencies involved in assisting individuals with developmental disabilities obtain and maintain integrated competitive employment, including self-employment and microenterprise, provide accurate advice and resources concerning the interplay between public benefits and work.
- Evaluate and reform existing state laws, regulations, guidelines, operation procedures and finding practices to institute systemic changes that eliminate any disincentives caused by the risk of losing benefits when working if needed.

Strengthened and Coordinated Supports

Issue: There are supports available to individuals with developmental disabilities to obtain and maintain employment. However, the various agencies responsible for serving individuals with developmental disabilities in their employment goals do not do so in collaboration with each other which results in supports that are frequently inadequate to meet the needs of individuals with developmental disabilities. Additionally, employers lack advice and information on the benefits of employing individuals with developmental disabilities and how to provide accommodations and supports.

Goal: Provide adequate supports to individuals with developmental disabilities in obtaining and maintaining integrated competitive employment, including self-employment and microenterprise.

- Provide regional center service coordinators with employment training from experts to instruct them on the available supports to individuals with developmental disabilities in obtaining and maintaining employment.
- Provide a dedicated employment specialist at each regional center, to enhance the level of information about employment and related issues available to individuals with developmental disabilities, families, service coordinators, and employers.
- Provide training for employers on how to appropriately accommodate individuals with developmental disabilities.

Some Key Initiatives to Advance Employment

The goals of Employment First can also be achieved beyond the legislative policymaking arena through programs or practices established by agencies, organizations or private industries which aim to implement the Employment First concept, resulting in successful outcomes measured by the characteristics described in the definition.

The State Employment Leadership Network (SELN)¹⁵

The SELN is a membership-based network of state developmental disability agencies committed to making changes in their service systems to improve employment outcomes among individuals receiving support. As a community of practice, states connect,

¹⁵ State Employment Leadership Network, "Accomplishments Report Membership Year 2009-2010". Accessed: July 26, 2011. http://www.seln.org/images/stories/site_documents/accomplishments_2010_F.pdf

collaborate, and share information and lessons learned across state lines and system boundaries. Participating state agency officials build cross-community support for pressing employment-related issues and policies at state and federal levels. States commit to work together and engage in a series of activities to analyze key elements in their systems to improve the integrated employment outcomes for their citizens with developmental disabilities.

The SELN was launched in 2006 as a joint initiative of the National Association of State Directors of Developmental Disabilities Services (NASDDDS) and the Institute for Community Inclusion (ICI) at the University of Massachusetts Boston.

The SELN helps states develop, implement, and support integrated employment initiatives that are designed to improve employment outcomes for people with developmental disabilities.

DD Council Initiatives

Councils on Developmental Disabilities play an important role in forming the foundation for how individuals with developmental disabilities can become and remain employed. There are many examples of DD Councils advancing employment. Here are a select few:

Project Search

The Florida Developmental Disability Council has supported the growth of Project SEARCH, a partnership of local businesses, schools, and community services that provides high school students with disabilities training and education leading to integrated employment. Students with disabilities are immersed in learning job skills and participating in multiple work experiences at a community business with the goal of competitive employment at the business utilizing the skills learned. There are now eighteen Project SEARCH sites in Florida that have served over 400 individuals. As of July 2010, Project SEARCH sites in Florida had achieved a 57% employment rate. This is far above the recognized national rate of 36% employment for individuals with disabilities.

In addition, through the Supported Competitive Integrated Employment Initiative, the Council has established community action teams of businesses, schools, parents, individuals with developmental disabilities, and community agencies that have and will continue to work collaboratively to expand employment opportunities for individuals with developmental disabilities. These teams have developed internship opportunities to provide work experiences, developed employment opportunities in the community, identified barriers to employment and solutions to these barriers, and, most importantly, developed knowledge and bridges among these critical resources and services for more effective employment outcomes. There are 8 teams across the state, which have secured employment for 26 individuals thus far.

*Partners in Employment*¹⁶

“Partners in Employment” is a self-study online course, created by the Minnesota Governor's Council on Developmental Disabilities, designed to help people with developmental disabilities find meaningful jobs and jumpstart their careers. The course has been created to give individuals with developmental disabilities the practical skills needed to find real, competitive employment in their communities. Throughout the site, individuals will learn how other people with disabilities have overcome common obstacles to find jobs and succeed in the workplace. Upon completion of the course, the individuals seeking employment should:

- Understand the hiring process and how it might differ for people with developmental disabilities;
- Understand supported and competitive employment;
- Identify a "circle of friends" who can help them achieve their goals;
- Know their strengths, skills and interests and how they might translate into a career;
- Understand how technology skills can help people with disabilities find meaningful employment;
- Understand natural supports and how they might help them succeed;
- Create a resume or portfolio that presents their abilities in the best light;
- Know how to network and identify potential employers;
- Be prepared for a successful job interview;
- Know how to evaluate a job offer to make sure it fits their skills and interests

“Partners in Employment” is an extension of “Partners in Policy Making”, a leadership training program for adults with developmental disabilities and the parents of young children with developmental disabilities throughout the world. All projects incorporate the advancement of independence, productivity, self-determination, and integration/inclusion.

