



# NOTICE/AGENDA

## **STATE COUNCIL ON DEVELOPMENTAL DISABILITIES EMPLOYMENT FIRST COMMITTEE MEETING**

**POSTED AT:** [www.scdd.ca.gov](http://www.scdd.ca.gov)

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**JOIN ZOOM MEETING:** [2021.EFC.Meeting.Link](#)

**MEETING ID:** **935 6684 7127**

**PASSWORD:** **594468**

**JOIN BY TELECONFERENCE: (VOICE ONLY)**

**CALL IN NUMBER:** **888-475-4499**

**MEETING ID:** **935 6684 7127**

**DATE:** July 22, 2021

**TIME:** 10:30 AM – 2:30 PM

**COMMITTEE CHAIR:** Wesley Witherspoon

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**Item 1. CALL TO ORDER**

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**Item 2. ESTABLISH QUORUM**

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**Item 3. WELCOME AND INTRODUCTIONS**

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**Item 4. PUBLIC COMMENTS**

*This item is for members of the public only to provide comments and/or present information to the Committee on matters not on the agenda. Each person will be afforded up to three minutes to speak.*

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<b>Item 13.</b>	<b>FUTURE MEETINGS AND ADJOURNMENT</b> October 7 <sup>th</sup>	

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**Accessibility:**

Pursuant to Government Code Sections 11123.1 and 11125(f) and Executive Order N-29-20 (this Executive Order can be found by clicking the link on page one of the agenda or typing <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf> into your web browser), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Robin Maitino-Erben at (916) 263-8193 or [robin.maitino@scdd.ca.gov](mailto:robin.maitino@scdd.ca.gov). Please provide at least 3 business days prior to the meeting to allow adequate time to respond to all requests.

*All times indicated and the order of business are approximate and subject to change.*

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July 22, 2021

**AGENDA ITEM 5.**

**ACTION ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Approval of May 2021 Minutes***

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Members will be presented with the draft minutes from the May 6, 2021 meeting for consideration.

***Action Recommended***

Approve May 2021 minutes.

***Attachments***

May 6, 2021 Meeting Minutes



**DRAFT**

## **Employment First Committee Meeting Minutes May 6, 2021**

### **Attending Members**

Cindy Chiu (DOR)  
Wilbert Francis (UCLA)  
Sarah Issacs (DRC)  
Michael Luna (DDS)  
Kara Ponton (SA)  
Steve Ruder (UCD)  
Nick Wavrin (CDE)  
Wesley Witherspoon (SA)  
Larry Yin (USC)

### **Members Absent**

None

### **Others Attending**

Ivan Arce  
Aaron Carruthers  
Abi Duraiswamy  
Charlotte Endres  
Donna Feingold  
Bridget Kolakosky

### **Others Attending**

Robin Maitino-Erben  
Tania Morawiec  
Sheraden Nicholau  
Mary Agnes Nolan  
Lea Park-Kim  
Bill Pelter  
Mary Ellen Stives  
Matt Traverso  
Beth Walker

#### **1. CALL TO ORDER**

Chairperson Wesley Witherspoon (SA) called the meeting to order at 10:33 a.m.

#### **2. ESTABLISH QUORUM**

A quorum was established.

#### **3. WELCOME/INTRODUCTIONS**

Members and others in attendance introduced themselves.

#### **4. PUBLIC COMMENTS**

Mary Ellen Stives, along with others, provided feedback on the CIE roadmap. Feedback received included comments that the length of the presentation was too long, not engaging and should be in more plain language. Following the feedback, Committee member Michael Luna thanked everyone for the robust feedback and explained that it was a living document that will be interactive. He stated that it is not the intent of the presentation to be viewed in its entirety, rather as a one stop resource. He welcomed any additional feedback and offered the following link for anyone who wishes to submit comments [californiaCIE@dor.ca.gov](mailto:californiaCIE@dor.ca.gov).



## 5. **APPROVAL OF THE FEBRUARY 2021 MEETING MINUTES**

It was moved/seconded (Ruder/Ponton) and carried to approve the February 2021 meeting minutes as presented. (Abstain: Yin; Not present during vote: Francis; all others present voted in favor. See page one for members in attendance.)

## 6. **2021 TARGET PRIORITIES UPDATE**

Committee Chair Wesley Witherspoon provided an update on the four 2020 targeted priorities indentied at the September 2020 meeting (Data, Service Delivery System, Emerging Practices, and Education and Training). His update included an overview of expected outcomes for the meeting, status of each priority and what he hoped to achieve for the remainder of 2020. Specifically, he stated that this meeting's focus would be on emerging practices and establishing a Data Workgroup meeting date once he spoke to Councilmember Olivia Raynor regarding her interest in continuing to serve as the Workgroup's lead.

## 7. **GETTING PEOPLE BACK INTO THE WORKFORCE**

Committee members were presented information highlighting the work of the Council's federal partner and agency member, Disability Rights California (DRC). DRC is hosting a 3-day summit focused on building back a better, more inclusive economy as California recovers from the economic crisis of the COVID-19 pandemic. This 3-day summit will be comprised of four two-hour virtual sessions including keynote speakers, panels and engaging break-out room discussions. Speakers include Governor Gavin Newsom Congresswoman Barbara Lee, as well as Committee members Wesley Witherspoon and Olivia Raynor.

The objective of the summit it to identify existing best policies and practices and help California set an agenda for long-term economic capacity that promotes equitable and sustainable employment of all people with disabilities, and address the needs of intersectional communities most impacted by COVID-19 as well as individuals with intellectual, developmental and other significant disabilities in the competitive labor force. The expected outcomes include, expanding the vision and policy of Employment First to have more impact and to reach a broader and more diverse cross-section of the disability community. Chair Witherspoon is hoping the summits results, among other things, as an opportunity to increase CIE opportunities and engage business.

