

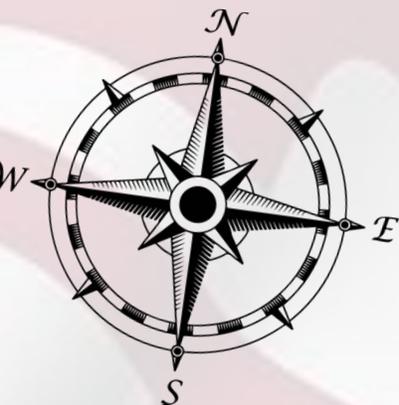
EMPLOYMENT 1ST

MARYLAND

APPENDIX 1-6

For

Navigating for Success: A Strategic Plan for Employment First for People with Intellectual and Developmental Disabilities in Maryland



This document is available in alternative accessible formats by emailing vanessa.antrum@maryland.gov or calling 410.767.5600

Developed in partnership with:
The Developmental Disabilities Administration
The Maryland Department of Disabilities
Maryland Employment First Leadership Team
June 2016



In recent years, federal policy and legal action have consistently aligned behind the promotion of community-based, integrated employment as the primary option for all working age youth and adults with disabilities. Below are descriptions of key legislation mandating community-inclusive supports and services

AMERICANS WITH DISABILITIES ACT (ADA), TITLE II

Passed as a federal law in 1990, Title II of the ADA requires public entities, including state and local governments, must administer programs and services in the most integrated settings possible and may not refuse to allow a person to participate in a service, program, or activity simply because the person has a disability. This went a step further from the Rehabilitation Act of 1973 which limited required integrated settings for those entities receiving federal funds only.



OLMSTEAD v. L.C .

On June 22, 1999, the United States Supreme Court held in *Olmstead v. L.C.* that unjustified segregation of persons with disabilities constitutes discrimination in violation of Title II of the Americans with Disabilities Act. The Court held that public entities must provide community-based services to persons with disabilities when (1) such services are appropriate; (2) the affected persons do not oppose community-based treatment; and (3) community-based services can be reasonably accommodated taking into account the resources available to the public entity and the needs of others who are receiving disability services from the entity.

DEPARTMENT OF JUSTICE (DOJ)

In April, 2014, the United States Department of Justice (DOJ) and the state of Rhode Island entered into an interim settlement agreement in response to allegations by the DOJ that the state had violated Title II of the Americans with Disabilities Act (ADA) and the Supreme Court's ruling in *Olmstead v. L.C.* The violation occurred through the state's administration and operation of its day activity services system, including employment services for individuals with intellectual and developmental disabilities. The 10 year agreement was the first agreement of its kind and impacted over 3,000 Rhode Island residents with intellectual and developmental disabilities.

In September, 2015, the DOJ entered into a similar settlement agreement along with private plaintiffs with the state of Oregon to resolve violations of the Americans with Disabilities Act (ADA) Title II impacting services for approximately 7,000 Oregonians with intellectual and developmental disabilities. As a result of the settlement, over the next seven years thousands of working-age adults with intellectual and developmental disabilities who were being served in segregated sheltered workshops will have opportunities to work in community integrated jobs at competitive wages.



CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS)

In their September 16, 2011 informational bulletin on integrated employment services, a guide for states that utilize Home and Community Based (HCBS) 1915 (c) Waivers, CMS clarified that prevocational services are not the end goal, but a time-limited service for the purpose of helping someone secure eventual competitive, community employment. The bulletin also explained that waiver funding is not available for the provision of vocational services delivered in facility-based or sheltered work settings, where individuals are supervised for the primary purpose of producing goods or performing services. A new service definition for career planning was also introduced, which was specified as a short term service engaging a participant in identifying a career direction and developing a plan for achieving competitive, integrated employment at or above the state's minimum wage.

HIRING REQUIREMENTS FOR FEDERAL CONTRACTORS

In August, 2013 the federal government revised Section 503 of the Rehabilitation Act to improve the historically low employment rate for people with disabilities. The revision includes requirements for employers who have contracts with the federal government that exceed \$10,000 to take affirmative action to hire, retain, and promote qualified individuals with disabilities. The law establishes a 7% goal across all job groups within a company and requires annual data collection to track progress. This law is enforced by the Employment Standards Administration's Office of Federal Contract Compliance Programs (OFCCP) within the U.S. Department of Labor.

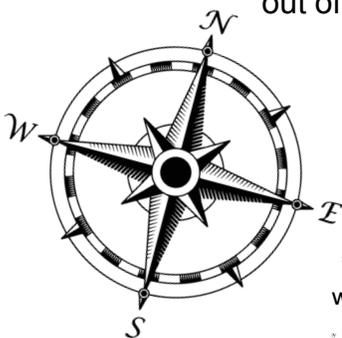
WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

The Workforce Innovation and Opportunity Act (WIOA) is a federal law passed in July of 2014 and is intended to improve coordination of employment services, workforce development, adult education, and vocational rehabilitation activities. The act also significantly increases the emphasis on individuals with disabilities, particularly out of school youth. WIOA also highlights the increasingly complex nature of individual barriers to employment while coordinating efforts at a younger age to increase the likelihood of successful employment integration. *

*Resources: www.ada.gov; www.dol.gov; www.cms.gov; www.ohioemploymentfirst.org; www.employmentfirstma.org; www.justice.gov



“Work is a fundamental aspect of most people’s lives,” said Principal Deputy Assistant Oregon Attorney General Vanita Gupta, head of the Civil Rights Division. “People with disabilities deserve opportunities to work alongside their friends, peers, and neighbors without disabilities and to earn fair wages.”



