



SELN Working Document

Working documents contain information collected in response to state requests. They are intended to share work in progress but may not be a comprehensive analysis or compilation.

Q&A's on State Employment First Policies March 2008

What did the state request? The state requested information on state level employment first policies, as well as examples of different state policies.¹

by

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QUESTION 1: What makes an employment first policy different from an employment only policy?

ANSWER: Employment only policies require that employment be the only service option considered with exceptions made only for individuals for whom employment is not appropriate (e.g. individuals who are of retirement age). Employment first policies require that employment be the first or preferred service option considered for service recipients but typically individuals do not have to meet exclusion criteria in order to choose a service option other than employment.

QUESTION 2: What states have implemented employment first policies or directives that support the expansion of employment?

ANSWER: Colorado, Florida, Oklahoma, Pennsylvania, Tennessee, and Washington State have been identified as among those states with significant policies or directives in place that encourage employment." State policies are unique to each service system, and states are at varying stages of policy development and implementation. Some states, like Washington and Tennessee, have comprehensive, formal policies in place. Other states like Florida have initiatives and/or directives that are meant to expand employment, without formal policy language per se. The examples below include state-wide goals around employment if applicable, specific policy language, and state definitions of supported employment.

Colorado

Goal of Increasing Employment by 5% Per Year: Colorado's Division for

¹ Information quoted from state policy documents is in *italic font*.



Developmental Disabilities (DDD) has a goal to increase the number of Colorado citizens with developmental disabilities who attain successful integrated employment by at least 5% per year. To that end, a number of policy rules have been put in place.

Employment as Primary Service Option: As per DDD rules [16.626] under “*Day Habilitation Services and Supports*”², “*integrated employment is considered the primary service option for adults:*

- A. *Day Habilitation Services and Supports provide training, support and supervision activities which maximize functional abilities and skills necessary to enable adults to access the community and/or provide the basis for building skills which will assist individuals to access the community.*
 1. *Day Habilitation Services and Supports are to be provided outside of the person’s living environment, unless otherwise indicated by the person’s needs, through meaningful employment, activities and community participation. If services cannot be provided outside of the living environment due to a person’s medical or safety needs, this shall be documented.*
 2. *Integrated employment should be considered as the primary option for all persons receiving Day Habilitation Services and Supports.*
 3. *Day Habilitation Services and Supports include:*
 - a. *Integrated employment services (supported employment) which provide individuals with considerable ongoing job related services and supports to obtain and maintain paid work in a regular community work setting.*

Integrated Employment Must Be Addressed in ISP: Colorado’s approach also mandates that integrated supported employment be specifically addressed in the creation of the individualized service plans of all adults receiving Medicaid-funded services, and at each annual review.

Supported Employment Definition: *Supported Employment services consists of intensive, ongoing supports that enable participants, for whom competitive employment at or above the minimum wage is unlikely absent the provision of supports, and who, because of their disabilities, need supports, to perform in a regular work setting. Supported employment may include assessment and identification of vocational interests and capabilities in preparation of job development, assisting the participant to locate a job or develop a job on behalf of the participant. Supported employment is conducted in a variety of settings in which participants interact with non-disabled*

² Day habilitation services and supports include the following: non-facility based employment services including community employment and group employment; non-facility based activities including supported community connection services and community participation services; facility-based work services; and facility-based activity services that are primarily habilitative in nature.



individuals, (other than those individuals who are providing services to the participant) to the same extent that individuals employed in comparable positions would interact. Persons must be involved in work outside of a base site. Included are persons in community jobs, in enclaves, and on mobile crews. Group employment (e.g. mobile crews and enclaves) cannot exceed eight persons. Supported employment includes activities needed to sustain paid work by participants, including supervision and training.