## 8. **INDIVIDUAL PLACEMENT AND SUPPORT (IPS) PRESENTATION**

Deputy Director Tania Morawiec presented information on the members on the emerging practice, individual placement and support (IPS). IPS is an evidence based practice that helps people who have disabilities find and maintain employment. This innovative model is being used in several counties throughout the State. The 8 guiding principles of the model are:

- 1) Zero Exclusion
- 2) Integrated with Mental Health
- 3) Achieve Competitive Integrated Employment
- 4) Personalized
- 5) Rapid job search approach
- 6) Employment Specialist work with Consumers and Employers based on consumer preference
- 7) Consumer work preferences are a priority
- 8) Follow along supports are continuous

Following the presentation, members expressed much interest in finding out more about this model and how it can be used throughout the State.

## 9. **APPROVE 2020 EFC REPORT**

Members were presented with the final draft report, finalized the recommendations and followed up with members on what to include in the DDS data and CIE Blueprint portions of the report. Members had minor and no substantive changes to the body of the report. However, there was much discussion on the recommendations. Staff captured those changes and have included them in track changes as an attachment to these minutes.

It was moved/seconded (Issacs/Ponton) and carried to recommend approval of the 2020 EFC Report pending the implementation of changes indicated above and on the supplemental document attached which outlines changes to the recommendations. (Not present during vote: Chui; all others present voted in favor. See page one for members in attendance.)

## 10. **FEDERAL AND STATE LEGISLATIVE AND REGULATORY UPDATES**

Committee members were provided updates on federal and state legislative and regulatory issues relating to education and employment for people with disabilities; including SB 639, AB 299, AB 313, AB 610 and more.

**11. UPDATE ON CIE BLUEPRINT IMPLEMENTATION**

The Blueprint partners provided an update on the implementation activities since the last meeting.

**12. UPDATE ON THE IMPLEMENTATION OF THE DATA SHARING LEGISLATION**

Nothing new to report.

**13. MEMBER UPDATES**

Members provided updates within their agency/area on activities related to CIE that were not otherwise covered during the meeting.

**14. NEXT MEETING AND ADJOURNMENT**

The next meeting is July 22, 2021. The meeting was adjourned at 3:38 p.m.

MAY 6, 2021

## CHANGES TO THE 2020 EFC REPORT RECOMMENDATIONS

### Legislative

The State Legislature should require that any federal or state funding to employers to help businesses/agencies recover from the COVID-19 public health emergency:

- Should include a specific diversity ~~requirement~~, equity and inclusion requirements for spending the funds that would support the employment of people with disabilities.
- Should be mandated that funding cannot be used to support sub-minimum wage and/or segregated employment.
- Should include a component of required training on the Americans with Disabilities Act and other applicable laws pertaining to people with disabilities, for all employees and contractors.

The State Legislature should allocate funding to create career pathways and training that provides direct support to professionals with career advancement and credentialing to increase competency and professionalism to improve job retention and quality support for people with developmental disabilities.

The State Legislature should help prepare students with developmental disabilities for employment by expanding opportunities for post-secondary education for students with developmental disabilities within California's higher education systems (community college, state universities, ~~and~~ the University of California, and College to Career programs).

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 segregated day services including funding for training and technical assistance from organizations ~~that have successfully transitioned programs to~~ provide providing expertise to assist those in the process of transitioning with the goal of moving towards phasing out sub-minimum wage under 14(c) of the Fair Labor Standards Act and/or segregated employment.

The State Legislature should pass Senate Bill 639, authored by Senator Elena Durazo, which would phase out subminimum wage for people with disabilities in California, and present it to the Governor for signing at the end of the 2021 Legislative Session.

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MAY 6, 2021

## CHANGES TO THE 2020 EFC REPORT RECOMMENDATIONS

The State Legislature should pass legislation to create additional tax resources or other incentives, such as incorporating transportation providing solutions and supports, for employers who hire people with developmental disabilities and retain them long-term.

The State Legislature should pass legislation requiring outcome-driven evidence-based and/or promising practices that effectively enable people with disabilities to achieve CIE.

The State Legislature should increase funding for access to technology for people with disabilities who need to use it to enter or retain CIE.

### Administrative

DDS should adopt a tiered incentive structure to implement Welfare and Institutions Code, Section 4870 (d-g) that provides for higher incentive payments for individuals with the most significant disabilities.

DDS should ~~continue to~~ invest in the collection and reporting of ~~all individual outcome data aggregated, timely data from different with universal client identifiers across government systems necessary~~ to understand the factors that impact whether or not 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.

CDE, DDS, DOR, and the State Council should create data-sharing agreements across agencies that identify and quantify tertiary benefits of employment as a social determinant of health.

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

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MAY 6, 2021

## CHANGES TO THE 2020 EFC REPORT RECOMMENDATIONS

CDE, DOR and DDS should continue to expand opportunities for work experience, work-based learning, career-exploration, and internship opportunities for students with developmental disabilities by through various opportunities, including increasing outreach to local businesses through partnerships with chambers of commerce.

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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 ensuring equity and inclusion for those from ethnically- and linguistically-diverse communities, experience a service delivery system that allows for unified planning, implementation, evaluation and data sharing across agencies.

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~~The Labor and Workforce Development Agency should develop a senior level position reporting to both the Secretary of Labor and Health and Human Services Agency that is responsible for coordinating services and activities related to CIE across both agencies including the activities of the various Committees and Taskforces with responsibility for CIE.~~

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**July 22, 2021**

**AGENDA ITEM 6.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***2021 Target Priorities***

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In the fall of 2020, members created an outline of targeted issues to work on at each meeting in 2021 so that the activities of the Committee better linked to recommendations in the 2021 EFC report (see below list). At the May meeting, the Committee focused on two emerging practices and rebooting the Data Workgroup. At this meeting, members will receive an update on the topics discussed in May, identify a member to lead the Data Workgroup, and hear about emerging issues the Council identified through the State Plan survey process.