October 2008

DDA position statement on Employment First published indicating community integrated employment is the primary focus and first option for all state support services.

Employment First work group dialogues and DD Council Grants for provider transformation.

July 2015

Gathering of 150 stakeholders to re-energize Employment First Maryland.

August 2015-June 2016

Creation of outcomes and goals for a strategic plan by workgroups.

April 2016

General Assembly votes to phase out subminimum wages (14C certificates) for people with disabilities in Maryland (HB 420, SB417).

May 2016

Governor Hogan signs the Ken Capone Equal Employment Act (HB 420, SB417).

June 2016

Maryland's Employment First Strategic Plan is Launched.



Stakeholder Group	Representative
<u>The Arc Maryland</u>	Laura Carr
<u>The Association of Persons Supporting Employment First (APSE) Maryland Chapter</u>	Tami Goldsmith, Ken Capone
<u>The Department of Health and Mental Hygiene (DHMH), The Developmental Disabilities Administration (DDA)</u>	Deputy Secretary, Bernard Simons Judy Pattik, Patricia Sastoque Public Policy Fellow, Karen Lee
<u>DORS (Division of Rehabilitation Services)</u>	Michelle Stewart
Families of People Supported by DDA	Arlene McCrehan
People With Disabilities	Goli Balakhani
<u>Maryland Association of Community Services (MACS)</u>	Laura Howell
<u>Maryland Department of Disabilities</u>	Secretary, Carol Beatty Jade Gringrich
<u>Maryland Developmental Disabilities Council</u>	Rachel London
<u>Maryland Disability Law Center</u>	Nancy Pineles
<u>Maryland State Department of Education (MSDE/DSE) and local school systems</u>	Christy Stuart
<u>Maryland Department of Labor, Licensing, and Regulation (DLLR)</u>	Carolynette Scott
<u>Maryland Works</u>	Bob Hofmann, Jay Stewart
<u>People on the Go</u> and other self-advocacy groups	Mat Rice
<u>Service Providers and Coordination of Community Services</u>	Martha Rankin Brown, Staci Jones



Department of Labor-Office of Disability Employment First State Leadership Mentoring Program (EFSLMP)

2014-2016: This grant has offered over 400 hours of subject matter experts to support providers through transformation and capacity building. Support is also given to review and change state policies and practices around transitioning youth, HCBS waiver revisions, and compliance with the Home and Community Based Services Final Settings Rule.

Supported Employment Leadership Network (SELN)

Membership in the SELN is paid for by DDA. The experts in the SELN have assisted DDA in a number of policy issues for the past 10 years including crafting the original Employment First policy. In 2016, SELN assisted DDA to create an person centered planning process which promotes Employment First. They also provided technical assistance to support the design of a

Kessler Foundation 2016-2018

Two year grant to create and pilot a certification training for employment staff in the strategies of customized employment: discovery, job development and systematic instruction. In addition, this grant is aimed at working with the state to modify policies to eliminate barriers to employment for people with significant support needs. This grant also creates a statewide community of practice for all providers of services and supports families and employers in the process of Customized Employment.

This grant was secured in cooperation with, Arc of Central Chesapeake Region, Arc of Howard

Employment Learning Community 2013-2016

Four year grant from the Administration on Community Living to increase capacity at the state level to support employer engagement and development of the Employment First State Leadership Team. Supports provided by subject matter experts from the Institute on Community Inclusion at the University of Massachusetts.

The LEAD Center 2015-2017

The LEAD Center is a collaborative between the National Institute on Disability and ODEP. The subject matter experts from the LEAD center have assisted DDA in creating a funding model to support new service definitions for increasing competitive, integrated employment. In addition they have provided funds to support presentations and tools for provider transformation



The Maryland Data Collection System

In 2012 Maryland was in the midst of a five year Medicaid Infrastructure Grant from CMS. These state grants were to be used to build capacity in states so people with disabilities that choose to work had the support and resources to do so. The funds from this grant helped to build what is today the Maryland Employment Data Collection System. With the help of staff from the Institute on Community Inclusion at the University of Massachusetts, a group of stakeholders was gathered to create the construct for the data collection system.

