

Interhab 2015

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Kansas Council on Developmental Disabilities

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Brief History

- * 30 Plus years in the field of Employment
 - * Shelter and Supported Employment
 - * Federal Project with Industries Grant
 - * Vocational Rehabilitation Vendor
 - * Kansas Vocational Rehabilitation Commission
- * 14 years Workforce Investment Board executive committee
- * WIA One Stop Operator, Salina KS

Activities of the Council

- * Advocacy
 - * Self Advocacy and Leadership
- * Systemic/Systems Change
 - * Public Policy/Inform and Recommend
 - * Improvements to Service Systems
 - * New Technologies/Methods
- * Capacity Building
 - * Support Service System Innovations
 - * Support/Create New Technologies/Methods

Role of the Council (Federal)

Conduct activities and fund initiatives in 5 year cycles

- * In the Areas of Emphasis
 - * Advocacy/Leadership/Self-Determination
 - * Systems Change
 - * Capacity Building
- * Assure participation in design of support/services
- * Ensure access to needed Individualized Community Services/LRE
- * Coordinated with DD Act partners (DRC) (KUCDD)

Areas of Emphasis

- * **Quality Assurance**
- * Transportation
- * **Employment**
- * Housing
- * Recreational
- * **Health Related**
- * *Education/early intervention*
- * Child Care
- * *Formal and Informal Community Supports*

Values

DD Act

- * Integration
- * Inclusion
- * Productivity
- * Self Determination
- * Independence
- * Control and Choice

Kansas Council

- * Respect
- * Innovation
- * Accountability
- * Transparency
- * Partnerships

Purpose of the Act

- * Increase choice and control
- * Prevent abuse and neglect
- * Develop sustainable change over time
- * Work in 5 year cycles
- * Support the entire life cycle

KCDD advocates that the State

Implement a long-term wait list plan

- * Identify service need
 - * Implement a quality service indicator
 - * Monitor conflict of interest
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- * More accurate assessment tool (SIS)
 - * Target wage for direct support worker
 - * Provide effective protections from abuse
 - * Develop community services for people with significant health and behavior needs.

Advocacy efforts

- * Self-determination and leadership
- * Financial support for IDD and their families to participate on boards and councils
- * Inclusion of self-determination principles
- * Support a state wide Self Advocacy Organization
- * Engage self advocates and families on key policy and legislative activities

Role of the Council (State)

- * Study, monitor, and report on programs
- * Develop plan with assurances from the Designated State Agency (DSA)
- * Make legislative recommendations to improve DD services and programs
- * Report regularly to the Governor, Legislators and state agencies on progress

Project Search

- * Last year of school for youth with disabilities
- * 3 rotations in community jobs 3 months each
- * Full time teacher
- * Learning skills and workplace behaviors
- * 70% success rate vs. 11% without
- * Working 16 hours/week at or above minimum wage

Working-Age Adults with Disabilities

2008 Government Expenditures

- * \$357 Billion - Federal spending
- * \$71 Billion - State spending
- * Over \$420 Billion percentage spent as follows:
 - * 55% - Spent on Health Care
 - * 41% - Income Maintenance
 - * 3% - Housing and Food Assistance
 - * 1% - Education, Employment and Training

Mega Trends

- * ADA Olmstead
- * Centers for Medicaid Services Final Rule
- * Workforce Innovation and Opportunity Act
- * Developmental Disabilities Act Final Rule
- * DOL wage protection for workers (overtime over 40, minimum wage for all hours worked)

WIOA signed 2014

- * Workforce Summit 2015 DOL partner
- * After the Summit Summit Jan. 22 2015
 - * 57 attendees
 - July 28th 2015 63 attendees
- * DEI added Adult Project Search
- * Commerce Lead agency on unified WIOA State Plan
- * United Health Care funded Adult Project Search
 - * And additional Employment Systems Change grants

Who is responsible

GAO Study 45 Programs 9 Federal Agencies

- * Early Intervention
 - * Slow the Flow
 - * Youth Transitioning
 - * Workers (experience on the job)

Promote

Employer Engagement

Competitive Integrated Employment

Collaboration Coordination Efficiency

Measurement and Accountability

Disability WIOA Related Highlights

- * State and local plans must include plans and metrics to address employment for people with disabilities
- * States must identify performance outcomes and results by disability
- * One-Stop centers Criteria must be physically and programmatically accessible (i.e., facilities, programs, services, technology and materials, and appropriately trained staff) in order to be certified

Every Person's Situation is Unique

Generally for every \$1.00 a person with a disability earns there is a direct savings of \$.50 to the tax payer

When you Interview

A “nondisabled” person

- * Are they a risk to the Company?
- * Are they Qualified?
- * Would they be a good fit?
- * Can they do the job better than the other candidates?