**2021 Targeted Priorities**

1. Data
2. Service Delivery System
3. Emerging Practices
4. Education and Training

***Attachments***

None – May be handouts the day of meeting.

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July 22, 2021

**AGENDA ITEM 7.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Getting People Back into the Workforce***

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This is a standing agenda item which highlights what different agencies/organizations are doing to get people back into the workforce in light of the COVID-19 pandemic. At this meeting, members will be given an overview of the outcomes from the Building Back Better for Diversity, Equity and Inclusion Summit highlighted at the May meeting.

Members will then be asked to identify Disability Awareness Month activities to highlight at the October meeting.

***Attachments***

None – May be handouts the day of meeting.



July 22, 2021

**AGENDA ITEM 8.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Federal and State Legislative and Regulatory Updates***

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Committee members will receive the updates on SCDD-sponsored and supported State legislation pertaining to education and CIE. Members will also be provided an update on any federal legislative and regulatory issues relating to employment for people with disabilities.

***Attachments***

May be additional handouts the day of the meeting.

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July 22, 2021

**AGENDA ITEM 9.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Update on CIE Blueprint Implementation***

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Cindy Chiu with the Department of Rehabilitation, Michael Luna with the Department of Developmental Services and Nick Wavrin with the Department of Education will provide an update on the progress of the Blueprint Implementation across the Departments.

***Attachments***

None – May be handouts the day of meeting.

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July 22, 2021

**AGENDA ITEM 10.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Update on the Implementation of the Data Sharing Legislation***

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The Department of Developmental Services has been asked to provide a report on any implementation updates available on the data sharing legislation.

***Attachments***

None – May be handouts the day of meeting.

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July 22, 2021

**AGENDA ITEM 11.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Member Updates***

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This agenda item is intended to allow members to provide local and/or agency updates on activities related to the employment of people with developmental disabilities. At this meeting, members are asked to be prepared to share activities relating to the anniversary of the ADA Act.

***Attachments***

None – May be handouts the day of meeting.

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July 22, 2021

**AGENDA ITEM 12.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Final 2020 Employment First Report***

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Pursuant to California Welfare and Institutions Code Section 4868 (e), the Employment First Committee produces an annual report to the Legislature describing its work and policy recommendations.

In May, the Committee review the report text and approve the 2020 report in concept. Attached is the final report that was submitted to the Legislature on July 1<sup>st</sup>. The intent of this agenda item is to share the final report for informational and distribution purposes.

***Attachments***

Final 2020 Employment First Report




2020

# **REPORT OF THE EMPLOYMENT FIRST COMMITTEE**

Convened By

**THE CALIFORNIA STATE COUNCIL ON  
DEVELOPMENTAL DISABILITIES**

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# EXECUTIVE SUMMARY

This is the 2020 annual report of the Employment First Committee (EFC) convened by the State Council on Developmental Disabilities. EFC is tasked with advancing competitive integrated employment (CIE) for people with developmental disabilities by identifying: 1) the respective roles and responsibilities of state and local agencies; 2) strategies and best practices for increasing employment, including transition practices; 3) sources of employment data and recommended approaches for measuring progress; 4) demographic data that can be matched to employment outcomes; and 5) goals for measuring employment participation and outcomes for various people with developmental disabilities across service systems.

The world has changed a great deal over the past year as a result of the COVID-19 pandemic. In California and across the nation, unemployment rates are at record highs. Those rates are significantly higher when focusing on people with disabilities. However, as California begins to open up and build back, we are presented important new opportunities to achieve meaningful change. To that end, sub-committees of the EFC have made recommendations to the Governor's Taskforce on Business, Jobs and Recovery. We also provided recommendations to the California Labor and Workforce Development Agency to help ensure that people with intellectual and developmental disabilities are considered and included in efforts to rebuild. Additionally, we reviewed the State of California Developmental Disabilities System Employment Data Dashboard and made recommendations on how to enhance the accessibility of the information.

Even before COVID-19, the majority of working age adults with developmental disabilities remained unemployed or underemployed. We recognize that now, more than ever, California has the opportunity to become a national leader in CIE. Although California has a strong Employment First Policy, it has not yet been fully actualized. Some of the current barriers include: 1) insufficient measurable outcome data that allow for an evaluation of effective practices for CIE; 2) shortfalls in employment service provider availability and retention; and 3) insufficient availability of comprehensive benefits planning and education for individuals and families.

This report discusses some of the efforts that have been undertaken in 2020 to address these barriers and includes policy recommendations for the Legislature and Administration to meet these challenges.





# IMPACT OF COVID ON EMPLOYMENT

The COVID-19 Pandemic, which began roughly in March 2020, threw the nation into an economic recession unlike any seen before due to the immediate nature of the reaction. Workers throughout the United States went from being employed to temporarily furloughed or unemployed almost overnight. In fact, the number of unemployed persons increased from 15.9 million to 23.1 million in the month of April, according to the Bureau of Labor Statistics.

Additionally, this data shows that, if using February 2020 as the baseline for pre-pandemic employment status, the employment status of people with disabilities decreased by 18.8% compared to 15.5% for people without disabilities between February and April. The statistics also show that individuals with disabilities did not bounce back to the same degree as people without disabilities: in June 2020, 12.1% fewer people with disabilities were employed than in February 2020 compared to 9.5% of people without disabilities.

Lastly, when using the same metric for February to October, the data shows that 8.5% fewer people with disabilities were employed in October of 2020 compared to February 2020 compared to only 4.7% of people without disabilities. This information shows that individuals without disabilities were almost twice as likely (8.5% to 4.7%) to rebound from the Pandemic as people with disabilities. [1]

[1] [https://www.statedata.info/sites/statedata.info/files/files/DN\\_69\\_D2.pdf](https://www.statedata.info/sites/statedata.info/files/files/DN_69_D2.pdf)

# FEDERAL POLICIES IMPACTING CIE IN CALIFORNIA

The ongoing implementation of federal policy changes are moving California to realize improved employment outcomes in the future. The following highlights those changes.

