

Getting the Job Done

Recommendations for Viable Competitive Employment Strategies Inclusive of People with Disabilities

August, 2014

Our society has finally come to recognize work not only as one of the hallmarks of community inclusion, but as a critical component of the life experience and an opportunity for personal development that everyone deserves. Now, we seek to take the next steps toward fully inclusive and competitive employment for people with disabilities. However, the federal and state governments have not dedicated sufficient time, energy or resources to lay the groundwork for this change to successfully occur. Nonetheless, changes to government policies continue to move ahead swiftly, designed to reduce or eliminate more traditional models upon which many individuals with disabilities still rely – despite the fact that viable alternatives aren't yet sufficiently developed. If the goal of attaining and retaining inclusive, community-based, competitive employment for people with disabilities is to be achieved – and significant job losses for people with disabilities are to be averted – a commitment to invest in strategies that will make this goal a reality must first be realized.



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Supporting Organizations



New York State
Coalition for
Children's
Mental
Health
Services

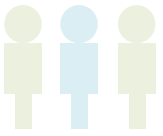


Self-Advocacy Association of
New York State (SANYS)



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The Value of Work

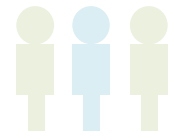
Over the past several decades, our society's understanding of the importance of work to all people – including those with disabilities – has evolved significantly. Previously, many people with disabilities were deemed 'too disabled to work' or that work was a distraction from the 'real work of getting better.' This attitude toward employment was built upon an institutional approach to 'caring for the disabled.' As deinstitutionalization happened and people with disabilities began moving from institutions into the community, our understanding of the very nature of disability shifted dramatically as well. From what once was a belief that disabilities are life-long 'afflictions' that preclude any community interaction came a new understanding; while individuals may experience diagnosable disabling conditions that may even last a lifetime, they also possess abilities, strengths and potential – all of which need support.

As this paradigm shift began, many involved in supporting people with disabilities challenged the exclusively medical/institutional approach to disability service provision and community inclusion, seeking to secure the same opportunities for community involvement and work for people with disabilities that those without disabilities enjoyed. Unfortunately, many of those efforts encountered barriers, including economic realities associated with viable business enterprises, and challenges associated with the social acceptance of people with disabilities in our society. Undeterred, individuals with disabilities, advocates, family members and organizations supporting people with disabilities (disability employment stakeholders) fashioned creative mechanisms by which work could still become a reality. As

a result, sheltered workshops, with authority to pay wages commensurate to productivity based upon time studies, and other mechanisms were developed – and supported financially by the state and federal governments – offering work opportunities to people with disabilities who were otherwise unable to find a job. These stakeholders all understood that the economic and intrinsic value of work was too valuable for people with disabilities to forego. Indeed, the monetary value associated with a paycheck is far outweighed by the intangible sense of self-worth, self-confidence, and sense of belonging to a community that comes from working with like-minded people toward something larger than one's individual contributions.

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As our society has become more accepting of people with disabilities and as the ability to support people with disabilities has improved (i.e. through use of technology), reliance on more traditional supports like segregated sheltered workshops has appropriately given way to supports that offer greater inclusion. Supported employment, customized employment – even entrepreneurship/ self-employment – have demonstrated the ability to afford many individuals with disabilities the opportunity to experience integrated, community-based employment previously not possible.



The Data Shows...

National data point to a clear movement toward assisting people with disabilities to attain and retain competitive employment in fully integrated settings in the community. Employment First, an approach under which “community-based, integrated employment is the first option for ... youth and adults with significant disabilities,” is a growing trend¹. 32 states have implemented an Employment First policy, and an additional 12 have taken some action short of a change in policy to advance an Employment First approach². However, the data indicate a disturbing failure to achieve successful employment outcomes for people with disabilities.

The Institute for Community Inclusion’s (ICI) 2012 report entitled *State Data: The National Report on Employment Services and Outcomes (State Data)*, discusses in great detail indications that “a significant gap in employment rates between people with and without disabilities” remains. According to ICI’s report, “Labor force statistics for October 2012 estimate that 28.4% of working-age adults (16 to 64) with disabilities are employed, compared with 71.0% of those without disabilities.”³ In addition, Bureau of Labor Statistics data also illustrate that the number of people with disabilities who are of working age and are participating in the labor force is 4.6M – a reduction from 4.9M approximately one year prior and down from 5.7M in 2008. Specifically for individuals with developmental disabilities, the data paint an even starker

picture. *State Data* reports, “...in 2010, only 14.7% of working age adults supported by state IDD (intellectual and developmental disabilities) agencies participated in integrated employment.”⁴ As the *State Data* report finds, “Despite state and federal initiatives, policy change, and emerging leadership, widespread integrated employment for people with IDD has not occurred.” Indeed, that experience remains much the same for individuals with other types of disabilities, as well.