¹⁶ Minnesota Governor's Council on Developmental Disabilities, “Partners in Employment”. Accessed: August 1, 2011. <http://www.partnersinpolycymaking.com/employment/>

*Nevada Regional Employment Summits*¹⁷

The Nevada Division of Mental Health and Developmental Services in collaboration with the state Developmental Disabilities Council and other groups supported three regional Employment Summits held in Reno, Las Vegas and Elko. The meetings took place in May and June 2010 and brought stakeholders from across the state to the table, many for the first time, to make a commitment to community employment as a priority for Nevadans with intellectual disabilities. The most significant outcome of the summit was the involvement of stakeholders in the development of the state's action plan to improve individual integrated employment outcomes and the resulting improvement of interagency collaboration and communication. These summits, and gatherings like them, provide an environment to establish leadership in the "Employment First" movement, build collaboration with relevant stakeholders, and bolster the development of strategic goals and operating policies.

Federal Support for Employment First

While changes in policy and practice will happen at the state level, there remains an important role and opportunity for federal leadership to advance Employment First and address the challenges and opportunities associated with it.

The bulk of federal dollars to support benefits and services to people with developmental disabilities comes through the Centers for Medicaid and Medicare Services (CMS.) CMS' Home and Community Based Services Waiver rules provide a possible vehicle for creating incentives for the use of state waiver dollars for supported employment and disincentives for the use of waiver dollars for segregated sheltered employment. Options for such incentives and disincentives should be explored.

For example, there are potential avenues towards maintaining eligibility for essential benefits while still holding meaningful employment. Following is a brief snapshot of some federal legislative initiatives and programs that seek to address these issues:

*Achieving a Better Life Experience Act (ABLE Act)*¹⁸

With bipartisan support, the Achieving a Better Life Experience Act was introduced in the U.S. Senate and House of Representatives in 2009 to allow individuals with disabilities and families to create tax advantaged savings accounts to meet their long-term ongoing support needs related to education, health care, employment, transportation and housing.

S.493 and H.R.1205, if passed, would allow an account to be established by or on behalf of an individual with a disability. The income earned on amounts contributed to an ABLE Account is tax exempt. The assets held in an ABLE Account would not be counted for

¹⁷ State Employment Leadership Network, "Accomplishments Report Membership Year 2009-2010". Accessed: July 26, 2011. http://www.seln.org/images/stories/site_documents/accomplishments_2010_F.pdf

¹⁸ National Disability Institute, "Real Economic Impact Tour: ABLE Act". Accessed: August 7, 2011. <http://www.reitour.org/Public-Policy/ABLE-Act.aspx>

purposes of determining an individual's eligibility to qualify for Social Security, Medicaid or other public benefits.

Transitioning towards Excellence in Achievement and Mobility (TEAM) Act¹⁹

In order to better promote the advancement of Americans with significant disabilities transitioning from youth to adulthood, a trio of bills called the Transitioning towards Excellence in Achievement and Mobility (TEAM) legislation was introduced in the U.S. House of Representatives on February 10, 2011. Each of the three bills, the TEAM-Education Act (H.R. 602), TEAM-Empowerment Act (H.R. 603), and TEAM-Employment Act (H.R. 604), would strengthen accountability, clarify expectations, expand flexibility and align systems to ensure that publically-funded assistance is effectively utilized to support one uniform goal -- ensuring that every youth with a significant disability has the opportunity, encouragement and support to become gainfully employed in an integrated setting, pursue a post-secondary education, and contribute to and engage in meaningful ways in typical community settings once they leave high school.

Ticket to Work Program²⁰

The Ticket to Work Program can be a valuable asset to unlocking vocational rehabilitation, training, job referrals, and other ongoing support and services to help people with disabilities reach their employment goals. The program is available for people who are between the ages of 18 and 65 and receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits because they are disabled or blind. Participants will not automatically lose their disability benefits, but will most likely go through a "trial work period" for a predetermined amount of time. During this time the person with a disability will be able to maintain their disability benefits while working and earning competitive wages.