## Home and Community Based Services (HCBS) Settings Rule

In 2014, the Centers for Medicaid and Medicare Services (CMS) published a final HCBS Settings Rule which states in part that residential and non-residential programs must provide services in the most integrated setting by March 2022. Given the COVID-19 pandemic, the deadline for implementation was moved to March 2023. California received initial approval for its plan in 2018 and is working towards final approval.

## Workforce Innovation and Opportunity Act (WIOA)

In 2014, WIOA was signed into law and superseded the Workforce Investment Act of 1998, amended the Wagner-Peyser Act, the Adult Education and Family Literacy Act, and the Rehabilitation Act. For people with disabilities, WIOA created a presumption of employability in CIE. For individuals with disabilities under age 25, it established strict requirements that must be met before a person can be placed in subminimum wage employment. The WIOA core partners are working on their shared commitment to CIE and are either in the process of phasing out or no longer placing people in subminimum wage employment. WIOA also focuses on ensuring that youth in transition from school to employment or post-secondary education are provided pre-employment transition. It also ensures that adults with disabilities in segregated and/or subminimum wage employment receive information about options to become employed in CIE. In early 2020, California submitted its draft Unified Strategic Workforce Development Plan (State Plan) for 2020-2023. The State Plan “represents agreement among partners identified in WIOA and serves as the framework for the development of public policy, fiscal investment, and operation of the state workforce and education system.”

### Achieving a Better Life Experience (ABLE) Act

In 2014, the ABLE Act was signed into law and allows people with disabilities under the age of 26 and their families to set up a special savings account to pay for disability-related expenses which are not taxed. The funds in the ABLE account are also not generally considered for the Supplemental Security Income (SSI) program or Medicaid and other federal means-tested benefits. In December 2018, California launched its program.

### Strengthening Career and Technical Education for the 21st Century Act

In 2018, the *Strengthening Career and Technical Education for the 21st Century Act* was signed into law which reauthorized and amended the *Carl D. Perkins Career and Technical Education Act of 2006*. The Act provides expanded opportunities for all students, including students with disabilities, to explore, choose, and follow career and technical education programs of study and career pathways. In early 2020, California submitted its draft Strengthening Career and Technical Education for the 21st Century Act State Plan.

In addition, in 2020, the U.S. Civil Rights Commission issued a report, *Subminimum Wages: Impacts on the Civil Rights of People with Disabilities*. [2] The overarching finding in the report is that Congress should repeal 14(c) of the Fair Labor Standards Act, that allows for the payment of subminimum wage, with a planned phase-out period that will allow time for providers and people with disabilities to transition services. The Commission's research concluded that "Section 14(c) is antiquated as it was enacted prior to our nation's civil rights laws, and its operation in practice remains discriminatory by permitting payment of subminimum wages based on disability without sufficient controls to ensure that the program operates as designed "to the extent necessary to prevent curtailment of opportunities for employment." [3]

[2] <https://www.usccr.gov/pubs/briefing-reports/2020-09-17-Subminimum-Wages.php>

[3] *Id.* at pg. vii citing 29 U.S.C. §214(c).

A faded background image of the California State Capitol building in Sacramento, featuring its iconic dome and classical architecture, surrounded by greenery.

# STATE POLICIES IMPACTING CIE IN CALIFORNIA

The State's policies impacting CIE are also being strengthened. This began in 2013 when California adopted its Employment First Policy (AB 1041 [Chesbro]). The policy states in part:

“In furtherance of the purposes of this division to make services and supports available to enable persons with developmental disabilities...it is the policy of the state 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. This policy shall be known as the Employment First Policy (Welfare and Institutions Code 4869(a)(1)).”

Adopting the Policy was a critical step in beginning to develop the framework that ensures that CIE be given the highest priority, regardless of the severity of disability, in California. The following highlights additional progress made during this report period.

## Self-Determination Program (SDP)

In 2013, the SDP (SB 468 [Emmerson]) was signed into law. SDP provides people with developmental disabilities receiving Regional Center services the option to choose their service providers. The SDP launched in the fall of 2018 and is in the third year of a three-year phase-in process for 2,500 people with developmental disabilities. As of December 2020, there are 447 participants receiving services through the SDP.





# DATA TRENDS IN COMPETITIVE INTEGRATED EMPLOYMENT (CIE)

Access to comprehensive data within and across systems is the cornerstone of evaluating and identifying barriers to achieving CIE. California continues to experience gaps in the ability to collect and analyze comprehensive data requiring stakeholders to rely on multiple data systems to create a holistic portrait of the barriers and achievements related to CIE.

California, like the rest of the United States, continues to see minimal change in the employment participation and unemployment rates for people with disabilities. People with disabilities continue to be much more likely to be unemployed or under-employed than people without disabilities.

A secondary analysis of the American Community Survey reported in 2019, the employment rate of working-aged people with disabilities was 38.9 percent compared to 78.6 percent of working-aged people without disabilities. [4] A gap of 39.8 percent that has remained relatively unchanged from 2018 to 2019. [5] Also, in 2019, 25.9 percent of working-aged people with disabilities were living in poverty compared to 11.4 percent of working-aged people without disabilities. [6] A gap of 14.5 percent. [7]

In California in 2018, the percentage of working-aged people with disabilities who were not working but actively looking for work was 7.9 percent compared to 17.5 percent of working-aged people without disabilities. [8]

[4] <https://disabilitycompendium.org/annualreport> at pg. 16.

[5] *Id.* at pg. 17.

[6] *Id.* at pg. 15.

[7] *Id.* at pg. 20.

[8] [https://www.disabilitystatistics.org/StatusReports/2018-PDF/2018-StatusReport\\_CA.pdf](https://www.disabilitystatistics.org/StatusReports/2018-PDF/2018-StatusReport_CA.pdf) at pg. 35.