However, the data indicate a disturbing failure to achieve successful employment outcomes for people with disabilities.

Similarly, ICI’s StateData.info website provides a wealth of information that supports this national trend at a state level. In 2012, of the 427,000 adults who received mental health services in the community, 135,000 of those individuals were either employed or seeking employment – with 68,000 (16% of the total) actually employed. Similarly, that same year, of the 69,000 individuals with intellectual and developmental disabilities who received day/employment supports, 43,000 (62%) received community-based non-work supports; 1,256 (2%) received facility based non-work supports; 14,166 (20%) received facility-based work supports; and 9,237 (13%) integrated employment services.

¹ US Department of Labor, Office of Disability Employment Policy, <http://www.dol.gov/odep/topics/EmploymentFirst.htm>

² University of Minnesota, Institute on Community Integration, Research and Training Center on Community Living, <http://rtc.umn.edu/prb/214/>

³ Bureau of Labor Statistics, November 2012

⁴ Human Services Research Institute, 2012



Where We've Been

In recent years, the evolution of employment supports has indeed resulted in a significant reduction in segregated work for people with disabilities. For example, the evolution of sheltered workshops has largely been a natural process brought about by fewer referrals, people with disabilities choosing to work in other settings, and retirements. Further, it is important to recognize that the integration and inclusion movement has also resulted in many segregated sheltered workshops employing people without disabilities, and thereby becoming more integrated work centers.

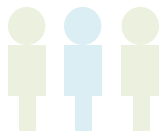
These and other changes have been spurred on by a number of initiatives NYS has undertaken in an effort to improve the number of people with disabilities who work. Noted initiatives include:

- **New York Makes Work Pay (NYMWP)** – Funded through a federal Centers for Medicare & Medicaid Services (CMS) Medicaid Infrastructure Grant (MIG), this initiative aimed to build infrastructure that would create competitive employment opportunities for individuals with disabilities. Perhaps the most significant component of the NYMWP initiative was the development of the New York Employment Services System (NYESS), creating an electronic platform by which to “merge the segregated disability-related employment systems into the mainstream” employment system, thereby establishing a “single point to access all employment-related services and supports,” regardless of ability/disability⁵. The NYESS system has allowed NYS to sufficiently coordinate employment supports in order to claim Ticket-to-Work milestone payments from the Social Security Administration (SSA) on behalf of any/all providers of employment supports using the system that play a role in helping an individual achieve an employment outcome.
- **Disability Employment Initiative (DEI)** – Funded through the U.S. Department of

Labor’s Office of Disability Employment Policy, the DEI grants have permitted NYS to invest in a number of disability employment-related supports. Most recently the DEI grants have supported the hiring of Disability Resource Coordinators to perform “outreach, benefits advisement,... and long term supports” to individual job seekers with disabilities. NYS is currently applying for another round of DEI grant funding.

- **ACCES-VR Performance-Based Contracts** – In 2013, after several years of review, public comment and research of practices in other states, ACCES-VR instituted a new performance-based contracting process to provide supported employment services. Quality bonuses were also added, incentivizing the service structure assisting more people with disabilities toward the world of work.
- **Office of Mental Health (OMH) Work Centers Transition** – Over a nearly 5-year period, a transition process required providers of OMH work center supports to repurpose state funding toward more integrated employment supports in order to retain funding.

⁵ www.nyess.ny.gov



Where We Are Currently

The most recent developments on the employment front for people with disabilities involves the NYS Office for People With Developmental Disabilities (OPWDD). OPWDD has submitted a plan to transform employment supports for individuals with intellectual and developmental disabilities to the federal Centers for Medicare & Medicaid Services (CMS), which was approved as of May 2014. This plan is part of a much larger, more wholesale transformation of OPWDD Medicaid-funded services taking place in negotiations with CMS. The OPWDD employment plan includes:

- A halt to all new sheltered work center admissions (effective July 2013)
- A six-year time period during which sheltered work centers would eventually close and 50% of work center participants would transition to competitive employment
- A new, time-limited Medicaid-reimbursable pre-employment service called *Pathway to Employment* that provides vocational discovery, skills assessment, and assistance toward achieving competitive employment
- An enhanced rate structure to incentivize the use of supported employment

...Rhode Island's transition will continue to allow individuals to make a choice about working in a work center, NYS' plan eliminates this choice for individuals with intellectual and developmental disabilities entirely.

