

The Story of Employment First The Purpose, Policy, and Mandate

August 15, 2019



The History of Employment First

- The Employment First Policy that you know today actually started from legislation that was introduced and signed into law in 2006 (SB 1270, Chesbro) as a result of a statewide ARCA conference in 2005 that focused on alternatives to traditional supports of consumers.
- SB 1270 was signed on September 22, 2006 and required that the Department of Developmental Services (DDS) provide Regional Centers information related to employment options.
- That the State Council on Developmental Disabilities (Council) convene a workgroup that developed alternative and expanded options for nonresidential services and supports.
- The workgroup then developed and submitted recommendations to the Governor and the Legislature on May 1st 2007.

To the right is a snapshot of an excerpt from the 2007 Report titled Expanding Opportunities and Choice in California's Day Program Services for Individuals with Developmental Disabilities

Goals, Recommendations, and Strategies¹⁶

Introduction

Some forty years ago, individuals with developmental disabilities in California were often isolated from their fellow citizens. Families and other advocates asked the State to write policies and direct resources to help end that isolation. The State, the Regional Center system, and Service Providers responded and community group homes, day programs and workshops were created. This system of programs has served people well.

Over the past forty years, there has been a steady growth in different ways that people can choose to live. In addition to community group homes, there are now opportunities for individuals to continue to live with their own family, other families, or to live on their own with support. Expansion for choices in what people do during the day has not kept pace.

It's 2007, and a new day! Individuals with developmental disabilities, their families and advocates are once again asking the State, Regional Centers and Service Providers to take a big step. To join them in writing policies and redirecting resources that will provide new opportunities for working and participating in the community alongside their fellow citizens. To make sure that by the year 2012:

- (1) individuals and families get the information they need to make informed decisions about integrated employment, community participation, work and health benefits at their IPP meetings;
- (2) individuals who choose to, have their own self-directed service budgets, decide on the kinds of services they want, and buy their services;
- (3) collaborative transition teams are available to help individuals and their families plan for what happens after school such as employment, college, community living and participation;
- (4) there are incentives for employers, providers, and communities to support people with developmental disabilities to expand their opportunities for integrated employment and community participation;
- (5) there are standards for good quality integrated services; and
- (6) there is a statewide way to measure progress in what people earn from employment and how they spend their time in the community.

The following recommendations will help move the system of services and supports for individuals with developmental disabilities and their families towards accomplishing

¹⁶ Each goal is presented in bold with a one or two sentence narrative. Recommendations are also presented in bold and are in easy-to-understand language followed by a more complete description of the intent.

What was in the Workgroup's report...

- The final report presented ten recommendations to achieve the four goals that were identified by the workgroup.

Recommendations 1 through 3

- 1 - Make sure people with developmental disabilities and families get information about integrated employment, community participation, work and health benefits at their IPP meeting.
- 2 - People have their own self-directed service budgets, decide on the kinds of services they want, and buy their services.
- 3 - The State Council will ask state agencies like DDS, Departments of Rehabilitation (DOR) and Education (CDE) to put funding together to help people with developmental disabilities and their families figure out what to do after high school.

Recommendations 4 through 7

- 4 - The State Council will work with its Agency partners and all employers to hire more people with disabilities.
- 5 - Help individuals who have good ideas about work/job services or community services and people with developmental disabilities who want to start their own businesses.
- 6 - Make sure support staff get the training they need to do a good job by putting together good trainers from across the state.
- 7 - Get the word out about people with developmental disabilities who work and are involved in their communities.

Recommendations 8 through 10

- 8 - For people who work and get SSI, let them keep more of the money they earn and get health benefits.
- 9 - Let Regional Centers pay for services that help people find and keep jobs and get out in the community to do things like everyone else.
- 10 - Keep track of the work/employment situation of people with developmental disabilities and how they are involved in social and recreational activities in their communities.

Goals presented to meet by July 1st 2008

- Goal 1 – Opportunities for integrated employment and community participation are discussed at all Individual Program Plan meetings.
- Goal 2 – There is a Cooperative Transition and Employment Unit located in the Department of Developmental Services (DDS).
- Goal 3 – The State Council will announce a 5-year employment initiative for Californians with developmental disabilities.
- Goal 4 – There is a statewide system for collecting and reporting information about integrated employment and community participation.

Assembly Bill 287 (Beall)

- On February 13th 2009, AB 287 (Beall) was introduced with the intent to enact legislation that would result in a significant increase in the number of individuals with developmental disabilities who engage in gainful, integrated employment.

Creating Change...

The Employment First Movement

But the toughest challenge of all is when people with disabilities are seen as "them" and not as "us". A job can change that. A job is more than a paycheck; it is a source of dignity. The workplace can be a productive and fulfilling place - a place where people with disabilities transform their lives from the margins to the mainstream, and can be seen as the valuable and complete people they are.

Testimony of
J. Randolph Lewis,
Senior Vice President of
Supply Chain and Logistics,
Walgreen Co., Deerfield,
Illinois , on Employment
of Individuals with
Development Disabilities
to United States Senate
Committee on Health,
Education, Labor and
Pensions, Wednesday,
March 2, 2011

Success...