Person with a disability

- * Are they a risk to the Company?
- * If I had that disability could I do this job?
- * The interview changes from a focus on “them” to a focus on “you”
- * People develop skills based on the need

KCDD Employment Grant

- * Current System perfectly designed to get the results we are getting.
- * Based on our current structure, what needs to change to get more employment outcomes?
- * Resource 2014 Employment First Report
- * Workforce Innovation and Opportunity Act WIOA concepts
- * Systemic Change

Kansas Council Grant on Systems Change

- * Griffin and Hammis responded
- * United Health Care provides \$1.5 million
 - * Joins effort for systems change 2015
 - * Funded 3 new projects grass roots projects
- * Vocational Rehabilitation End-Dependence
- * SSA demonstration project
- * Lead Center State Agency Coordination
- * Disability Employment initiative Commerce

SSI Employment Support Pilot KDHE

- * July 1, 2015 (Pending CMS approval)
- * Target 400 SSI recipients over 16 on I/DD PD Waiver Waiting List
- * \$1,500/month to purchase services
- * Medical via KanCare
- * 40 hours/month integrated competitive FICA withheld Self Employment Counts if over 1/4ly earnings standard

WIOA System Change

- * Current system (fragmented)
- * Work Disincentives
- * Variation in Services and Programs
- * Service “SILOS” Inhibit Creativity/New Approaches
- * 57% of PwD not engaged after age 19
 - * (not working not learning)

WIOA Core programs

- * 1. Adult, Dislocated Workers, & youth formula
- * 2. Adult Education and Literacy programs
- * 3. Wagner Peyser Act
- * 4. Vocational Rehabilitation
- * Must submit a Unified plan that includes common goals and strategies

WIOA Reforms

- * Core Programs must Develop a single 4 Year Plan
- * Must Measure Effectiveness of Service to Employers
- * Third party evaluation every 4 years
- * New National Advisory Council
- * Training and Post-Secondary Credentials
- * Job seekers who are basic skills deficient and low income a priority

WIOA PwD Improvements

- * Physical and Programmatic Access
- * Youth extensive Pre-Employment Transition Services
- * 15% of VR funds set aside for transition
- * VR State Grant Programs to engage employers
- * 20% of youth funds for on the Job Internships
- * Registered Apprenticeship and Pre-App training

WIOA Rehab Act

- * Transfers Independent Living Centers and Assistive Technology from RSA to Administration on Community Living ACL
- * Requires VR to make Pre-Employment Transition Services available
- * Requires a 15% set a side for Youth Transition
- * ½ of Federal Supported Employment to fund youth with the most significant disabilities
- * Employer engagement emphasis
- * Priority to those at risk of losing their jobs

WIOA Board Changes

- * Reduces the required board members to business lead and the 4 core programs
- * No longer requires a Youth Council
- * At the discretion of the board they can form these committees
 - * One Stop Partner Issues
 - * Youth Services
 - * Services to Individuals with Disabilities
- * Boards are authorized to solicit grants and donations from non-federal sources

Disability Changes

- * Limit the use of Sub-Minimum Wages
- * Requires agreements and plans between state VR systems Medicaid Systems and IDD Agency
- * Defines
 - * Customized Employment
 - * Competitive Integrated Employment
 - * Role and requirements of the General Workforce System in meeting the needs of people with disabilities

Limitation on the use of Sub-Minimum Wages

- * As of 2016 a series of steps must occur prior to anyone under the age of 24 be placed in a job paying less than minimum wage
- * Schools are prohibited from contracting with Sub-Minimum Wage providers for “Transition Services”
- * Legislative definition of “Competitive Integrated Employment”
 - * Full or part time, minimum wage or higher, same benefits, fully integrated with co-workers

WIOA Major Proposals

- * Increase services and supports to youth with disabilities
 - * Especially those with more significant disabilities
- * Integrate general workforce programs and disability workforce programs
- * Define competitive integrated employment and make it the goal for all people with disabilities
- * Slow the movement of youth with disabilities to subminimum wage programs
- * Move the Rehabilitation Services Administration (RSA) to the Department of Labor
- * Create an Administration on Independent Living