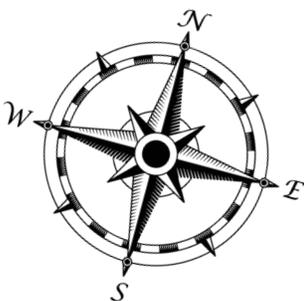
Each year since 2013 providers of DDA services are required to gather data for all of the people being supported in day and employment services for a two week period in both May and October. This data is entered by the provider into the data system for each person being supported. The data has been used for a number policy decisions including the information used in the 2016 passage of the Equal Employment Act.

According to research conducted by SELN, the collection and dissemination of employment data is one of the tenets of states that are high performing in the outcome of competitive, integrated employment for people with I/DD. The chart below serves as a baseline for Maryland in the renewed

Category— all numbers represent a two week period in May 2015	Number of People	Mean Number of Hours Worked	Mean Wages Biweekly/hourly
People receiving day supports from DDA	11,619	NA	NA
People in Competitive, integrated employment	2,165	37 hours	\$360/9.73
People in Individual Contract Jobs	332	33.50 hours	\$316/9.57
People who were self employed	37	21 hours bi-weekly	Gross Income collected by 3 months.
Group Community Based Employment (Enclaves and mobile work crews)	1,260	28 hours	\$222/7.92
Facility Based Work	2,730	15 hours	\$65/4.33



1. People with disabilities and their families will need opportunities to receive information about community integrated employment and how it can offer stability, safety, and ready-made peer networks similar to other environments in a variety of formats and venues.
2. Policies and practices need to be reviewed and revised so people with I/DD are supported to work and have lives meaningful to them when not working. This needs to include a safety net of services available if people experience job loss or change.
3. Create a service system that is flexible since some jobs may require non traditional working hours (evenings and weekends).
4. Collaborate with other state and federal systems to offer information about the impact of earnings on Social Security and other public benefit programs .
5. Collaborate with provider agencies to identify non traditional transportation options, especially in rural parts of the state.
6. Work with local providers and state agencies around employer education and engagement.
7. Create a system of competency based training for staff in the process and practice of Customized Employment and Self Employment.
8. Create a system of competency based training for Coordinators of Community Services so they are prepared to work with families and people with disabilities around issues of transitioning from sheltered isolated settings so people can be included in their community.
9. Expanded services to focus on careers and belonging to a community rather than limited to jobs and activities.
10. Create a system of technical assistance that is targeted, ongoing and across the state, as the process of organizational change and movement to integrated, community based models of services may be difficult for some provider agencies.
11. Collaboration between state and local agencies to ensure students with I/DD have the training and support to succeed in employment and community life following school.



Created from Stakeholder Feedback



- 1. APSE PUBLICATIONS:**
 - a. APSE Employment First Statement:** Statement outlining principles of EmploymentFirst – <http://www.apse.org/wp-content/uploads/2014/04/APSE-Employment-First-Statement.pdf>
 - b. APSE Employment First White Paper:** “Establishing a National Employment First Agenda” paper from APSE – <http://www.apse.org/wp-content/uploads/2014/04/APSE-Employment-First-White-Paper.pdf>
- 2. Alliance for Full Participation:** The Alliance for Full Participation (AFP) site contains a number of Employment First documents and updates from various states on their Employment First activities – www.allianceforfullparticipation.org
- 3. Intellectual and Developmental Disabilities Article – Employment First:** A Beginning Not an End: August 2011 Intellectual and Developmental Disabilities journal article summarizing the principles of Employment First – <http://aaidjournals.org/toc/mere/current>
- 4. NACDD Report – The Time is Now: Embracing Employment First:** November 2011 report from the National Association of Councils on Developmental Disabilities, providing an overview of Employment First, with a particular focus on DD Council efforts – <http://www.dphhs.mt.gov/dsd/ddp/selndocuments/NationalCouncilonDevelopmentalDisabilities.pdf>
- 5. NASDDS Article – Workers First:** Article from June 2009 Community Services Reporter, published by National Association of State Directors of Developmental Disabilities Services providing an overview of Employment First efforts – [http://www.nasdds.org/uploads/documents/WorkersFirst\(Moseley\).pdf](http://www.nasdds.org/uploads/documents/WorkersFirst(Moseley).pdf)
- 6. NTAR Leadership Center Blog:** Blog post on Employment First by Wendy Parent, Kansas University – <http://ntarseedingchange.blogspot.com/2010/03/employment-first.html>
- 7. ODEP-USDOL Employment First Leadership Mentor Program:** Information on state’s participating in ODEP’s Employment First Leadership Mentor Program – <http://www.dol.gov/odep/media/newsroom/employmentfirststates.htm#.UKqjpY6YXeQ>
- 8. SELN PUBLICATIONS**
 - a. SELN Employment First Publication:** “Q & A’s on State Employment First Policies”: publication from the State Employment Leadership Network (SELN) providing an overview of Employment First, and specific efforts in Colorado, Florida, Oklahoma, Pennsylvania, Tennessee, Washington State, Georgia, Minnesota, and Indiana – http://selnmembers.org/images/stories/site_documents/dmr%20request%20employment%20policy%203-08rev.pdf
- 9. The LEAD Center** <http://www.leadcenter.org/>