This transition plan appears designed, in part, to help NYS avoid the potential for litigation similar to the recent *U.S. v. State of Rhode Island and City of Providence* case, which found unnecessary segregation of individuals with developmental and intellectual disabilities in segregated sheltered workshops and facility-based day programs (non-work) in that state.⁶ The consent decree associated with this litigation outlines a ten-year plan wherein the majority of the individuals in these settings, and individuals expected to transition to these settings from schools, will be provided with integrated employment opportunities with all supports provided.⁷ While there are significant similarities between OPWDD's plan and the Rhode Island consent decree, there are also significant differences and components of the Rhode Island consent decree that deserve additional

consideration in NYS. One of the most notable differences is the fact that while Rhode Island's transition will continue to allow individuals to make a choice about working in a work center (after receiving information about and exploring other options), NYS' plan eliminates this choice for individuals with intellectual and developmental disabilities entirely.

⁶ <http://www.ada.gov/olmstead/documents/ri-olmstead-complaint.pdf>

⁷ <http://www.ada.gov/olmstead/documents/ri-olmstead-statewide-agreement.pdf>



Why The Exclusive Focus on Medicaid?

OPWDD's employment transition plan builds on a long history in NYS that seems, at times, single-mindedly focused on building any/all supports for people with disabilities into the Medicaid program in order to capitalize on the federal government's financial participation. Yet it is important to remember how employment supports for people with disabilities were originally developed – through a rejection of institutional/ medical models that did not value employment and were generally ill-equipped to fund such supports. Instead, state and federal governments developed other funding mechanisms that were better suited to the task. Nonetheless, NYS continues to "Medicaid" these supports – as evidenced not only in the OPWDD employment transition plan, but also in the inclusion of employment (and educational) supports for people with mental health needs and substance use disorders in the 1915(i) waiver. In fact, in addition to the OPWDD employment transition plan, NYS cut non-Medicaid funding for work center supports over the past several years. While most providers of OPWDD employment supports provide Medicaid funded services, these are not the services that have proven most effective at creating opportunities by which people with disabilities are hired. It is ironic that in an era in which strategic investments in businesses that will ultimately provide jobs is a key focus of Governor Cuomo's agenda for NYS, the state is simultaneously cutting funding streams that support these same goals for people with disabilities. This effectively squanders an opportunity to invest in new, innovative business models and support mechanisms that

could offer inclusive and integrated employment opportunities.

Adding to the irony, these actions are not only at cross-purposes to the stated goals of the administration, but the failure to sufficiently invest in new, flexible models by which to support people with disabilities in their employment goals will likely result in increased Medicaid expenditures – another stated goal of this administration. Attaining and retaining employment has certainly been demonstrated as an effective means by which to reduce

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Medicaid expenditures for individuals with disabilities – so much so that the NYS Department of Health has created a workgroup of its Medicaid

Redesign Team looking at the social determinants of health and focusing squarely on employment as a key determinant. Evidence of this impact can be seen in studies of the Medicaid Buy-In program for Working People with Disabilities.

The MBI-WPD program allows individuals with disabilities who are working to retain their Medicaid benefits above and beyond the income level and asset level cut off, requiring them to contribute to their Medicaid covered expenses on a sliding scale linked to their income and assets. Mathematica Policy Research, Inc.'s 2009 *Analysis of Medical*

Expenditures and Service Use of Medicaid Buy-In Participants, 2002-2005 found that Medicaid “Buy-In participants are less expensive than other adult disabled Medicaid enrollees.” Later, Cornell University’s *Evaluating Impact of Medicaid Buy-In Program on Healthcare Expenditures in NY State* study found that Medicaid Buy-In enrollees in NYS expend approximately \$73 per member per month less than non-Medicaid Buy-In enrollees (who, by definition, are not working).

Force fitting an entire cadre of strategies designed to improve the employment opportunities for people with disabilities into Medicaid’s medical model has required many modifications to these supports, leaving

providers to navigate a cumbersome and bureaucratic process with demands that are often incongruous with the articulated desires of businesses and their workforce needs. Perhaps it is time to stop trying to force the round peg of supporting people with disabilities to attain and retain employment solely into the square hole of Medicaid. If so, this suggests the need for strategies that extend beyond the responsibility of state and federal agencies charged with overseeing Medicaid. But any effort to transition into non-Medicaid supports must be done planfully, as part of a more global strategy – otherwise unnecessary risk of failure and potential harm are likely.



Responsibilities Assumed

In supporting people with disabilities, providers of services – on behalf of the government – take on a responsibility to guard against unnecessary and foreseeable risk and harm. This is not to say that people with disabilities should be sheltered from all risk or potential harm; to the contrary, risk is a part of life that all individuals, including people with disabilities, should have the opportunity to experience. In fact, opportunity always comes with some degree of risk and potential for harm – that is a large part of what makes accomplishments notable. However, without proper planning, investment and effort, many individuals with disabilities could be set up for failure and harm that should be avoided.

