

Pathway to Competitive Integrated Employment: A Discussion Guide to Assist Leadership

Examines what agencies need to think about to move towards competitive integrated employment while addressing 14(c) in Group Supported Employment and Day Habilitation programs.

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(The current version of the Discussion Guide is still in final review. Please excuse any typos, use of acronyms, etc., as we prepare a final version for public use.)

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Introduction

The changes in employment services over the last eighty–three years when the Fair Labor Standard Act first allowed for special wage certificates known as 14(c) have been substantial. 14(c) reflected the time of its implementation when employers had limited tools, support, and knowledge on employing individuals with disabilities. The expectation was that individuals with disabilities would not work competitively. Today that is not the case; attitudes and expectations have changed.

The passage of the Workforce Innovation and Opportunity Act created (WIOA) in the law the expectation that individuals, regardless of the significance of their disability, will obtain Competitive integrated employment (CIE). Employers have far more resources available to them, coupled with the growing realization of the value of inclusion and diversity in the workforce. The writing is on the wall that 14(c) will end, maybe not in the next couple of years but certainly in the next decade. It is not cost-effective to fight the inevitable.

As many states have moved to end 14(c), momentum grows nationwide towards policies that increase competitive integrated employment (CIE) options for persons with disabilities and abandon practices that do not serve the growth of CIE. 14(c) employers will become the outlier of service options. Agencies that embrace the transition from 14(c) earlier will be better prepared in the future and will provide better services to their disabled employees.

The questions presented in this document will guide agencies interested in transitioning from 14(c) to competitive integrated employment options that pay at least minimum if not prevailing wage. It can also assist agencies moving from group employment or day habilitation services to CIE. The purpose of the questions is to assist agencies in considering the multitude of areas to address for a successful transition to CIE. Most change efforts take at least three years. The questions below will assist 14(c) employers or agencies moving towards CIE to think strategically about the transformation; the questions are not intended to be comprehensive but rather help guide efforts for employers to implement phasing out 14(c) successfully.

The challenge of the pandemic and the retention crisis has left employees covering areas different from their original job or training. Many agencies have limited bandwidth to consider yet another change. On top of all the changes, government agencies require following new policies and regulations. But 14 (c) transformations are not going to go away. This guide can provide support in considering where your agency could start to build the necessary foundation.

As weird as it sounds, the pandemic brought opportunities also. All businesses, including disability services, had to reframe how they conducted their business. Just consider how technology has changed the ways and methods that work is performed for everyone. The timing is right to reconsider how to move away from segregated services.

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A. Setting the Stage for Change

- Can the organization seek guidance from a similar organization that successfully made the 14(c) transformation? Form workgroups and partnerships with agencies of similar services
- What is the communication plan for the Board and staff? Develop Strategic Initiatives
- How will that information be provided to the Board to support the transformation? I.e., At Board Meeting, form a workgroup that reports back to the Board on current legislation afoot and reports synthesizing that information, I.e., Civil Right Commission on 14(c), National Council on Disability Report on Subminimum, etc.
- Who will craft the message, and what are the multiple approaches to convey the message to different audiences? Talking Points for all audiences
- Will a leadership team be formed to create a transformation plan?
- Whose role in motivating staff to support the transformation? I.e., the Executive Director, the champion, all leadership? Address Cultural Shift for ALL Stakeholders, Consistent messaging/narrative.
- Understand the shift in methodology for stakeholders
- Who is the champion(s) that will carry the message forward internally and externally on 14(c) transformation? Leadership must be aligned—Engage family members as champions
- What is the strategy to build staff momentum around the change? I.e., how the change aligns with the agency's mission; more opportunity for staff advancement and roles will change for the better. Will a matrix be created to evaluate how the transformation will progress?
- Have timelines been established? Established training timelines
- Has the team agreed on the expected outcomes for setting the stage? Logic Model—Other strategic tools--KPIs

B. Financial Assessment / Cost Analysis

- What is the organization's cost to administer the certificate in staff, time trials, etc.?
- What is the plan to redirect those funds into Supported Employment or Customized Employment?
- What is the cost difference between what the organization currently pays consumers 14(c) and paying all consumers minimum wage?
- How many, if any, contracts could be impacted by paying minimum wage?
- What is the projected timeframe to pay all consumers minimum wage?
- What is the projected timeframe to pay all consumers prevailing?
- What are the cost factors related to transitioning from 14(c)
 - Changes in physical, space
 - Transportation
 - Staffing retraining
 - Projected changes in staff retention
 - Staff challenges to the changes
- What are the projections of revenue losses due to discontinued contracts?
- What % of positions within contracts can or will move to Competitive Integrated Employment efforts (CIE)?
- To remain at least cost-neutral, what is the revenue needed from public rehabilitation, contracts, and waiver dollar?
- What is the agency's plan to augment dollars to offset the transformation cost? I.e., securing additional revenue, grants, capital campaign, line of credit, etc.
- What is the time frame for collecting all of the above information?