In 2017, the Department of Developmental Services reported that 14.5 percent of working-aged people with developmental disabilities who are receiving services through the Regional Centers were working compared to 14.2 percent in 2016. [9]

In 2017, 23,265 Regional Center clients received wages. [10] The average monthly Regional Center clients' wage was \$725. [11] This calculation is made based on quarterly earnings to EDD, and if annualized, this amount is significantly below the federal guidelines in 2019 for one person at \$12,490.

This is the most current data available as of this report. The Employment First Committee continues to work with the Department of Developmental Services and its partners to secure the most up to date data available.



[9] <https://dds.ca.gov/rc/dashboard/employment/>

[10] Id.

[11] Id.

# Sidebar: Internship Success Stories

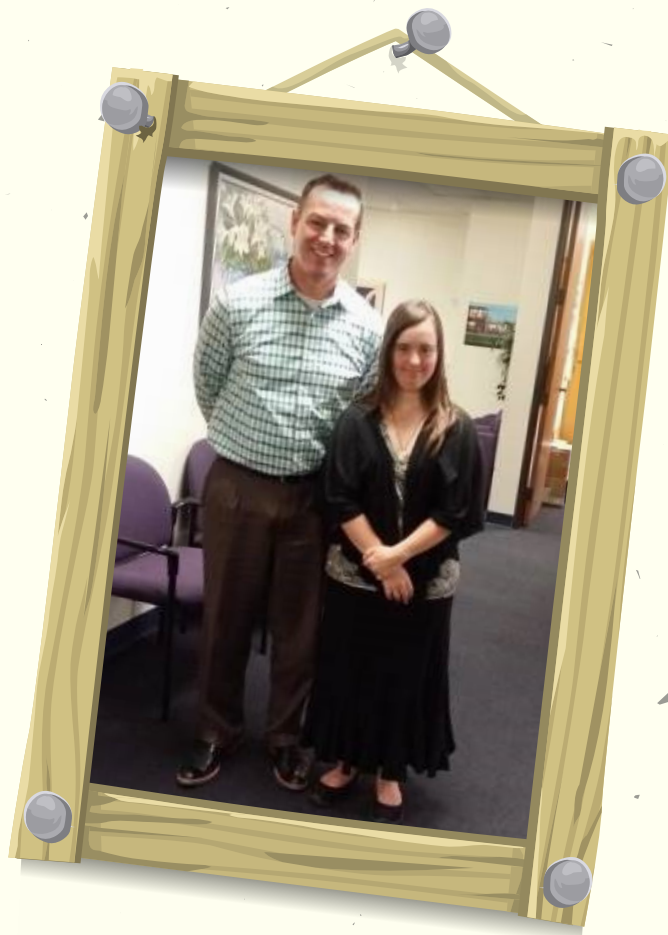


**Story #1:** Terry K. is a young man with a developmental disability. His dream job was to work as a chef. He was able to intern at Eskatón in Sacramento county with a passionate group of chefs and kitchen staff through the Paid Internship Program (PIP). After the PIP, he was hired permanently as a Dietary Aide in another facility. Terry says "I work in an Assisted Living place for Senior Citizens: I work in the kitchen. I wash dishes, break down boxes and do some housekeeping like sweeping/mopping and help the chefs with food preparation. I like the people I work with and the best moments are when I get to serve food to the residents. I like having a good job!"

Terry is thankful for the PIP opportunity, "I really love my job and love my coworkers. I'm glad I got the chance to do my internship so I could try out the job and get hired!"

**Story #2:** Shanel Ames, SCDD PIP Intern spoke out at the Orange County Adult Transition Task Force (OCATTF) meeting to describe her experience interfacing with the various special education district offices. The OCATTF is a collaboration where leaders from education, business, service agencies, and family advocacy groups come together to share resources and address programmatic concerns specific to the successful transition of individuals with disabilities from school to work and community living.

Shanel was tasked to update the special education contact information for all school districts, Community Advisory Committees, and Special Education Local Plan Areas in the county. She called the various districts to obtain information that was not otherwise available via website. She presented her experience to this task force of transition educators so they would be aware of the "real life" issues faced by someone with a disability in the workforce to help them better prepare their own transition students.



# Sidebar: Internship Success Stories



Following her presentation, one adult transition professional suggested that perhaps SCDD should have sent a formal letter to the school districts letting them know in advance that a person with a disability was going to be contacting them and what information she was attempting to gain, which was not the point of her sharing. SCDD staff confirmed the information sought was not the issue nor is it appropriate and/or necessary to notify districts in advance that a person with disability would be contacting them. This same district staff excused the behavior of the unprofessional district staff by assuming they likely conduct themselves in this way across the board.

In spite of the absurd commentary from this one school district employee, Shanel said "I hope by sharing my experience, I can bring awareness of how people with disabilities are treated and that the special education departments can strive to improve their customer service to ALL callers."

**Story #3:** AM was referred for Department of Rehabilitation (DOR) services by her Regional Center Service Coordinator. Her desired goal was to pursue clerical work. An Individualized Plan for Employment was written in support of this goal. She participated in formal training as well as clerical work experience at a local Job Center, in order to enhance her customer service and clerical skills.

She was referred to a Community Rehabilitation Program (CRP) for assistance with employment search. Her counselor additionally recommended her as a potential candidate for The State Internship Program with a large state agency in Sacramento. After initial screening, mock interviewing, and resume revision by a team consisting of her DOR counselor, business specialist, and PRIDE's Job Developer, she was interviewed and selected by the state agency as an Office Assistant intern. Her Regional Center Service Coordinator requested and received approval to fund the internship. The CRP trainer provided systematic instruction for each of the tasks associated with the Office Assistant position.

At the conclusion of the five-month (512 hour) internship, AM was placed on the L4 hiring list for Office Assistant-General. When a vacancy arose at the same agency following completion of internship, AM applied and was hired as an Office Assistant-General. She required minimal job coaching and was successfully transitioned to the Regional Center for follow-along. She has recently been encouraged by her manager to apply for a promotion with the same agency.