- On October 11th 2009, AB 287 (Beall) was signed into law.
- It established the Employment First Committee with multiple requirements including creating an Employment First Policy.

To the right is the cover letter that accompanied the Council's first Employment First report to the Legislature

“A vision of Californians with developmental disabilities working in competitive integrated employment”



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State Council on Developmental Disabilities

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STATE OF CALIFORNIA
Jerry Brown, Governor

(916) 322-8481
(916) 443-4957 fax

August 10, 2011

Dear Governor Brown and Members of the Legislature:

The California State Council on Developmental Disabilities (SCDD) is pleased to present the following report addressing employment for persons with developmental disabilities pursuant to Chapter 231, Statutes of 2009 (Assembly Bill 287, Beall).

SCDD is an independent, federally funded State agency mandated to advocate, promote and implement policies and practices that achieve self-determination, independence, productivity and inclusion in all aspects of community life for Californians with developmental disabilities and their families.

"Employment is the first question we ask about most adults in society. In part, every adult is defined by their contributions, their work. Even as employment for people with intellectual and/developmental disabilities has gained attention, there has been a growing awareness that the labor force participation rate for this population has remained flat" (Kiernan et. al, 2011).

This report discusses the status of integrated competitive employment for persons with developmental disabilities in California through identifying the roles and responsibilities of state and local agencies in enhancing employment opportunities; strategies, promising practices and incentives for employment; resources of employment data and recommendations of goals for measuring progress of employment; presenting recommendations designed to increase of number of people employed, and present an employment first policy for California.

This report represents a beginning toward enhancing the economic independence of persons with developmental disabilities. The goal is full inclusion, assuming that all people, with and without disabilities, have the opportunity to work in the general labor market with supports as needed. As expressed by individuals with developmental disabilities involved in the development of this report, "Work Is for All".

SCDD looks forward to working the Administration and Legislature toward achieving the outcomes envisioned in this report.

Sincerely,

A handwritten signature in blue ink that reads "Leroy Shipp".

LEROY SHIPP
Chairperson

What did the Committee Do?

- On August 10th 2011, the report was submitted to the Governor and Legislature.
- Including five goals and a series of recommendations and strategies to achieve the goals.

Goal: Interagency Collaboration and Coordination

- 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 collaboration to develop an infrastructure to support and further employment as a priority outcome.

Goal: Transition

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

Goal: Getting Work

- 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 microenterprise.

Goal: Benefits

- Individuals with developmental disabilities, their families, and service 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.

Goal: Supports

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

AB 287 also mandated that the Committee
create an Employment First Policy

“Work is for all”

The Employment First Policy Development

- On February 22nd 2013, Assemblyman Chesbro introduced AB 1041.
- AB 1041 (Chesbro) was signed by the Governor on October 9th 2013 and created the Employment First Policy and continued the Employment First Committee with with updated responsibilities.

What the Policy says...

“It is the policy of the State of California that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities.”

AB 1041 (Chesbro)

Progress/Achievements

Since the first report to the Governor and Legislature, California has made progress and/or achieved the following goals.

- Opportunities for integrated employment and community participation are discussed at IPP meetings.
- There is a unit within DDS that focuses on transition and employment.
- The State Council has a current state plan goal related to employment.
- There is a statewide system for collecting and reporting information on CIE.
- Policies have been established to increase interagency collaboration to support and further employment as a outcome.

So What's Next...

With all California has achieved, there is still more to be done to achieve previously identified goals. Specifically, AB 1041 states that the Employment First Committee will identify strategies and recommend legislative, regulatory, and policy changes to increase integrated employment.

AB 1041 further states that the Committee identify existing sources of consumer data that can be matched with employment data and recommend goals for measuring employment participation and outcomes for various consumers within the developmental services system.

What the Committee Does...

- Identify the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities.
- Identify strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers.
- Identify existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment.

What the Committee Does (continued)

- Identify existing sources of consumer data that can be used to provide demographic information, including, age, gender, ethnicity, types of disability, and geographic location of consumers, and that can be matched with employment data to identify outcomes and trends of the Employment First Policy.
- Recommend goals for measuring employment participation and outcomes for various consumers within the system.
- Recommend policy changes for increasing the number of individuals in integrated employment who earn wages at or above minimum wage, including, recommendations for improving transition planning and services for students who are 14 years of age or older.

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Activities for 2020

*Turning the Committee's Goals and Priorities into
Activities that Create Statewide Outcomes*

Opportunities for More Change

In the previously slides, we saw all California has achieved. However, there is still more to be done to achieve previously identified goals. This includes:

- Ensuring all students with I/DD are adequately prepared for CIE.
- Providing adequate supports to individuals with I/DD in obtaining and maintaining CIE.
- All working age youth and adults with I/DD have the *opportunity* to work in jobs that are integrated within the general workforce.
- Access to resources that fully inform individuals on ways to maintain benefits while working.
- And more...