Florida

Specific Numerical Goals for Employment: Florida's Agency for Persons with Disabilities (APD) launched its five-year Employment Initiative on July 1, 2004. The primary goal of the initiative is to have 50% of adults with developmental disabilities (ages 18-55) who are receiving APD-funded adult day services engaged in community employment by July 1, 2009. This policy includes individuals in adult day training (ADT), supported employment, and non-residential supports and services. In addition, as subordinate objectives to this main goal, APD aims to have: (a) 25% of ADT recipients employed by July 1, 2009; and (b) 50% of all individuals receiving DD waiver services who indicate a desire to work employed by July 1, 2009.

Mandated Redirection of Individuals from ADT to Employment: To reach these goals, each district in the state received a mandate to redirect a minimum of five percent of the people from Adult Day Training (ADT) services to employment in the competitive work force each year from 2004 to 2009. Districts developed specific performance targets and resource strategies for the achievement of this objective. Performance measures and reporting on employment outcomes were modified to accomplish redirection of people from ADT services to employment outcomes and associated funding shifts.

While this initiative was a directive from the state director of APD, unlike in other states, there is not specific APD policy language that mandates that employment be the first option for adults with disabilities.

Definition of Employment: APD defines employment as: *competitive work in an integrated work setting for individuals with the most severe disabilities for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a severe disability and who, because of the nature and severity of their disability, need intensive supported employment services and extended services after transition in order to perform such work.*

Oklahoma

Goal of Full-Time Employment: Oklahoma has incorporated specific language within their regulations that establishes employment expectations for people with developmental disabilities. The Oklahoma Administrative Code (OAC) states that the goal of service delivery for employment services funded by Developmental Disabilities



Service Division (DDSD) is full-time employment, and details a tier of service expectations.

OAC 317:40-7-1. Overview of Waiver Employment Services

(a) There are many employment service options available. The options given in (1) through (4) of this subsection are not a continuum, but are prioritized as most desirable by people with and without disabilities. Provider agencies assess each service recipient in maximizing employment options.

(1) The optimum goal is full-time employment at prevailing wage in business or industry at an occupation of the service recipient's choice with natural supports. If prevailing wage is not available, then employment is at minimum wage with or without paid supports.

(2) If a service recipient cannot secure enough work hours through a single job of the service recipient's choice, then two part-time jobs or a job that is not the service recipient's first preference may need to be sought to equal a full time job.

(3) If a fully integrated placement is not currently available, employment of the service recipient's choice in an enclave in a business or industry, with or without paid supports, is an option.

(4) If there are no paid jobs to be found, temporary unpaid training or volunteer service in accordance with Department of Labor regulations, with or without paid supports, may be an option for the purpose of resume building or job exploration, or temporary participation in real work in a center-based setting can be obtained.

(b) There may be instances resulting from a variety of factors when people served have not achieved the goal of full employment. The provider agency makes available those supports needed for the service recipient to achieve full employment.

(c) Employment services are prescribed in accordance with OAC 340:100-17, Part 1, and OAC 340:100-3-33.1.

(d) People receiving services may choose retirement to pursue activities according to each person's interests, including employment or integrated community activities for senior citizens. If the service recipient is age 62 or older, an exception as described in OAC 317:40-7-21 is not required.

Definition of Supported Employment: DDSD defines supported employment as: *competitive work in an integrated work setting with ongoing support services for service recipients for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of disabilities. Supported employment services*



include: individual employment placements, group employment placements, job coaching services, stabilization services, and employment training services.

Pennsylvania

State Law Mandating Access to Employment: Pennsylvania state law (55 PA Code §6000.171) states that *persons with mental retardation who are of legal working age should have access to employment and the training necessary to sustain employment. Access to employment applies regardless of a person's living arrangement or type of service funding. PA's Office on Mental Retardation's (OMR) policy includes persons receiving base funded services and those enrolled in the Home and Community Based Services (HCBS) waivers. This also applies to people in State and Non-State ICFs/MR.*

Definition of Employment: *OMR defines employment as a job in the community that pays at least minimum wage, where the worker has the opportunity to interact with individuals without a disability and has access to employee benefits when available. Employment can be part or full-time and includes self-employment.*