Participation in the internship ensured AM gained hands-on experience learning the work of an Office Assistant, which she could later add to her resume. Her direct supervisor also became a source of professional reference as a result of the internship.







# STATE AND LOCAL IMPLEMENTATION OF POLICIES FOR CIE

In 2017, the Department of Education (CDE), Department of Developmental Services (DDS), and Department of Rehabilitation (DOR) issued the California Competitive Integrated Employment (CIE) Blueprint for Change (Blueprint).

The Blueprint is a proactive interagency plan between CDE, DDS, and DOR to jointly identify ways to increase CIE opportunities for individuals over a five-year period using existing resources and providing a roadmap on how best to implement CIE.

In May 2020, the second CIE Annual Report was made available highlighting the work in the second year of implementation.

The report highlights state and local collaborative efforts and pathways to CIE that are making a difference in the lives of individuals with developmental disabilities and their families. Some key accomplishments during the second year of implementation that are highlighted in the report include:

The number of individuals with developmental disabilities working in CIE increased from 1,125 to 1,502.

The continued dissemination of the CIE Blueprint Written Guidance and Local Partnership Agreements (LPA) Template. An LPA identifies how Local Educational Agencies, DOR Districts, Regional Centers, and other stakeholders will work together to streamline service delivery and engage their local communities to increase opportunities for CIE. In 2020, 21 new LPAs between LEAs, DOR Districts, and Regional Centers were created and posted, bringing the cumulative total of LPAs to 49 and there are 5 currently under review. As of May 2021, there are 57 LPAs that have been submitted and 53 posted on the CHHS CIE webpage at <https://www.chhs.ca.gov/home/cie/>.

The leveraging of the Senate Bill (SB) 644 Limited Examination and Appointment Program (LEAP) Internship Program resulting in two additional individuals with developmental disabilities hired as full-time permanent state employees, joining the five who were hired during state fiscal year 2017-2018.

An increased utilization of work opportunities including the following:

- 26,247 students participated in paid work experience and unpaid community-based vocational education with CDE WorkAbility I (WAI).
- 35 individuals participated in On-the-Job Training (OJT) through DOR.
- 1,420 individuals participated in a DDS Paid Internship Program (PIP)
- Provided career counseling and information and referral (CC&IR) services to over 12,029 individuals working at subminimum wage, of which over 300 applied for vocational rehabilitation (VR) services and 10 achieved CIE.
- Engaged with employers and business partners in a variety of innovative ways including the following:
  - Participated in Employment Roundtables, formed Business Advisory Committees and Employer Panels and connected to Mayor's Committees to encourage businesses to hire individuals with developmental disabilities.
  - Initiated regional workgroups between LPA core partners and local workforce development partners to enhance and build upon business engagements.
  - The DDS approved the allocation of \$15 million to service providers who submitted a plan to become compliant with the Home and Community-Based Services (HCBS) Final Rule. 33 non-integrated employment programs were approved to use funding to modify their services to come into compliance. Since 2016-2017, 78 non-integrated programs have received funding.



# NEW LEGISLATIVE EFFORTS IN 2020


During the 2020 legislative session, three significant pieces of legislation were sponsored by the organizations represented on the Committee. Of the three bills, SB 1062 and SB 1063 did not advance in the legislative process once the COVID-19 Pandemic began since the Legislature agreed to only focus on bills related to the Pandemic. The third bill, SB 1264, was signed into law by the Governor.

Senate Bill 1264 (Senate Committee on Human Services) - The State Council initially sponsored SB 1264 which was initially authored by Senator Hurtado. However, after the coronavirus outbreak, the bill was reformatted into the Senate Committee on Human Services' Omnibus Bill. The Governor signed the bill into law. Sections including one focusing on a one-year extension of the Limited Appointment and Examination Program's internship option were added to the original text of the bill which ensures "authorized representative" is defined throughout the Lanterman Act to include those individuals appointed under Welfare & Institutions Code section 4541(a).

Senate Bill 1062 (Durazo) - The State Council, Disability Rights California and Legal Aid at Work co-sponsored Senate Bill 1062 (Durazo) which failed to move due to the COVID-19 Pandemic. SB 1062 addressed the Fair Labor Standards Act of 1938 which allows for people with disabilities to be paid the subminimum wage. This bill would have established that the State of California would ensure that people with developmental disabilities working at a Department of Developmental Services program is paid at least minimum wage.

Senate Bill 1063 (Durazo) - The State Council, Disability Rights California and Legal Aid at Work co-sponsored Senate Bill 1063 (Durazo) which failed to move due to the COVID-19 Pandemic. Competitive Integrated Employment (CIE) is defined in the Workforce Innovation Opportunity Act (WIOA) and implements regulations. California law is not yet conformed with the federal definition. This bill would conform state statute to the federal definition of CIE in the Employment First Policy and across agencies providing services to people with developmental disabilities.

Taken together, the federal and state policy changes are very promising for improving employment outcomes for Californians with developmental disabilities.



# EFC'S ACTIVITIES IN 2020

In August 2019, Committee members completed its annual strategic planning process and identified the goals and activities to work towards completing in 2020. While Committee members strived to make progress on these activities, the COVID-19 pandemic redirected priorities that impacted the planned outcomes for 2020.

The Committee convened several workgroup meetings to identify data that would be most useful and relevant in determining barriers to competitive integrated employment (CIE) and outcomes. This included identifying the data needed to maintain a useful and informative data dashboard. The Committee is on target to release a new and improved interactive data dashboard sometime in 2021.

In light of the COVID-19 pandemic, members also convened several workgroup meetings to develop recommendations for the Governor's Task Force on Business and Jobs Recovery to ensure that people with intellectual and developmental disabilities were being considered. These recommendations were subsequently approved by the Committee and sent to the Governor's Office in June of 2020.

