

Perspectives

Employment First: A Beginning Not an End

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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/or developmental disabilities has gained attention, there has been a growing awareness that the labor force participation rate for this population has remained flat (Butterworth et al., 2011). Although there is variability across states, there is an absence of a clear message at state and national levels regarding employment of persons with disabilities. This has resulted in inconsistencies in employment policies, practices, and procedures. There are, however, an increasing number of states that are taking notice of this and seeking to develop a clear message that employment for persons with disabilities must be a priority (Hoff, 2011).

Some state developmental disabilities agencies have embraced a presumption of employability or the option of employment for all persons with disabilities. This is clearly seen in the efforts of the State Employment Leadership Network (SELN), a network of 23 state developmental disability agencies sponsored by the Institute for Community Inclusion and the National Association of State Directors of Developmental Disability Services (<http://www.communityinclusion.info>). These state efforts have often been framed under the umbrella of *Employment First*. Employment First, reflecting a series of policies, practices, and procedures based upon a collection of guiding principles, is leading states and providers to the adoption of service delivery strategies for persons with disabilities, including those with the most significant disabilities, that lead to systemic change and competitive integrated employment. The main point about Employment First is that employment should be the very first option offered to any adult with a disability, before any kind of nonemployment option.

There are currently over 25 states that are focused at some level on the concept of Employment First (Hoff, 2011). In some cases, the focus is specifically

on individuals with intellectual and/or developmental disabilities, while in other cases this effort is cross-disability. Some of these efforts have been spearheaded by public systems, and in other cases have been grassroots in nature, with advocates pushing for changes in policies and practices that prioritize community employment. Central to Employment First are the establishment of clear public policies (e.g., legislation, policy directives that prioritize community employment. To date, approximately 10 states have such policies in place.

As in all major systemic change efforts, there are a set of guiding principles that help shape these change efforts. For Employment First these guiding principles are being discussed by a wide array of people in policymaking, self-advocacy, and practitioner roles.

Although there is not always consensus, these principles include:

1. Disability is a natural part of the human experience that in no way diminishes the right of individuals with disabilities, including those with the most significant disabilities, to achieve the four goals of disability policy—equality of opportunity, full participation, independent living, and economic self-sufficiency.
2. Self-determination and informed consumer choice are essential elements in all programs and options related to employment.
3. Work for pay (employment) is a valued activity both for individuals and society. While providing both tangible and intangible benefits, employment helps people achieve independence and economic self-sufficiency, giving purpose, dignity, self-esteem, and a sense of accomplishment and pride.
4. It is presumed that all individuals with disabilities, including those with the most significant disabilities, can achieve competitive integrated employment with appropriate services and supports.
5. Full membership in society calls for a role of contributor in society. Contributing most often means employment.
6. All individuals, including those with the most significant disabilities, should enjoy every opportunity to be employed in the workforce, pursue careers, advance professionally, and engage actively in the economic marketplace.
7. Individuals with disabilities, including those with the most significant disabilities, should be empowered to attain the

- highest possible wage with benefits consistent with their interests, strengths, priorities, abilities, and capabilities.
8. Employment-related training services and supports should be provided to assist individuals with the most significant disabilities to become employed with the primary or preferred outcome of such services competitive integrated employment.
 9. Employment should include career development over time.
 10. Based on information from the employment marketplace, employment-related training services and supports should target areas of present and future workforce growth. Input from employers is critical to affectively direct employment-related training and services.
 11. Service providers are expected to use best, promising, emerging practices with respect to the provision of employment-related services and supports.
 12. Technical assistance should be available to service providers for the purpose of expanding and improving their capacity to provide employment and training services and supports that will enhance opportunities for competitive integrated employment consistent with best, promising, and emerging practices.
 13. Supports should be provided for as long as needed, with a focus on use of natural occurring supports as much as possible.
 14. All systems must be aligned to reach the outcome of competitive integrated employment. The establishment of infrastructures and resource allocation (staff time and funding) reflects the priority of competitive integrated employment.
 15. Exploitation of workers with disabilities is abhorrent, and workers should enjoy meaningful and effective protections against exploitation.

Employment First reflects the pathway that leads to competitive integrated employment as the outcome. The adoption of an Employment First policy must also be closely linked to the outcome of competitive integrated employment. All too often the adoption of a strategy without a clear focus on an outcome leads to little change for the individual.

What is Competitive Integrated Employment?

The primary or preferred outcome of Employment First is employment, not just any employment but employment that is in the open labor market and is typically available to all job seekers. More specifically, *competitive integrated employment* is defined as employment that

- is compensated by the company at the minimum or prevailing wage,
- provides similar benefits to all,
- occurs where the employee with a disability interacts or has the opportunity to interact

continuously with coworkers who do not have a disability,

- provides opportunities for advancement, and
- is preferably full time (unless the individual's health or physical condition does not allow them to work full time).