Definition changes Supported Employment

- * Integrated Competitive Employment
- * Short term basis working towards competitive
- * Customized Employment (defined)
- * Support services extended from 18 to 24 months
- * Supported Employment State Grants
 - * ½ must be used to support “youth with the most significant disabilities” (up to age 24)
 - * Qualify for extended services up to 4 years

Post Secondary Options

- * Post secondary allowed fund technical assistance to better enable individuals with intellectual disabilities to participate in post secondary educational experiences

Get to Know Your “One Stop System”

- * Requirements for the general system to meet the needs of job seekers with disabilities
 - * Boards may include community organizations
 - * Ensure sufficient service providers to meet the career and training needs of PwD.
 - * Career paths for individuals with disabilities to enter and retain employment
 - * May have standing committees on services for people with disabilities
 - * Governors may reserve 15% of funds for use in specific areas including disability employment programs

Employment Myths

- * Architects of Life
- * All it takes is Passion
- * Love of the Work
- * One perfect Job
- * Don't know what you want
- * People are Pushed
- * Must be a Market
- * Sense of Purpose
- * Hundreds or more
- * Fulfillment, Connection
Responsibility and some
Excitement

Progress

- * “The reasonable man adapts himself to the world; the unreasonable one persists in trying to adapt the world to himself. Therefore all progress depends on the unreasonable man”

* George Bernard Shaw

Disability WIOA Related Highlights (1)

- * Focus on increased physical and programmatic accessibility for people with disabilities to employment and training services through America's Job Centers (also known as "One Stops").
- * Provide youth with disabilities will extensive pre-employment transition services with the goal of obtaining competitive integrated employment.
- * Require state vocational rehabilitation agencies to use at least 15% of their federal funding for transition services to youth with disabilities.

Disability WIOA Related Highlights (2)

- * Directs state vocational rehabilitation agencies to be job directed and employer directed as well as client directed.
- * Defines competitive, integrated employment as including self-employment, supported employment, and customized employment.
- * Established a committee to advise the President and the Secretary of Labor on strategies to increase competitive integrated employment for individuals intellectual and other significant disabilities.

DOL Advisory Committee

- * (1) increase competitive integrated employment (CIE) opportunities for individuals with (I/DD)
- * (2) The use of certificate program carried out under Section 14(c) of the Fair Labor Standards Act (FLSA) for the employment of individuals with I/DD or other individuals with significant disabilities; and
- * (3) Ways to improve oversight of the use of such certificates.

Primary Focus of the Work

- (1) to increase opportunities for CIE;
- (2) to ensure CIE is the first option for people with significant disabilities in order to increase the employment participation rate
- (3) to significantly reduce the use of FLSA Section 14(c) and the dependence on subminimum wages and segregated service placements.

Transition to Careers Subcommittee

opportunities for early work experiences for all youth with disabilities, beginning transition at age 14, and conduct research opportunities for postsecondary education for youth with significant disabilities which includes competitive integrated work experiences

Addressing family expectations for CIE at early ages;

- Creating seamless transition and systems integration in policy and funding for transition across related federal agencies

Address professional supports and incentives by improving school and provider competencies and providing technical assistance to states.

Complexity and Needs in Delivering Competitive Integrated Employment Subcommittee

* The Preliminary Recommendations:

- Aligning policy and practices to prioritize CIE across the four federal agencies
- Aligning across federal agencies the funding rules and payment methodologies to prioritize and incentivize CIE
- Addressing real and perceived disincentives to employment caused by concerns about loss of healthcare/cash benefits
- Addressing systemic low expectations around employment by increasing knowledge of, and capacity to provide, effective practices for achieving CIE for people with significant disabilities; and
- Improving accountability for achieving CIE and ensuring quality through data collection

Marketplace Dynamics Subcommittee

- * The Preliminary Recommendations are focused on employer and business model issues for increasing CIE. These emphasize:
 - Changing the narrative about hiring people with significant disabilities to promote hiring people with disabilities as good for business outcomes through a national education campaign;
 - Creating a sustainable culture of inclusion and diversity through business to business communications and marketing to businesses of all sizes;
- * Building better business partnerships between businesses, providers, and government programs;
- * Addressing training issues by improving provider competencies and developing national training requirements; and
- * Addressing the complex issues of transportation in urban, sub-urban and rural America.

Building State and Local Capacity Subcommittee

- * The Preliminary Recommendations emphasize:
- * Expanded use of Home and Community-Based Services (HCBS) Waiver programs for CIE by changing the federal match requirements to states to incentivize CIE;
- * Aligning and improving data systems on CIE outcomes;
- * Promoting and funding innovations in new and existing provider organizations;
- * Creating and funding professional development to improve provider competencies; and
- * Providing funding for provider transformation.