For example, it seems quite likely that OPWDD’s plan for transforming employment supports will leave many of the estimated 8,000 people with developmental disabilities currently working in work centers who are unable to transition to competitive employment (even with new and enhanced Medicaid-funded supports) with no option other than non-work activities. In proposing and approving a plan to eliminate traditional supports for individuals with developmental disabilities, NYS and the federal government have respectively assumed a responsibility to develop viable alternatives. Yet, those viable alternatives do not yet exist and the new service model plans are unfortunately insufficient for an entire population of individuals.

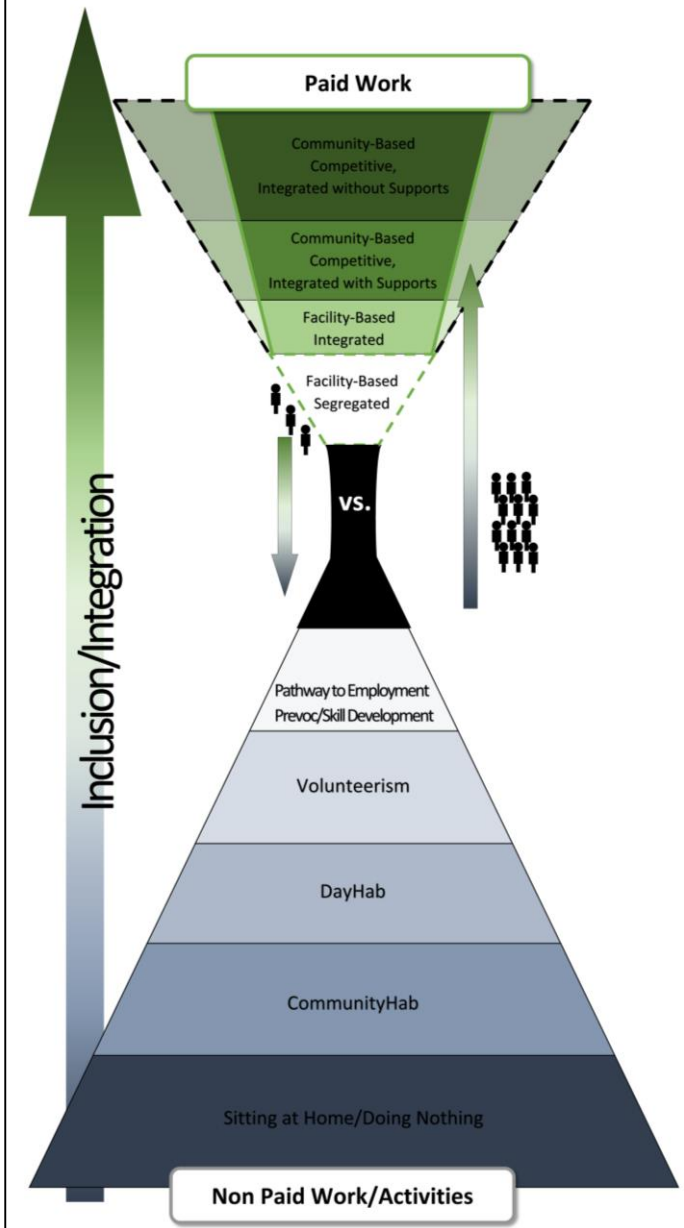
Many of these individuals who currently enjoy earning a paycheck are fearful that they will be separated from their friends and coworkers, and become socially isolated. They also fear that they



will only be able to find limited employment in the community – if any – and have to spend the greater part of their days in non-compensated activities. For them, it appears their fate will be similar to the many people with mental illness who did not successfully transition to competitive employment during the OMH work center transformation. Without a coordinated approach coupled with sufficient investment, many people with developmental disabilities are poised to transition to employment support models that are unable to adequately support them.

Government policies should be focused on expanding opportunities for competitive, integrated, and inclusive work for people with disabilities.

Instead, there is a focus on eliminating options that provide opportunities for work for people with disabilities who would not otherwise be working.



Casualties of Change...?

Absent the investments and necessary supports in place, it seems quite certain that some people with disabilities with the most significant challenges to competitive employment will be left without any options for work, at all. This is especially true given the efforts underway currently to eliminate work centers, which can function as safety net mechanisms that allow people who would not otherwise be working, an opportunity to work. Despite “concerns ... raised (by disability employment stakeholders) about the lack of choice available to people if they want to remain in a workshop,” OPWDD’s Employment Transformation Plan phases out work centers altogether, effectively limiting choices for people with intellectual and developmental disabilities.⁸ While some stakeholders speak in the shorthand of “most-integrated-setting,” it is important to remember that the Supreme Court spoke in terms of “most integrated setting *appropriate*” (emphasis added) to each individual in its landmark Olmstead v. L.C. decision in 1999. It is realistic to expect that some people may never find employment or work opportunities in a fully integrated, competitive setting.