Such employment, and the criteria for defining it, is consistent with the criteria that are used to define all employment in the open market place. It is paid at the commensurate rate, offers benefits, provides opportunities for social integration, and has a career or job advancement potential.

What Type of Change Is Essential?

The myriad of memoranda of understanding, agreements to agree, and pledges to work together litter the landscape of services for persons with disabilities. Data on employment outcomes for such individuals have remained flat, yet the rhetoric about employment has risen considerably. There is clearly a gap between what is said and what happens. Inconsistency between policies and outcomes is not unknown in the field of employment. For decades there have been questions raised about concepts such as prevocational services where the *pre* is never eliminated and the process of training never ending. The need to focus on where we would like to see our efforts go and what should happen has not been clear with regard to employment goals for persons with disabilities.

True adoption of Employment First, its guiding principles, and the primary or preferred outcome of competitive integrated employment, calls into question what we are doing, how we are doing it, and what needs to change at all levels. Change is an essential component to doing business differently, including (a) responding to the expectation of persons with disabilities that they will work (National Longitudinal Transition Survey, 2008; Migliore, Grossi, Mank, & Rogan, 2008), (b) recognizing the evolving labor market needs (Occupational Outlook Handbook, 2010–2011), (c) acknowledging the need to allocate public resources in a cost effective fashion (Cimera, 2007), (d) providing services that lead to outcomes that support increased economic self-sufficiency (Migliore, 2010), and (e) redirecting resources (personnel, funding, and even psychic energy) to support those that respond to the expectations and preferences

of persons with disabilities (Hall, Butterworth, Winsor, Gilmore, & Metzler, 2007).

Where Is Change Needed?

At the federal level there is a need for a clear message across not only the administrative oversight and employment and training programs of Education, Labor, and Health and Human Services but also the allocation of resources from the Center for Medicare and Medicaid Services (CMS) and Social Security Administration (SSA). The continued inconsistency in messaging to states and individuals with disabilities about going to work only serves to discourage employment consideration for many. The majority of funding from the Center for Medicare and Medicaid Services continues to be used for nonwork services, the rules for SSA eligibility determination continue to remain silent with regard to employment, the SSA work incentives continue to be poorly utilized or understood by most, and IDEA (the Individuals with Disabilities Education Act) is ambiguous about integrated community employment as the preferred outcome of transition. With the adoption of Employment First at the federal level, there must be serious change in these agencies and a clear focus on the presumption of employability for all.

State developmental disability agencies continue to have ambivalent policies and practices about employment. Although some states have adopted policies that include Employment First as the guiding policy, actual practices often serve to undermine the focus on competitive integrated employment as the primary or preferred outcome. Case management services seldom place employment on the top of the agenda. Data collection and reporting on employment outcomes at the state level remain sporadic across states. Contractual language in purchase of service agreements and requests for services do not have clarity as to the outcomes that are being purchased. Having Employment First as a policy requires staff commitment and understanding throughout the agency, modifications in contractual relationships, documentation and presentation of employment outcomes, and measurement of quality of service provided. There is much room for growth in most states: For some it is the adoption of Employment First as the policy (to date, approximately 10 states have a clear policy via legislation or

policy directive) and for others it is the translation of this policy into practice at all levels.

For community rehabilitation providers, the adoption of Employment First and the focus on integrated employment as the desired outcome has been sporadic and in some instances elusive. Allocation of staff time in most community rehabilitation providers is consumed by first maintaining the facility based work and nonwork as well as community based nonwork services with much less effort invested in community jobs (Inge et al., 2009). Concerns about staff skills in job development and job supports are real, and the need for more staff training is essential if competitive integrated employment is to be a true goal for all (Migliore et al., 2008). Engaging staff, persons with disabilities, families, and employers in this effort is crucial. Finding a job is a full time job that requires all to be invested and moving in the same direction. Some community rehabilitation providers are adopting an Employment First approach. Many more are attempting to implement Employment First policies and practices. Others are more invested in maintaining the status quo and providing services as they have in the past. The former groups, those seeking to embrace competitive integrated employment, reflect the changing times, whereas those who seek to advocate for business as usual will be left behind as the movement toward Employment First progresses at all levels.

For persons with disabilities, Employment First means that there must be a serious consideration of entering the labor market, taking the risk of meeting new people, and potentially giving up benefits. Many self-advocates are clearly stating that they do not want to be in a shelter employment setting but rather a competitive integrated employment setting (Migliore et al., 2008). Not knowing the myriad of possibilities in the labor market cannot be used as an excuse for not seeking employment as the first goal for adults. The risks to employment can be minimized but, as is the case for all who enter the labor market, these risks will need to be both accepted as well as managed by both the worker and the supports that are available, be they paid or natural. In some instances the concerns about employment include apprehensions expressed by families about variable work schedules (part-time employment and weekend or second shifts or layoffs), safety, and acceptance. Although these are concerns that are often expressed by parents and siblings for all family members, for persons with disabilities such concerns may unnecessarily override the decision to seek employment.