Objective for Today

- Using the previously identified goals, priorities and policy recommendations, select specific activities and the steps needed to accomplish them.
- Determine how each agency/organization represented on the Committee will contribute to accomplishing selected activities in 2020.
- Recommend additional partners needed to join the Committee to accomplish the activities.

Committee Goals (originally part of and adopted from CECY in 2017)

- Goal 1 – Improve Data on CIE
- Goal 2 – Create Financial Incentives for CIE
- Goal 3 – Transition from Segregated Programs to CIE
- Goal 4 – Support Families and Individuals with I/DD to Better Understand CIE
- Goal 5 – Improve Benefits Planning
- Goal 6 – Assure Qualified Employment Related Services for Persons with I/DD and Families
- Goal 7 – Evaluation of Employment First Policy

Council's Priority Relating to Employment

Guarantee Access to Competitive Integrate Employment

- Every person with I/DD must be provided with opportunities for competitive integrated employment (CIE). In California, CIE is the priority outcome for working age individuals with I/DD, regardless of the severity of their disability. Data shows that only 13.6 percent of Californians with I/DD between the ages of 16 – 64 are employed in CIE (compared to the employment rate of the general population in the same age range at 75.7 percent). Policies and practices must promote collaboration between local and state agencies. Policies and practices must remove barriers to CIE through promoting access to information, benefits counseling, job training, inclusive postsecondary education, and ensuring appropriate provider rates that incentivize quality employment outcomes.
- The Council will work to ensure full and robust implementation of California's Employment First Law and the implementing of the Blueprint for Change. The Council will work to ensure that policies and practices set expectations for CIE, microenterprise training, and self-employment. The Council will work to incentivize employers and contractors for hiring employees with I/DD.

2019 Committee Priorities for SCDD's State Plan Workplan

- Increase CIE vendor capacity and business models.
- Convene individual and family advocates for discussions on how to carry out CIE.
- Require LPAs to better disseminate information on stakeholder collaboration.

2018 Policy Recommendations

Number One

DDS should continue to invest in the collection and reporting of all individual outcome data from different systems necessary to understand the factors that impact whether a person enters or retains CIE.

DDS and the State Council should publicly report aggregate data on the Data Dashboard in a consumer friendly and accessible format so that the impact of CIE can be assessed and people with developmental disabilities and their families can make informed data-driven decisions about choosing the best pathway to CIE.

2018 Policy Recommendations

Number Two

CDE, DOR, DDS and the Council should work collaboratively to launch a statewide multi-media public service campaign in traditional and social media with the goal of reducing the stigma to hiring individuals with developmental disabilities.

The campaign should highlight the impact and benefits to businesses when they hire a person with a developmental disability, and highlight the accomplishments of people with developmental disabilities in CIE.

2018 Policy Recommendations

Number Three

CDE, DOR and DDS should work to expand opportunities for work experience, work-based learning, career-exploration, and internship opportunities for students with developmental disabilities by increasing outreach to local businesses through partnerships with the Chamber of Commerce.

2018 Policy Recommendations

Number Four

CDE, DOR and DDS should continue their efforts to collaboratively work to streamline information sharing and service delivery planning to ensure that individuals with developmental disabilities, including those from ethnically and linguistically diverse communities, experience a service delivery system that allows for unified planning and data sharing across agencies.

2018 Policy Recommendations

Number Five

The State Legislature should allocate funding to create a pathway for career advancement and credentialing that provides professional development for organization leaders, program managers, and staff responsible for delivering services to support CIE.

Pay should be compensated at a rate that reflects professionals' level of responsibility and expected competence in delivering services that support CIE.

2018 Policy Recommendations

Number Six

The State should develop state standards or adopt national standards of professional competence in providing services to support CIE so performance can be developed, supported and measured.

2018 Policy Recommendations

Number Seven

The State Legislature should expand opportunities for post-secondary education for students with developmental disabilities by working with and funding inclusive living college programs.

2018 Policy Recommendations

Number Eight

The State Legislature should provide funding to promote the creation and enhancement of new and innovative projects that support CIE and facilitate systems transformation away from sheltered employment and other segregated day services, to make way for an end to sub-minimum wage and segregated employment under 14(c) of the Fair Labor Standards Act.

2018 Policy Recommendations

Number Nine

The State Legislature should provide funding for systems transformation away from sheltered employment and/or segregated employment under 14(c) into CIE.

This should include funding for training and technical assistance from organizations that have successfully transitioned programs to provide expertise to assist those in the process of transitioning.

2018 Policy Recommendations

Number Ten

The State Council, CDE, DOR and DDS should explore opportunities to work in partnership to develop programs that build students' self-advocacy and self-determination skills including how to make informed financial decisions.

The State Council, CDE, DOR and DDS should explore opportunities to work in partnership to create and fund a program for self-advocates employed in CIE to mentor students and their families about possible career opportunities in CIE.

2018 Policy Recommendations

Number Eleven

The State Legislature should pass legislation to create an incentive for employers who demonstrate a commitment to CIE by incorporating transportation solutions and supports into their business practices.

The Department of Transportation should work with stakeholders to identify and disseminate information on any existing opportunities to incentivize transportation to employment.

Next Steps?