Tennessee

State Policy Mandating Access to Employment: *Employment is the first "day service" option that should be explored for adults in Division of Mental Retardation Services (DMRS), Medicaid or State funded supports. Employment will always be considered as the appropriate outcome for an adult. Employment services and supports are viewed as the most appropriate service unless there is a compelling reason for recommending another service.*

Definition of Employment: *Tennessee's Division of Mental Retardation Services (DMRS) Employment First! Initiative defines employment as paid work based on competitive wages and benefits commensurate to the job and responsibilities; occurring in an integrated community setting and that encourages a person to work to their maximum choice and potential. The goal is minimum wage or higher, however an individual may work and earn less, based on how their specific job is developed.*

Standard for Employment and Placement: The following are the standards and parameters regarding placement and services that underlie this initiative:

- *Paid work the person wants/chooses to do,*
- *Ongoing supports, both formal (employment provider, technology, etc.) and natural (co-workers, friends, family) based on the person's needs,*
- *Demonstrate respect for people's choices by assisting them to find and change jobs as their interests and skills change,*
- *Meeting the individual's level of satisfaction,*
- *Development and implementation of a skill or career plan with an opportunity for professional development and advancement if a person chooses, and*
- *A job for everyone who wants one*



Washington

Employment Only Policy: Washington's Division of Developmental Disabilities (DDD) Working Age Adults Policy "*designates employment supports as the primary method of furnishing state-financed day services to adult participants,*" and goes on to specifically state that "*supports to pursue and maintain gainful employment in integrated settings in the community shall be the primary service option for working age adults.*" Emphasizing community employment as the primary service option, the policy further states that: "*services for persons under the age of 62 that do not emphasize the pursuit or maintenance of employment in integrated settings can be authorized only by exception to policy*" (WA DSHS, DDD, "County Services for Working Age Adults" Policy 4.11). Exceptions "*must have the prior written approval of the Regional Administrator based on County input.*" Initially adopted in 2004, this policy does not eliminate sheltered employment or community access services; rather, it focuses supports towards gainful employment, and requires that individuals who not currently working in integrated community settings, be taking steps to move forward in that direction.

Definition of Supported Employment: *Paid, competitive employment of people who have severe disability and a demonstrated inability to gain and maintain traditional employment. Supported employment occurs in a variety of normal, integrated business environments. Further, support employment includes:*

- *Minimum wage or better;*
- *Support to obtain and maintain jobs; and*
- *Promotion of career development and workplace diversity.*

QUESTION 3: What types of supporting resources do states provide to assist with the implementation of their employment policies or initiatives?

ANSWER: States provide various resources to assist in the implementation of their employment first policies and/or initiatives.

Florida

Development of Performance Targets and Resource Strategies: To assist districts throughout the state to re-direct individuals to integrated employment services, each district was asked to develop specific performance targets and resource strategies to help them meet the expectation for increased integrated employment outcomes.

Additional Funding Allocation: During FY 2005-06, the Florida Legislature appropriated \$2 million in general revenue to assist APD in enrolling additional individuals in supported employment services as part of the agency's employment initiative. APD used these GR dollars to enroll over 420 recipients of adult day training (ADT) services in supported employment services.



Development of Tracking System: With the assistance of independent consultants, APD has developed the Supported Employment Tracking System (SETS) to gather information on the employment status of individuals participating in the agency's 5-Year Employment Initiative. This data collection system gives APD officials the capability to track the earnings and hours worked for all individuals receiving supported employment services.

Pennsylvania

Pennsylvania has provided several resources to support the implementation of its employment first policy.