For employers the outcome of Employment First means there will be a number of persons with disabilities who are interested in entering the labor market. Flexible work arrangements will be essential for some, while others will be able to fit into existing positions. Job modifications may be one way that employers respond to the changing labor market in general, not just for workers with disabilities (Feldblum, 2010). Employers must consider employees with disabilities like all other employees. Potential employees with disabilities are interested in advancing in salary and position, wanting to be included in the social networks in the work place, and considered a valued employee by both the employer and coworkers. Accommodating and including workers with disabilities, like older workers, is a continuous effort for all employers now and in the coming years.

For the general public Employment First is a sound fiscal and resource management practice. The looming shortage of workers, the clear indication that competitive integrated employment is more cost-effective, the growing interest among persons with disabilities to work in typical job settings, and the cost of maintaining persons in nonwork settings will only continue to grow and contribute to the justification of Employment First. The outcome of competitive integrated employment is the most important and preferred goal for all, including persons with disabilities. The expectation of the general public must be inclusive, accepting, and reinforcing for persons with disabilities as well as their families. The concept that persons with disabilities can and should work should be the rule and not the exception.

What Is the End Result of This Change?

Employment First is not a concept that is owned by any single group, community, or organization. It is sound public policy and practice. It reflects what persons with disabilities are seeking and is the intent of the Americans with Disabilities Act and the Olmsted decision. It is the right thing to do. The presumption of employability is the base upon which Employment First is built; and the end result is increased economic independence for persons with disabilities, offering a potential way out of poverty for many of them. The goal is full inclusion and the acknowledgment that the laborforce participation rates for

persons with and without disabilities should be the same (currently 70%: U.S. Department of Labor, Bureau of Labor Statistics, February 2011). Although not every person with a disability will work, we know that the vast majority want to work and are calling for real jobs (Self-Advocates Being Empowered, n.d.). We must assume that all should have the opportunity to work in the general labor market. For persons with disabilities, there should be no difference in assumptions about employment, a presumption of employability, and the necessary services and supports to make this a reality.

References

- Bureau of Labor Statistics. (2010–2011). *Occupational outlook handbook*. Available at <http://data.bls.gov/search/query/results?cx=013738036195919377644%3Agukk-b5cd0a&cof=FORID%3A10%3BNB%3A1&ie=ISO-8859-1&q=Occupational+outlook+handbook&term.x=15&term.y=4&filter=0&sa=Search#1118>
- Butterworth, J., Hall, A. C., Smith, F. A., Migliore, A., Winsor, J., Timmons, J., & Domin, D. (2011). *StateData: The National Report on Employment Services and Outcomes 2010*. Boston: University of Massachusetts Boston, Institute for Community Inclusion.
- Cimera, R. (2007). The cumulative cost-effectiveness of supported and sheltered employees with mental retardation. *Research and Practice for Persons with Severe Disabilities*, 32, 247–252.
- Feldblum, C. (2010). *Workplace flexibility 2010*. Washington, DC: Georgetown Law School. Available at http://workplaceflexibility2010.org/images/uploads/reports/report_1.pdf
- Hall, A. C., Butterworth, J., Winsor, J., Gilmore, D., & Metzel, D. (2007). Pushing the employment agenda: Case study research of high performing states in integrated employment. *Intellectual and Developmental Disabilities*, 45, 182–198.
- Hoff, D. (2011, March). *Employment First: Resource list*. Boston: University of Massachusetts Boston, Institute for Community Inclusion. Available at http://www.selnmembers.org/images/stories/emp_first_resources_F.pdf
- Inge, K. J., Wehman, P., Revell, G., Erickson, D., Butterworth, J., & Gilmore, D. S. (2009). Survey results from a national survey of community rehabilitation providers holding special

- wage certificates. *Journal of Vocational Rehabilitation*, 30, 67–85.
- Migliore, A., Grossi, T., Mank, D., & Rogan, P. (2008). Why do adults with intellectual disabilities work in sheltered workshops? *Journal of Vocational Rehabilitation*, 28(1), 29–40.
- National Core Indicators. (2010). *Consumer data, Phase XII, final report*. Human Services Research Institute and the National Association of State Directors of Developmental Disabilities Services. Available at <http://www.hsri.org/publication/consumer-outcomes-final-report-2009-10>
- National Longitudinal Transition Survey. (2008). Available at http://www.nlts2.org/data_tables/index.html
- Occupational outlook handbook*. (2010–2011). Available at <http://www.bls.gov/oco/>
- Self-Advocates Being Empowered (SABE). (2011, January 28). *Policy statement on employment: SABE calls for ending sub-minimum wage in 2012*. Available at http://www.sabeusa.org/user_storage/File/sabeusa/SABE_January_28_2001_Letter_To_The_Alliance_of_Full_Participation_lwj.pdf

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