It seems bizarre and misguided that government policies are focused on eliminating the choice and opportunity work centers provide when so many people with disabilities remain in non-paid day

⁸ http://www.opwdd.ny.gov/opwdd_services_supports/employment_for_people_with_disabilities/draft-plan-increase-employment-oppo

activities and so much must still be done to expand more integrated and inclusive work opportunities. The issue is compounded by the fact that many non-work supports are limited or prohibited from expanding by government policies. This may simply leave those individuals who do not fit into the redesigned employment options with no opportunity other than to sit at home, idle. These are ‘casualties’ that should not be tolerated under any circumstances.



Need To Go Back To The Drawing Board

The OPWDD plans for transformation, now approved by CMS, are just the most recent example of a disturbing trend obvious to many disability employment stakeholders. The state and federal governments believe they can mandate major culture change such as this, yet neither have invested sufficient time, systems resources or energy necessary to bring about such a change in attitudes and practices. Unlike the state’s guaranteed investments that brought about the transition of thousands of individuals with developmental disabilities from institutions to the community as a result of the Willowbrook consent decree (which were enforced by a court’s consent decree), very little has been done to build the infrastructure necessary to realize successful employment outcomes or create accountability in the business world for employment outcomes for

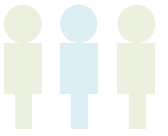
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people with disabilities. This suggests a more significant, systemic issue.

The effort to fully include individuals with disabilities in our society – including access to

employment opportunities – is nothing short of a civil rights movement. Transforming existing systems and practices requires not only leadership, but the dedication of resources, energy and time in order to ensure the changes sought are permanent – not fleeting. Despite this lack of investment, plans to dismantle the existing supports upon which people with disabilities rely continue, undeterred. Both the state and federal government must re-examine their efforts to

understand that the plans proposed for NYS will result in bad outcomes for some individuals with disabilities.



Consequences of Failing to Get this Right

Failure to achieve a successful transition to more inclusive and competitive employment models, coupled with the removal of more traditional supports on which people with disabilities in NYS currently rely, will indeed have significant and wide ranging consequences.

1. It should be expected that the deplorable rates of employment for people with disabilities will continue, if not worsen.
2. Without the availability of traditional models that keep people who are unable to attain or retain competitive employment productively engaged, individuals who cannot be supported will be left with ‘non-work’ day supports (i.e. day habilitation). This will place them even one step further away from competitive employment than they were in a work center, for example.
3. Some individuals who are unsuccessful at competitive employment will not choose “non-work” day supports, and instead may simply choose to remain home. For individuals with disabilities who require supervision and assistance, this will create a significant, new, unfunded burden on those who provide both residential and day supports – one that could be catastrophic for some providers. And for natural supports like family members, they may be forced to choose between working, themselves, and staying home to care for their loved one with a disability. Situations like this create extraordinary amounts of stress on families and can easily de-stabilize previously financially stable families.
4. Individuals who experience failure in an integrated, competitive employment opportunity will experience varying levels of a lack of self-worth, a lack of self-confidence, and depression. Some will never again subject themselves to the risks associated with attempting employment – regardless of how minimal those risks may be. As OPWDD’s Employment Transformation Plan itself noted, “Concerns were raised by parents with children in their 40s who have attended workshops for over 20 years (at OPWDD’s Community Dialogues on Employment). Parents gave examples of the emotional and psychological stress that would be caused by the transition to community employment.”⁹
5. Due to reductions in funding, many work centers will soon no longer be able to fulfill contract requirements with businesses that rely on their workforce. In failing to fulfill contracts with these businesses or engage them in the transformations underway, it is hard

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⁹ http://www.opwdd.ny.gov/opwdd_services_supports/employment_for_people_with_disabilities/draft-plan-increase-employment-ops

to reasonably expect these same businesses will turn around and hire people with disabilities directly.

6. Many state and federal preferred source commodity contracts are performed by operators of work centers. As new admissions to work centers ceased on July 2013, the staff available for production on these contracts will continue to decline, leaving a lack of capacity by which to fulfill these contracts. Not having this alternative or choice of employment, will create a negative shift in employment opportunities for people with significant disabilities.
7. For individuals who are unsuccessful in the competitive job arena, they may qualify for Unemployment Insurance, an additional cost to the federal and state governments. This ultimately leads to additional pressure to increase taxes, making the business climate less friendly to expanding employment opportunities – especially for people with disabilities.