- **Redirection of Resources:** *As per MR Bulletin 6000-90-06, the Statement of Policy listed in 55 Pa Code §6000.172, encourages county MH/MR programs and service providers to redirect existing resources from traditional adult day services to community integrated employment opportunities.*
- **Standard Access to Information by Consumers:** The state Office of Mental Retardation (OMR) has disseminated standard practices to ensure that people have access to information on employment options and the opportunity to consider employment as part of their individual supports planning and budgeting process.
- **Targeted Funding for Transition:** OMR has targeted funding for employment services for youth and young adults between the ages of 16 and 26 in transition to adult life.
- **Collaboration on Provision of Training and Technical Assistance:** Pennsylvania has issued a policy statement (55 PA Code §6000.173,) that states *OMR will work with available resources in providing training and technical assistance for counties and provider agencies. OMR is currently partnering with the Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), the Pennsylvania Department of Education, Bureau of Special Education (BSE), and statewide provider associations in providing employment-related training and technical assistance.*

Tennessee

Coalition of Stakeholders to Access Resources: Tennessee's Division of Mental Retardation Services (DMRS) has worked with a coalition of stakeholders to ensure that resources are available to implement the employment first policy. This coalition has worked to implement employment incentive grants, training, and the development and implementation of a data collection system to gather information on employment outcomes.

Requirement for Community Based Work Assessments: As part of the Employment First! Initiative, DMRS requires that at least every three years individuals who are not in integrated employment, participate in a community based work assessment. The goal of the mandated assessment is to provide an opportunity for individuals who may be hesitant to pursue community employment a chance to try it out without fear of failure.



The assessments have also provided a valuable learning experience for CRPs who have been reluctant to support individuals with significant disabilities in integrated employment. Many CRPs have expanded their integrated employment services based upon the success of the assessments. Beginning in December 2005, CRPs have been offered training on the values behind the assessment and strategies for making the assessments successful.

Required Job Coach Training: An additional tool DMRS has implemented to support Employment First! is the Winners at Work! Job Coach Training. Before a CRP can bill DMRS for services, its staff must complete this training. The training is presented to CRP staff as a tool for professional development. Topics addressed in the trainings include: a comparison of the readiness model and the supported employment model, the role of the job coach, the process of obtaining supported employment and proven supported employment strategies, and the role of DMRS, DRS, and the CRP in developing and maintaining supported employment placements.

Changes in Rate Structure: To support Employment First!, DMRS re-evaluated the rate paid to providers for day services. One important change was to pay a daily rate for all day services. Prior to 2005, the state had paid an hourly rate. The hourly rate was found to discourage CRPs from expanding integrated employment services because it was not structured to allow people to easily transition between sheltered and integrated employment, or between short and long term employment supports. Additionally to encourage CRPs to expand integrated employment activities, DMRS established a higher rate of payment for integrated employment than for other day services.

Washington

Comprehensive Planning Process: Prior to the implementation of Washington's Working Age Adults Policy, a two-year comprehensive planning process was undertaken. In addition to a core stakeholder workgroup that identified best practices, implementation began with state and county-level meetings. These meetings were important because they involved key stakeholders and were used to develop local implementation strategies.

Identification of Additional Funding: Financial assets were also identified that would allow the implementation process to be successful. These included: ongoing state funding for employment; county property tax funds (local property tax dollars that could be used flexibly); additional legislative proviso dollars for students graduating from high school; and joint funding between DDD and Department of Vocational Rehabilitation around some job seekers.

Funding of Training and Technical Assistance: Washington State has had a long-term commitment to funding training and technical assistance on employment, in order



to build and maintain the capacity of service providers. Currently, funding for training and technical assistance is approximately \$1.5 million per year.

QUESTION 4: What implementation barriers have states with employment first policies encountered?

ANSWER: Even when states have policy language in place that emphasizes employment as the standard for service delivery for adults with disabilities, barriers may arise in implementation. For instance in Tennessee, several have noted that other priorities, including dealing with the ramifications of several class action lawsuits, have inhibited DMRS from fully realizing and implementing the state's Employment First policy. An additional barrier that was identified was that the policy was originally developed external to DMRS, within a state coalition of stakeholders from multiple organizations. Some have suggested that DMRS thus lacks full "ownership" of the policy. In Florida, one challenge has been developing a consistent method of data collection to track the progress of the initiative. In Washington, some individuals have expressed concern that the policy has not been consistently shared with parents of transition age young adults, and work with parents of individuals with the most significant disabilities needs to take place. In Colorado, while there is policy language in place, it has yet to be fully communicated to and supported by stakeholders within the state.