Medicaid Buy-In Program²¹

Working-age adults with disabilities need adequate health insurance to enter or remain in the work force, but their options for insurance coverage are limited. Many who have full-time jobs may not be covered through their employer-sponsored health insurance because of a pre-existing condition. Those who work part-time or have jobs that do not offer health coverage may have to turn to government-sponsored programs, such as Medicaid. However, a person with a disability who earns more than the allowable amount will be ineligible for Medicaid coverage. That's where the Medicaid Buy-In program comes in.

¹⁹ TASH, CPSD Action Alert: Ensure High Expectations and Opportunities for Youth with Significant Disabilities. Accessed: July 22, 2011. <http://tash.org/advocacy-alert-support-transition-of-youth-with-disabilities/>

²⁰ Social Security Online, "Ticket to Work Program". Accessed: August 7, 2011. <http://www.socialsecurity.gov/work/receivingbenefits.html#check>

²¹ Mathematica Policy Research, "Extending Medicaid to Workers with Disabilities". Accessed: August 7, 2011. <http://www.mathematica-mpr.com/disability/medicaidbuy-in.asp>

The Medicaid Buy-In program allows adults with disabilities to maintain Medicaid coverage. Participants “buy into” the Medicaid program, typically by paying premiums based on income. As of December 31, 2008, 42 states were operating a Medicaid Buy-In program to extend Medicaid coverage to working people with disabilities, with total nationwide enrollment of more than 90,000.

Conclusion

There is growing consensus that taking on and solving the employment crisis among people with developmental disabilities is paramount. While there remains some disagreement among disability advocates about the role of segregated employment and sheltered workshops, and the use of subminimum wages, there is consensus that people with developmental and other disabilities ought to have much greater opportunity to participate in the labor force, in integrated, competitive employment settings. Employment First is an essential component to make this happen, and it should become the norm across the country.

Councils on Developmental Disabilities have played and continue to play a key role in advancing employment in general, and Employment First in particular. NACDD urges the growth of the Employment First movement in all states and territories, and is confident that Councils, and their allies, will be at the forefront of efforts to make sure that integrated competitive employment for people with developmental disabilities does indeed become the norm rather than the exception across the nation.

Appendix: Select Council Efforts to Advance Employment First

Kansas' state legislature passed "Employment First" legislation (House Bill 2669) in 2011 which stipulates that "competitive and integrated employment of persons with disabilities in the communities in Kansas shall be the first priority in the state and that public and private employers shall participate in the effort." The Kansas Council on Developmental Disabilities played a key role in advancing this legislation, which authorizes all state agencies to adopt rules and regulations to support "Employment First," and establishes an oversight commission to ensure implementation.

Massachusetts' Employment First policy establishes that integrated, individual employment is the optimal outcome for those served by the MA Department of Developmental Services. The policy requires a consistent message across the system regarding integrated employment as a goal for all, consistent actions that reinforce this message, and an infrastructure that supports these efforts. The focus is on person-centered career planning, with placements that emphasize not only job opportunities that are a good match for an individual's work skills and abilities, but also environments that are a good fit for an individual's personality, social needs, and work culture preference. Increased employment of people with DD will also lead to greater opportunities for full integration and inclusion into the community.

The Massachusetts DD Council convened self advocates and other statewide advocacy groups to develop a set of 'must haves' for the state's employment first policy, and worked to insure meaningful participation for self-advocates in the development and implementation phases. The Council also partnered with the state DD agency to conduct employment education for individuals with developmental disabilities. The Council is currently working with policymakers on a number of legislative and policy fronts to establish employment first as the priority outcome for all people with developmental disabilities.

Oregon was once a national leader in the movement from segregated to integrated employment for individuals with ID/DD. In the 1980's and 90's Oregon pioneered job training and job support models that were adopted by many states. After a decade of grant funded systems change projects, 50% of Oregonians with ID/DD who had designated funding were reported to be working in integrated jobs.

About that time, pressure from the US Department of Justice and advocates was building to close Oregon's largest institution and address the long waitlist for services. As a result, the focus of state leadership, service providers and advocates shifted and the state agenda for employment lost momentum. Between 1990 and 2010 Oregon's ID/DD community and the Council worked collaboratively to close all institutions, expand our system of community services, and create a new waived system of regional brokerages offering Self-Directed Supports and individual budgets for those on wait lists for services.