C. Considerations for Expanding Partnerships

- Based on your Financial Assessments, what are the partnerships the organization needs to expand? I.e., Workforce Centers, Volunteer or Veteran Organizations, past businesses the agency had production contracts with, etc.
- How could the new partnership(s) be advantageous to the organization I.e.
 - Increase funding
 - Resources Collaboration
 - Community Involvement
 - Other
- Partnerships through Grants/Funding Sources—Develop grant outlines and define areas of possible funding.

D. Business Development Assessment

- Are there similar lines of business where the organization can grow?
- How does the business model need to change to explore new services or lines of business?
- What are the new or changing partnerships to be established or expanded?
- What is the operational path based on the cost analysis?
- What does the organization need to learn? –
- What are the Best Practice in the state and nationally that the CEO and leadership are following?
- How will the organization expand its footprint and image under new business models?
- Will the organization create a marketing plan to expand its footprint?
- How can supporting staff be leveraged and repurposed to promote business growth?
- What is the timeframe for assessing business development?

E. Career Development for Current Consumers

- Is career development part of the agency's mission. strategic goals and priorities/?
- Review services offered through Vocational Rehabilitation in the state. How would you resource those services for your consumers?
- Has the organization conducted career assessments and development services in the past?
- Do those services need to be:
 - Expanded
 - Created
 - Evaluated
- What is the availability of benefit planning services for persons considering CIE?
- What strategies are in place to ensure persons receiving services past knowledge, and experiences will be included in the current focus of CIE options? Are you using past experience to assess current need? (Include volunteer experiences, community involvements, and/or daily living.)
- Does the agency need a process to identify current skills, strengths, interests, needs, dislikes, what doesn't work for the Person in relationship to CIE?
- Will the agency staff need support in obtaining, new skills, or tools to implement career development services?
- Is there a training plan that addresses how staff will acquire skills to offer services that support people to find suitable job matches and growth in their careers?

F. Creation of Milestones and Benchmarks

- What is the agency's plan to create milestones and benchmarks?
- Have the criteria for milestones and benchmarks been clearly outlined and agreed upon by staff?
- Does a matrix need to be created for the benchmarks?
- How will staff evaluate what is working; and what needs to be modified?
- Have benchmarks been created for Person's receiving services
- What tools will the agency use to evaluate individual movement from 14 (c) (group employment, Day Habilitation (day hab)?)
- How does movement to CIE or the community connect to individual plans?
- Are the individual expectations identified in the milestones and benchmarks agreed on by the Person receiving the employment services and their support team?

G. Charting Projections for 14(c) Transformation (Group Employment & Day Habilitation)

- Has a tool been created to determine CIE referrals?
- Has the agency established projections that include?
 - Number of individuals to receive at least minimum wages in six months?
 - In a year?
 - Projection of the numbers of placement in CIE or supported within two years?
 - Numbers of persons who will be in CIE in four years?
 - Number of persons who will have transitioned from dayhab to CIE in four years?
 - Number of persons who will have transitioned from group employment to CIE
 - The % of staff that needs to know how to create CIE options successfully.
 - The number of staff that will require additional training?
 - Projected costs to expand CIE options?
 - The number of persons in 14(c) that are eligible for Medicaid Vocational Services?
 - The projected number of 14(c) workers that are eligible and want Day Habilitation (dayhab) Services?
- Does your agency provide these services?
 - If not, are the steps delineated for staff on how a transfer into dayhab services occurs?
 - If yes, does every Person in dayhab or group employment have a re-evaluation date for CIE?
 - What is the plan for persons who want to spend time in the community but do not want CIE?

H. Pulling All the Information Together

- Will the agency transformation plan be shared with stakeholders, including funders?
- How will progress be shared with stakeholders?
- What is the plan to ensure challenges do not derail the transformation?

I. Supports to Families and their Role

- Has information on transformation been developed for families in an array of formats
- Is there a space on your website for parents/families or guardians to denote their initial concerns, experiences, and successes of their offspring with CIE?
- Is there a parent support group?
- Has the agency shared how they believe families are an asset in the transformation process?
- Are you including families and family advocates in the transformation discussion_and plan development as stakeholders?

J. Celebrate Success

- How will the agency publicize its success?