QUESTION 5: What type of progress is being made in states that have not yet adopted formalized employment first policies?

ANSWER: Georgia, Minnesota and Indiana have active coalitions that are working to make community employment the first service option for service recipients.

Georgia

Employment First Georgia is a newly established statewide resource and technical assistance center promoting innovative, customized employment practice. The goal of this initiative is to ensure that each individual will be supported to pursue his or her own unique path to work, a career, or his or her contribution to participation in community life. Development of this initiative has been supported by: U.S. Department of Labor Office of Disability Employment Policy, Institute on Human Development and Disability, Georgia's DD Council, Georgia Advocacy Office Inc., and Statewide Independent Living Council Georgia, Inc.

Employment First Georgia has laid out the following vision and scope, and is working to have this vision adopted and implemented by state policymakers, services systems, and service providers, through its training, technical assistance, and advocacy efforts



To support this vision, “the responsible state agencies of Georgia and their service partners will be shifting the standards and service expectations toward defining and measuring quality for persons with disabilities as it relates to employment.

- Respectful of cultural, familial and geographic uniqueness;
- Paid fairly for the work performed and allows people to acquire their desired life;
- In jobs where the individual is respected for the contribution she/he is making
- In the same status as others performing same or similar work;
- Not dependent on being seen as “ready” to work, or having pre-requisite skills or training;
- Which utilizes natural supports through the entire career development process;
- Part of a long-range career development plan with continued professional development and with an emphasis on earning a living wage;
- Promotes integrity of the relationship between employer and employee.”

Employment First Georgia outlines the following impacts for individuals: “Each individual will be supported to pursue his or her own unique path to work, a career, or his or her contribution to participation in community life. All individuals, regardless of the challenge of their disability, will be afforded an opportunity to pursue competitive employment.”

Employment First Georgia outlines the following impacts for Georgia’s System of Community Support and Employment Services:

- “Integrated employment is more valued than non-employment or segregated employment, sheltered work or day habilitation for the vast majority of people with disabilities.
- Funding structures should favor employment outcomes and the choice of individuals.
- All service dollars for day activities should support employment if the person/family chooses.
- Increase integrated employment, decrease segregated employment over the next five years.
- Long term sustained employment and career development is the first options for all individuals for persons with disabilities.
- All new day service dollars should fund employment outcomes.
- One starting point is with transition age youth and adults going onto the waiver.”

While not officially an initiative of the Georgia Office of Developmental Disabilities, Steve Hall, ODD Director, has publicly expressed support for this effort.



Minnesota

The Minnesota Employment First Coalition is a multi-stakeholder coalition working to build opportunities statewide to ensure that youth and adults with disabilities, including individuals with significant disabilities, have real opportunities to:

- become competitively employed
- use their talents and skills
- work alongside other Minnesotans in the workforce
- earn meaningful, competitive wages thereby contributing to their self-support.

The coalition includes entities internal and external to state government, including Pathways to Employment (the state's Medicaid Infrastructure Grant which itself is a partnership of the Department of Human Services, Department of Employment and Economic Development, and State Council on Disability), the MN Department of Education, MN APSE, PACER Center, Consumer Survivor Network, and Ramsey County Human Services.

In June 2007, the Minnesota Employment First Summit was held to:

- Identify how the State of Minnesota can move forward and make historic changes leading to increase job placement and integrated employment in the workforce as the first option for all people with disabilities of working age from youth to maturity.
- Change conventional thinking about what is possible by sharing new ideas and strategies to narrow this unemployment gap and increase the productivity of all people with disabilities living in our communities.