Conclusion

Our society seeks to take the next steps toward fully inclusive, competitive employment for individuals with disabilities. However, the groundwork has not been laid for this change to take place. Alarming, government continues to swiftly move ahead with changes that will downsize or eliminate traditional models upon which many individuals with disabilities continue to rely – despite the lack of viable alternatives. If the goal of attaining and retaining inclusive, community-based, competitive employment for people with disabilities is to be achieved – and both individual and systemic failures are to be averted – a commitment to invest in strategies that will make this goal a reality must first be realized.

Therefore, we offer the following recommendations:

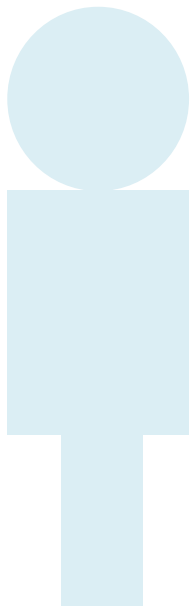
RECOMMENDATIONS

1. Serve as a Model Employer

As a significant employer in many parts of the state, NYS and the federal government have the opportunity to make a significant impact on the employment rate of people with disabilities in many communities, themselves. As government pushes for more competitive, integrated employment opportunities for people with disabilities, **the state and federal governments also have a responsibility to hire (and retain) employees with disabilities, themselves. This will also serve as an example to businesses, not-for-profit organizations and other potential employers.** This responsibility extends to those individuals with the most significant disabilities, including those who previously worked in work centers, some of whom have low productivity levels, but who will nonetheless need jobs after work centers close. NYS could take any number of actions to facilitate these opportunities for New Yorkers with disabilities, including the development of modified civil service titles and rules that allow the state to offer customized employment opportunities for people with disabilities. NYS could emulate Montana’s policy wherein job seekers with disabilities are provided additional points in civil service exam scoring (<http://askearn.org/docs/StateModel.pdf>). In addition, **NYS and the federal government also can provide opportunities to people with disabilities to explore potential lines of work by making internships and apprenticeships more easily accessible, which will also serve as a model for other businesses and employers to emulate.** Perhaps the first step for NYS would be to **establish a task force of state agencies to explore and submit recommendations to the Executive, including modifications to existing laws and regulations that would improve the ability of state agencies to hire additional individuals with disabilities. Such a body could examine the potential for internship/apprenticeship/job shadowing programs geared toward people with disabilities; efforts that help retain state employees with disabilities; alternative appointment processes; trial work periods; and provisional appointments** (<http://askearn.org/docs/StateModel.pdf>).

2. Incorporate People with Disabilities into Workforce Development Efforts

When it comes to hiring people with disabilities for jobs, businesses have been very clear as to what they want and what would most likely cause them to hire an individual with a disability for a job – a qualified candidate. Yet, similar to efforts at both the federal and state level to assist in building a workforce that can perform the job functions businesses need completed, mainstream workforce development strategies have been all but completely devoid of strategies targeted at assisting people with disabilities. Instead, skill building and preparation for people with disabilities have largely been segregated – a practice constantly reinforced by the fact that



different federal and state agencies have responsibility for workforce readiness when it comes to people without disabilities and those with disabilities. Thankfully, the Workforce Innovation and Opportunity Act (WIOA), recently signed into law by President Obama, will bring additional attention to the need for coordination between these systems. However, the federal and state government should also consider what investments can be made as part of mainstream workforce development strategies to prepare individuals with disabilities for the workforce of the future. In fact, the very first recommendation for state action contained within the National Governor's Association report, *A Better Bottom Line: Employing People with Disabilities*, calls for "making disability employment part of the state workforce development strategy." Investment in remediation and other adult education initiatives through community colleges and/or workforce development systems under the federal and state Departments of Labor will return a prepared worker pool of people with disabilities for the NYS business community.

Similarly, given the strong focus on youth contained within WIOA, NYS must pay additional attention to the education and career-preparedness of young people with disabilities if young people with disabilities are to be expected to transition successfully from education to employment. However, consideration of such ideas will not happen unless disability employment stakeholders are part of the conversation.

- A. **Engage and Support Businesses** – Identify leaders from the regional business communities throughout NYS to develop groups of like-minded businesses in their region interested in promoting the employment of people with disabilities (e.g. Business Leadership Network, which is established at a national level). Such a group could then advise the Governor and legislature on ways in which to support businesses to hire people with disabilities and to engage with stakeholders in supporting employment for people with disabilities (e.g. streamlining the cumbersome tax credits associated with hiring people with disabilities that are grossly underutilized). To kick off such an effort, NYS could emulate the employment summit the State of Rhode Island is holding to focus on businesses and building relationships with business.
- B. **Incorporate disability stakeholders on Workforce Investment Boards** – Strong consideration should be given to **requiring individuals/organizations with expertise in employment of people with disabilities – including individuals with the most significant disabilities, guardians or family members of individuals unable to speak on their own behalf, and providers of employment supports to these individuals – to the Workforce Investment Boards (WIB).** It is both interesting and exciting to see that WIOA will require three committees under the newly structured WIBs, one of which will be exclusively focused on individuals with disabilities. This infrastructure change will allow for specific consideration to be given to the workforce development needs of individuals with disabilities, including how on-the-job training programs, apprenticeships, active job shadowing, and other training and

skill building opportunities could be enhanced or modified (e.g. extended time or customization) to meet the needs of individuals with disabilities.