Additionally, the Committee began working on recommendations to ensure that people with intellectual and developmental disabilities were being considered in the work the California Labor and Workforce Development Agency is doing to get people with I/DD back to work following the pandemic.

Finally, the Committee concluded the year by creating an outline of targeted issues to work on in 2021 which will include completing the updates to the data dashboard; convening workgroup meetings to evaluate and provide recommendations to improve the service delivery system; evaluate emerging practices; and providing more education and training whenever possible.



# RECOMMENDATIONS

The EFC recommends that California undertake the following policy changes and activities to remove barriers to CIE and create a system that more fully supports CIE across agencies and departments with the goal of having an employment participation rate for people with disabilities, regardless of the significance of their disability, that is similar to that of people without disabilities. The recommendations included in this report represent the collective input of the EFC and have not been endorsed by the individual departments and organizations listed below.

## Legislative

The State Legislature should require that any federal or state funding to employers to help businesses/agencies recover from the COVID-19 public health emergency:

- Should include a specific diversity, equity and inclusion requirements for spending the funds that would support the employment of people with disabilities.
- Should be mandated that funding cannot be used to support sub-minimum wage and/or segregated employment.
- Should include a component of required training on the Americans with Disabilities Act and other applicable laws pertaining to people with disabilities, for all employees and contractors.

The State Legislature should allocate funding to create career pathways and training that provides direct support to professionals with career advancement and credentialing to increase competency and professionalism to improve job retention and quality support for people with developmental disabilities.

The State Legislature should help prepare students with developmental disabilities for employment by expanding opportunities for post-secondary education for students with developmental disabilities within California's higher education systems (community college, state universities, the University of California, and College to Career programs).



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 segregated day services including funding for training and technical assistance from organizations successfully providing expertise to assist those in the process of transitioning with the goal of moving towards phasing out sub-minimum wage under 14(c) of the Fair Labor Standards Act and/or segregated employment.

The State Legislature should pass Senate Bill 639, authored by Senator María Elena Durazo, which would phase out subminimum wage for people with disabilities in California, and present it to the Governor for signing at the end of the 2021 Legislative Session.

The State Legislature should pass legislation to create resources or incentives providing solutions and supports for employers who hire people with developmental disabilities and retain them long-term.

The State Legislature should pass legislation requiring outcome-driven evidence-based and/or promising practices that effectively enable people with disabilities to achieve CIE.

The State Legislature should increase funding for access to technology for people with disabilities who need to use it to enter or retain CIE.

#### Administrative

DDS should adopt a tiered incentive structure to implement Welfare and Institutions Code Section 4870 (d-g) that provides for higher incentive payments for individuals with the most significant disabilities.

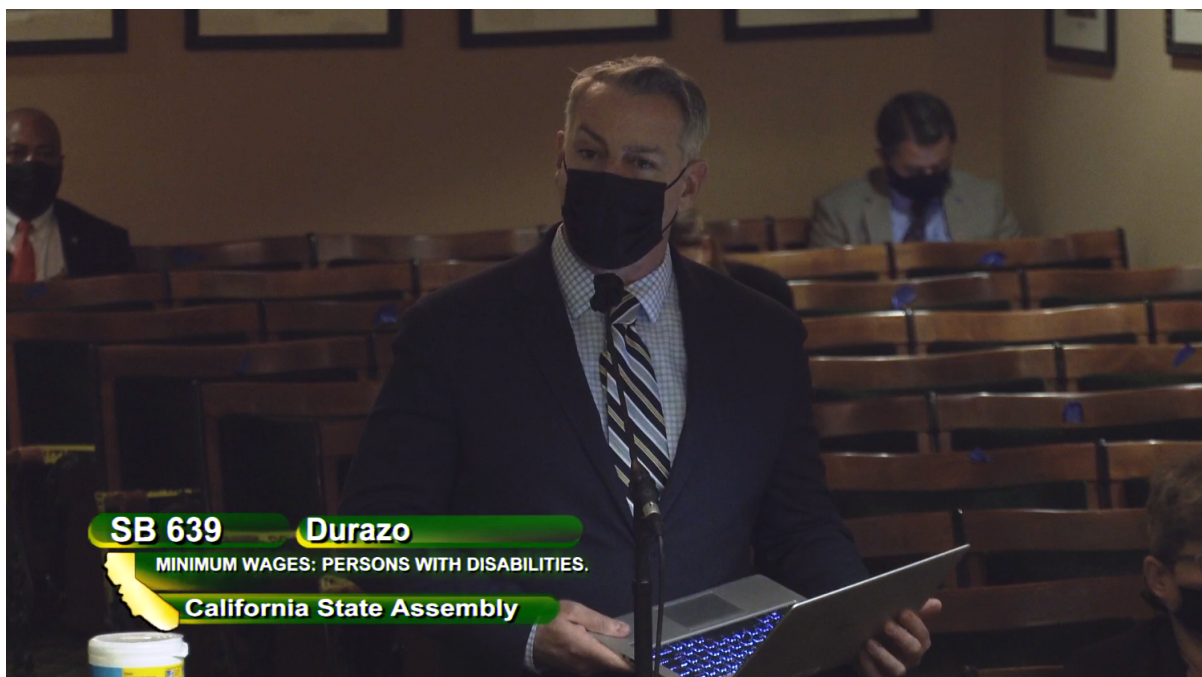
DDS should invest in the collection and reporting of deaggregated, timely data with universal client identifiers across government systems to understand the factors that impact whether or not a person enters or retains CIE. DDS and the State Council should publicly report aggregate data on the Data Dashboard 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.

CDE, DDS, DOR, and the State Council should create data-sharing agreements across agencies that identify and quantify tertiary benefits of employment as a social determinant of health.

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

CDE, DOR and DDS should continue to expand opportunities for work experience, work-based learning, career-exploration, and internship opportunities for students with developmental disabilities through various opportunities, including increasing outreach to local businesses through partnerships with chambers of commerce.