A key focus of the summit was on youth and young adults in transition. The goal is to develop a system where integrated jobs in the workforce or enrollment in Minnesota's higher education system is the preferred option for all youth and young adults leaving secondary education.

As a result of the summit, a Manifesto was developed, to serve as the public declaration of the beliefs, values, and intent of the group to make employment first policies commonplace in Minnesota. Eight key recommendations were developed by the summit for moving forward on an employment first agenda, including development of communities of practice, development of training and technical assistance resources, re-branding rehabilitation as a strengths-based strategy, and establishment of a single definition of integrated employment and uniform systems of performance measurement. Stakeholder meetings are ongoing, and a second Employment First Summit will be held in September of 2008.

Indiana

Similar to Minnesota, Indiana has a cross-section of 12 different organizations, including public disability agencies, advocacy groups, and external entities, working together to move forward on a Work First Agenda. Organizations involved include: Indiana APSE,



INARF, The Arc of Indiana, Social Security Administration, Office of Medicaid Policy and Planning, Vocational Rehabilitation Services, BehaviorCorp, Mental Health Association in Indiana, Indiana Protection & Advocacy, Indiana Institute on Disability and Community, Supported Employment Consultation & Training (S.E.C.T.) Center, Governor's Council for People with Disabilities. An Employment First Summit was held in September 2005. The purpose of the summit was to develop a strategic plan for ensuring that competitive employment is the first outcome all residents of Indiana with disabilities. A comprehensive strategic was created as a result of the summit, available at <http://www.inapse.org>. The coalition is currently working on implementation of this plan, which is centered on 5 themes:

- **Business leadership:** marketing to educate employers, creating more job tryout opportunities, and creation of a Business Leadership Network
- **School to work transition:** sharing of best practices, new funding strategies, increasing transition staff, greater access to families and students regarding work incentives, increasing work opportunities during school, ensuring consistent implementation of state policies on transition.
- **Alignment of state policies:** blending of funding; getting involvement from Indiana Economic Development Corporation (the state economic development agency); marketing of work incentives to people with disabilities; improving coordination among state agencies; educating all state agencies about employment for people with disabilities.
- **Develop quality employment services:** assist professionals to launch new marketing materials; establish local business leadership networks; share best practices; develop more financial incentives; get people to work fast; ensure no file is ever lost.
- **Becoming self-sufficient:** improve transportation through incentives to employers and other innovations; increase education on work incentives; increase community education on benefits of employment; provider supports to people with disabilities to own their own businesses.

QUESTION 6: What are some issues states should consider as they move towards implementing an employment first policy?

ANSWER: For states where employment first policies are in development, there are several questions to consider:

- How broad has stakeholder engagement been throughout the process? Were providers, families, individuals, other state agencies (e.g. Vocational Rehabilitation, Mental Health, Workforce Development) and advocacy groups engaged in discussions around policy development?
- Does the policy set specific goals for increased participation in employment? Are there systems in place to track growth in employment?



- Once the policy has been put into place, how will expectations and goals be consistently communicated to state and/or county staff, service providers, individuals, families, and other stakeholders?
- Who is responsible for ensuring that the policy is successfully implemented? How will the policy be enforced, e.g. what are the ramifications for providers who continue with the status quo?
- What changes will need to be made to employment practices for successful implementation (e.g. changes in contracting, individual planning processes, etc.)?
- How does funding for supported employment support or hinder policy implementation (e.g., do rates provide incentives for implementation of an employment first policy)?
- How will individuals and families be encouraged to participate in employment? What type of supports, including training on integrated employment, benefits planning, and trial work assessments, are available for individuals and families as they try to determine if employment is the right choice?
- How will the preferences of individuals and families be considered regarding their choice to participate in employment? What types of exceptions to the employment first policy will be allowed regarding participation in other day services?
- What type of supports, including training and technical assistance, are available for DD and other state and/or county agency staff, providers and others who are working directly with individuals to increase employment?

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*Alternative formats are available upon request from ICI