- C. **Facilitate collaboration with organized labor** – There is much that stakeholders in the disability field and the trades/organized labor have in common. **Both the federal and state governments should serve as the convener for discussions between organized labor, workforce development experts, and disability employment stakeholders.** Such groups could be charged with making recommendations on how partnerships could be built to create opportunities for job exploration, apprenticeship and long-term on-the-job training for people with disabilities who desire to work. In addition, they could also generate sub-groups that focus on developing training programs for specific job functions that could then be made available to businesses to use when they have such job openings.
- D. **Build the Capacity for Self-Employment** – Just because an individual has a disability does not mean that they can't create their own business. In fact, if ever there were a model that offered great flexibility for accommodation, it is self-employment. As an entrepreneur, an individual with a disability can contract out for functions that they either choose not to undertake themselves or for which they need additional expertise or skill – just like any other entrepreneur. To make this a more viable opportunity for people with disabilities, **NYS should facilitate greater coordination with the State University of New York's Small Enterprise Economic Development (SEED) program, which provides lending opportunities to entrepreneurs who do not meet traditional lending criteria, to better accommodate individuals with disabilities.**

3. Incorporate People with Disabilities into Economic Development Efforts

If the stated goals of the federal and state government to fully incorporate people with disabilities into the workforce in competitive employment are to be realized, a more concerted effort must be made to include people with disabilities in the economic development strategies at both the state and federal level. While there is regular discussion of the need for job creation, there is rarely any consideration of job opportunities for people with disabilities.

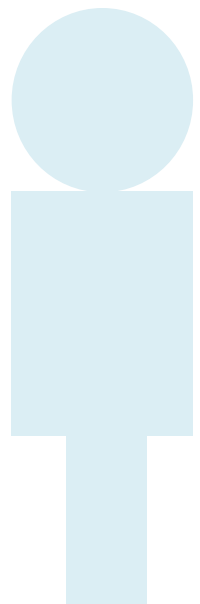
- A. **Incorporate stakeholders from the disability community into the economic development discussions taking place at a national, state, regional and local level** – It must be recognized that many providers of services to people with disabilities are among the largest organizations and largest employers in their communities – especially in less urban areas. Failing to incorporate these entities, the individuals with disabilities they serve, and family members is nothing short of a missed opportunity for partnership. These organizations and individuals often bring significant resources and capacity to the table, and are eager to help their community prosper and thrive. However, to achieve this type of incorporation, incentives may be necessary. In NYS, the Regional Economic Development Council (REDC) process serves as the central mechanism by which applications for economic development funding are

submitted. First and foremost, **NYS should facilitate getting disability employment stakeholders involved with these discussions, including individuals and those who represent individuals with the most significant disabilities.** Getting these stakeholders involved with these discussions will provide the opportunity to consider options that would provide opportunities to advance this articulated social goal of the state and federal governments (e.g. jobs customized to the skills of people with disabilities). NYS could incentivize such partnerships by **building the REDC scoring process for economic development funding applications to favor projects submitted by partnerships that include stakeholders in disability employment.** Lastly, to further the competitive employment opportunity goals for people with disabilities, **scoring for individual REDC projects could favor those projects that commit to hire, create on-the-job training opportunities, and create apprenticeships for individuals with disabilities.**

4. Technical Assistance to Transition from Traditional Models

While the state and federal governments have articulated a desire to move in a direction away from work centers, there is often little expertise within the disability community that lends well to creating new models and new business ventures. In many cases, providers of services to people with disabilities have plenty of not-for-profit and social service education and expertise, but little education and entrepreneurial know-how to create a sustainable business plan and develop partnerships with venture capital firms, investors, and others.