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, ensuring equity and inclusion for those from ethnically- and linguistically-diverse communities, experience a service delivery system that allows for unified planning, implementation, evaluation and data sharing across agencies.



Executive Director Aaron Carruthers testifies in support of SB 639 (Durazo) at the Assembly Committee on Labor and Employment hearing



# APPENDICES

## **EFC Membership for 2020**

- Wesley Witherspoon, State Council on Developmental Disabilities
- Michael Luna, Department of Developmental Services
- Cindy Chiu, Department of Rehabilitation
- Barbara Boyd, California Department of Education (Served: June 2018 through February 2020)
- Sarah Isaacs, Disability Rights California
- Olivia Raynor, UCEDD, Tarjan Center at University of California, Los Angeles
- Steve Ruder, UCEDD, University of California, Davis MIND Institute
- Larry Yin, UCEDD, University of Southern California
- Nick Wavrin, California Department of Education (Began serving: April 2020)

## **Statutory Responsibilities of the Employment First Committee (Welfare and Institutions Code §4868)**

(a) The State Council on Developmental Disabilities shall form a standing Employment First Committee consisting of the following members:

(1) One designee of each of the members of the state council specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph (2) of subdivision (b) of Section 4521.

(2) A member of the consumer advisory committee of the state council.

(b) In carrying out the requirements of this section, the committee shall meet and consult, as appropriate, with other state and local agencies and organizations, including, but not limited to, the Employment Development Department, the Association of Regional Center Agencies, one or more supported employment provider organizations, an organized labor organization representing service coordination staff, and one or more consumer family member organizations.



(c) The responsibilities of the committee shall include, but need not be limited to, all of the following:

(1) Identifying the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for people with developmental disabilities.

(2) Identifying strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, 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.

(3) Identifying existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities.

(4) Identifying existing sources of consumer data that can be used to provide demographic information for individuals, including, but not limited to, 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.

(5) Recommending goals for measuring employment participation and outcomes for various consumers within the developmental services system.

(6) Recommending legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older. This shall include, but shall not be limited to, the development of a policy with the intended outcome of significantly increasing 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.

This proposed policy shall be in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. The proposed policy shall not limit service and support options otherwise available to consumers, or the rights of consumers, or, where appropriate, parents, legal guardians, or conservators to make choices in their own lives.

(d) For purposes of this chapter, the following definitions shall apply:

(1) "Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(2) "Integrated employment" means "integrated work" as defined in subdivision (o) of Section 4851.

(3) "Microenterprises" means small businesses owned by individuals with developmental disabilities who have control and responsibility for decision making and overseeing the business, with accompanying business licenses, taxpayer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered integrated competitive employment.

(4) "Self-employment" means an employment setting in which an individual works in a chosen occupation, for profit or fee, in his or her own small business, with control and responsibility for decisions affecting the conduct of the business.

(e) The committee, by July 1, 2011, and annually thereafter, shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed policy described in paragraph (4) of subdivision (c).

## **(PLAIN LANGUAGE VERSION)**

The Lanterman Act tells the State Council on Developmental Disabilities to have an Employment First Committee. This is what the Lanterman Act says about the Employment First Committee (EFC):

Why was the EFC created? The Lanterman Act created the EFC to help get more people with developmental disabilities jobs in CIE.

What is Competitive Integrated Employment (CIE)? It means good jobs with good pay (minimum wage or above). Jobs in the general workplace, where people with disabilities work with other people from their community who do not have disabilities. These are jobs where people with disabilities get the same pay and benefits as people without disabilities doing the same work and where they are paid directly by their employer. Having a good job can also include people who make money with their own small businesses or by working for themselves.

Who is a member of the EFC? The EFC includes representatives from departments of government and other organizations that help people with developmental disabilities get good jobs.

What the EFC has to do:

Describe how the state government departments will work with each other to help people get good jobs with good pay.

Find what works to help people get good jobs with good pay.

Find good ways to plan for transition aged students (age 14 and above) to go to work after they are finished with high school, or their education beyond high school.

Find ways to encourage agencies to support people to get good jobs with good pay.

Develop partnerships with employers and agencies that help people find good jobs with good pay.

Find out how many people with developmental disabilities are working and how much money they are earning. Each year, measure if the state is getting better at supporting people to get good jobs with good pay.

Recommend ways the state can improve how they measure progress in helping people get employed.

Recommend goals for CIE for the state.

Recommend legislation and other ways that the state can do a better job of supporting people to get good jobs with good pay.

Recommend ways to improve helping transition age students (age 14 and above) go to work after they are finished with high school, or their education beyond high school.

Recommend an Employment First Policy that will get a lot more people good jobs with good pay, with the supports they need. This will help people with disabilities to be part of their communities, have jobs, and make money, just like other people their age without disabilities. The policy will make sure people can choose the services they want, like they do now under the Lanterman Act. This policy is now California law.

Other things the EFC thinks it will help:

The EFC has to send an annual report to the Legislature and the Governor. The report makes recommendations to the Legislature and the Governor and describes all the work of EFC. The Council approves the report.

### **Definition of Developmental Disability in the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code §4512(a))**

“Developmental disability” means a disability that originates before an individual attains 18 years of age; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual.

As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability but shall not include other handicapping conditions that are solely physical in nature.

**Definition of Developmental Disability in the Developmental Disabilities and Bill of Rights Assistance Act (42 U.S.C. §15002(8)(A))**

The term “developmental disability” means a severe, chronic disability of an individual that —

- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii) is manifested before the individual attains age 22;
- (iii) is likely to continue indefinitely;
- (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:
  - (I) Self-care.
  - (II) Receptive and expressive language.
  - (III) Learning.
  - (IV) Mobility.
  - (V) Self-direction.
  - (VI) Capacity for independent living.
  - (VII) Economic self-sufficiency; and
- (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.