As the rollout of Self Directed Supports gained momentum, so did the push to refocus on employment. With leadership from the Council, advocates organized in 2005 to form the DD Employment Task Force and recruited allies from state agencies, provider agencies, and brokerages to join them. With support from the task force, the Office of DD Services (ODDS) joined the State Employment Leadership Network (SELN) in 2006. The Council, along with the DD Employment Task Force, advocated for a state employment first policy and took the lead in drafting principles to be included in a state policy. The Office of DD Services accepted those foundational principles, and with technical assistance from other states through SELN, drafted and adopted the Employment First Policy in 2008. In 2010, with resources and leadership from OVRs, ODDS, and the Council, Oregon launched a technical assistance project, the Employment First Initiative, to begin putting the policy into practice.

The Council continues to participate in a leadership role with the DD Employment Task Force and was recently instrumental in the creation of a MOU between DD, OVRs, and the Oregon Department of Education to address barriers to employment. The group is scheduled to convene in early fall, 2011, and begin issuing joint directives to the field clarifying expected collaborations and practice in preparing and supporting the employment of youth and young adults with ID/DD.

After **Washington** State adopted its working age Employment First policy, the Washington DD Council convened a workgroup to examine it and make recommendations. The Washington DD Council has convened stakeholders on key questions, including (1) how does the state support those who work very few hours per day/week yet want something, in addition to a little employment, else to do to round out their lives; (2) does the state continue to pay for a job developer/job coach even when there is little likelihood of a person getting a job and (3) should not schools actually assist students in getting a job (or a post secondary school option) so the student leaves school with a job. The Council advocated for, and the Legislature funded, a “Jobs at 21” project that worked with some school districts in WA to get students jobs before they left school. This project met with some local success, but if not yet state wide.

The Washington DD Council’s *Building Assets - Self Employment Initiative*, which began in 2008, recognizes that individuals with intellectual and/or developmental disabilities and their families should have opportunities to save money to maintain or improve their basic economic and social status including employment, housing, and retirement.

The Self Employment Initiative trains and supports individuals with I/DD in becoming self employed. Activities under the Project include establishing collaborative community partnerships, providing resources to initiate self employment, conducting training for the individual entrepreneur and their direct support professionals.

Partners for this project include AmeriCorps, Central Washington University, Division of Vocational Rehabilitation, Service Corps of Retired Executives, University of Washington

Community Education Services, Yakima Legends Casino, and Yakima Valley Transition Council.

Through the Initiative, 40 people became self employed, \$333,312 was leveraged for employment supports, and 482 individuals with I/DD were exposed to entrepreneurial concepts and trained in self employment. The Initiative established practices for assisting people become self employed and demonstrated the value of self employment as a viable employment option for people with I/DD.

While **Wisconsin** does not have an Employment First policy or legislation in place, the state's Department of Health Services has fully embraced many of the principles of Employment First. Wisconsin's DD Council, the Wisconsin Board for People with Developmental Disabilities (BPDD) is working with the department to embed these philosophies and practices into the state's long-term care system.

The **Wisconsin** BPDD has made Employment First initiatives a major centerpiece of its upcoming five-year plan, with a goal of doubling the number of people with I/DD in integrated, competitive-wage employment. Among BPDD's efforts and initiatives are:

- Development of a WI Employment First State Team (i.e., that incorporates all key employment partners—e.g., DPI, DHS, DVR, APSE, self-advocates) , as part of the National Alliance for Full Participation, that is focused on implementing Employment First principles and practices, and increasing the number of people with disabilities participating in integrated employment. Activities will include conducting research into the strategies/practices of states that have been successful in implementing Employment First legislation.
- Development of a proposal to the Department of Health Services to pilot a long-term care model for youth in transition that would eliminate waiting list for supports in the long-term system for youth who exit school with competitive-wage, integrated employment. (Wisconsin currently has a freeze on long-term care supports).
- Coordination of a Statewide "Take Your Legislator to Work" campaign during October's Disability Employment Month to educate policymakers on the value and importance of competitive-wage, integrated employment for people with disabilities, as well as the benefits to employers of hiring people with disabilities. The goal is to connect every state legislator, who are often familiar with sheltered facilities, with an individual who is working for real wages in an integrated community setting.
- Implementation of a grass roots educational/informational campaign around Employment First principles and practices that will include hosting 4-5 regional sessions with consumers, families and providers
- Grants to local communities to implement innovative demonstration employment practices that incorporated self-directed supports, person-centered planning, and customized employment practices across the state.

- Lead and support statewide integrated employment trainings and incorporate Employment First principles and examples of success in BPDD's statewide Self Determination conference, which attracts more than 350 people with developmental disabilities, family members, and providers each year.
- Implement an ADD Project of National Significance on youth employment that brings together more than 60 state agency leaders, employers, state legislators, service providers, schools, and families to find and implement promising employment policies while removing policy barriers.

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