- A. **Dedicate funding to facilitate the transition from traditional supports to more integrated models** – As part of the Rhode Island consent decree regarding sheltered work centers and day programs, the state agreed to dedicate a significant amount of funding to provide technical assistance to work centers operators to assist them in transitioning to new models by which to support people with disabilities. **The federal and state governments should make similar financial commitments to provide technical and financial assistance to work center operators to develop more inclusive models and mechanisms by which to support people with disabilities.** In addition, NYS should spearhead an effort to enlist the support of mission driven foundations that could invest in the businesses created as alternatives to work centers.
- B. **Assemble business development experts to offer assistance** – Both the federal and state governments should use their authority to **assemble a task force comprised of business leaders (for profit and not-for-profit), workforce development experts, organizations with expertise in providing employment supports to people with disabilities, and individuals with varying degrees of disability to develop recommendations for government action to facilitate skill development opportunities that include opportunities for people with disabilities.**



- C. **Convene local and regional resources** – Small business development experts, retired business executives and others could offer expertise and experience – often at minimal or no cost – to providers of services to people with disabilities who want to develop new business models by which they support people with disabilities. **NYS should facilitate the development of regional groups of large and small business leaders from the region, small business development experts, disability service providers with work centers, individuals with disabilities (including those with the most significant disabilities) and others to help develop new models and opportunities by which to support the competitive employment goals of people with disabilities in the region.**

5. Invest in Infrastructure

- A. **Technical Infrastructure Investment** – NYS has developed an excellent infrastructure framework by which to facilitate job attainment and track employment outcomes for all New Yorkers - the NYESS system. In fact, NYESS stands as the only opportunity currently available to create a complete picture of all employment related activities. This will serve NYS well not only with ample data to paint an accurate picture of employment in NYS, but also by capitalizing on revenue generation capacity that requires the reporting of employment goals through the Social Security Administration's *Ticket to Work* program. However, not all state agencies and not all providers of employment supports utilize this resource. In fact, utilizing the NYESS system currently stands as a significant additional burden on providers of employment supports. NYS could effectively eliminate this burden by **investing further into the NYESS system to make the system more user friendly to all, and facilitating a data transfer functionality for those entities using proprietary information systems that track employment services/outcomes and services beyond employment supports.** Additionally, NYS and the federal government should **invest in further development of the NYESS system in order to incorporate and interface with other data systems.** Creating a linkage between NYESS and New York's Medicaid data system and public benefit systems would provide a significant advancement in the effort to better understand the global experience of many individuals with disabilities, many of who rely heavily on such benefits and supports. Also, this system could be used to monitor the progress as the OPWDD employment supports transition unfolds over the next several years to track hours and wages for individuals served prior to and after the transition from work centers.
- B. **Coordination of Supports Investment** – Given the difficulty and complexity associated with all of the various services, systems, benefits, etc. it is little wonder that many people with disabilities who rely upon such benefits and supports are reluctant to give up that safety net. This phenomenon is clearly illustrated in data contained on the StateData.info website. Of the 574,000 New Yorkers with disabilities who received Supplemental Security Income (SSI) in 2012, only 26,300 (4.5%) of those individuals worked that year. Only 329 of those 26,300 took advantage of the Impairment-Related Work Expense (IRWE) deductions that do not count toward SSI benefit calculations. Perhaps more alarmingly, only 113 of the entire 574,000 utilized a Plan for Achieving Self Support (PASS), which can prevent money spent on getting a

job or starting a business (including education) toward SSI benefit calculations. **These examples clearly demonstrate the need for benefits assistance. However, such assistance would be most powerful and useful delivered by individuals with disabilities with lived experience who are able to inspire and support individuals to take steps toward greater economic self-sufficiency. Such an investment in a "life coach" capacity could be a game changing factor.**

6. Authorize and Encourage New and Innovative Ideas

- A. Allow investment of state work center funding in new models** – Given the heavy reliance on Medicaid as the primary funding mechanism for community-based supports for people with disabilities, many providers have few other sources of revenue with which to pursue innovative investments. Rather than cut non-Medicaid state funds for work centers as it has over the past several years, **NYS should allow work center operators to retain these funds for a prescribed period of time, and incentivize them to invest these funds in new business partnerships, entrepreneurial models and other new supports that will afford people with disabilities new opportunities for inclusive, competitive employment.** Some of the most innovative enterprises providing employment opportunities to people with disabilities have come about as a result of unique business partnerships brought about by work centers. Work center operators are uniquely well positioned to serve as incubators for new businesses and business models. Allowing work center operators to retain some investment capital with which to build such business ventures, and thereby create job opportunities, is key. However, in designing new models, NYS should be certain to design its regulations and definitions to align with the value added labor and other requirements of the SourceAmerica and NYSID programs so that the many thousands of good paying jobs for people with disabilities are not lost during this transformation.
- B. Businesses purchase employee supports** – A statewide pilot should be initiated to address workplace accommodations and supports differently. Utilizing the Employee Assistance Program model, time limited **funding should be made available to businesses who agree to hire individuals with disabilities, which they may only use to purchase employment support services their employees need to become or remain successful on the job.** A formal evaluation process would be important in the design of the pilot to determine whether it could be replicated and perhaps expanded.