Section 14(c) Subminimum Wage Certificate Program

- * Each of the four initial subcommittees worked on the development of Preliminary Recommendations
 - * The need for better data on the use of this program and its outcomes;
 - * Improving monitoring and oversight of the program;
 - * Aligning use of the program with modern federal disability policies, including the Americans with Disabilities Act (ADA) and the Supreme Court's Olmstead decision, WIOA, and recent rules and guidance from the Centers for Medicare & Medicaid Services (CMS);
 - * Considering a well-designed phase out of the program as a result of increasing CIE; 8 to 10 years no new admissions.
 - * Providing technical assistance to states and providers to reduce the use of the program; and
 - * Addressing concerns of unintended consequences by ensuring quality alternatives.

Preliminary Recommendations

- * The Individuals with Disabilities Education Act (IDEA) Indicator 13 must disallow a placement in subminimum wage
- * regulations should prevent the use of Federal IDEA funds for transition services provided in non- integrated settings/ subminimum wage
- * IDEA must explicitly disallow any service that is facility-based or uses of Section 14(c).
- * Identify Local Education Agencies (LEAs) holding Section 14(c) certificate and require elimination
- * Federal agencies need to collection data when a sheltered workshop closes or is downsized.
- * Having access to these data is imperative to making future recommendations and identifying trends – both positive and negative. The Subcommittee recommends that WHD develop a secure, web-based application and data collection system that is mandatory for all Section 14(c) certificate holders.
- * Guidance to states monitor the use of Section 14(c) certificates for all individuals with disabilities.
- * The Secretary of Labor, in consultation with the RSA and the CMS should propose a time frame for phasing out the Section 14(c) certificate program.

Section 511 of the Rehabilitation Act, as added by WIOA, provides limitations on the use of Section 14(c)

- Requires people with disabilities working under Section 14(c) certificates to have access to CIE services, (VR) services.
- Prohibits anyone age 24 or younger from starting work at subminimum wage unless it is documented that the person received transition services under IDEA; has applied for VR services and was unsuccessful; and has been provided counseling and referral to other resources with the goal of CIE.
- * Section 14(c) certificate holders may not continue to employ any person at subminimum wage unless the person has received career counseling; access to the VR agency; and information about self-advocacy, self-determination, and peer mentoring opportunities from an entity without a financial interest in the person's employment outcome.
- * While Section 511 limits the use of Section 14(c) certificates, it also permits pathways to subminimum wage placements under Section 14(c) certificates by incorporating Section 14(c) language into WIOA; by offering Section 14(c) placements as an option for people older than 24; and by offering Section 14(c) programs as an employment training option despite data showing that people usually do not leave Section 14(c) programs for CIE.

The National Council on Disability recommended gradual phase-out of the Section 14(c)

Congress should amend Section 14(c) of the FLSA to allow for implementation of a well- designed phase-out of the Section 14(c) program that results in people with disabilities entering CIE.

- * The DOL Advisory Committee will recommend a phase-out plan with specific implementation steps in its Final Report due September 15, 2016.
 - * This plan will emphasize that CIE is the primary role of all working age people.
 - * It will consider strategies to expand CIE capacity
 - * address the concern that individuals leaving or who otherwise would have been in Section 14(c) programs will be left without meaningful and productive ways to spend their time.
- * WHD should develop and enforce criteria for assuring that the Section 14(c) certificate is only permitted when “necessary... to prevent the curtailment of opportunities for employment.”
- * WHD should develop an interagency process to coordinate issuance/renewals of Section 14(c) certificates with enforcement of the ADA by the DOJ, the U.S. Department of Health and Human Services’ Office of Civil Rights (HHS’ OCR), and the Equal Employment

Employment Systems Change

- * Submitted testimony to Employment First Commission
- * Testified at Legislative Hearings
- * Project Search difficult to implement
- * Medicaid Long-Term Supports not flexible
- * Vocational Rehabilitation lack of Vendors
- * No support Post-Employment

Griffin and Hammis Report

- * Missing Tools
 - * Supports Waiver
 - * Self Directed Services
 - * Financial Management services
 - * Supported Employment
 - * Education and Training
 - * Benefits Counseling
 - * Non-residential Transportation
 - * State Plan (i) for Behavioral Health

Missing Tools Continued

- * Universal Comprehensive Assessment of Need
- * Separation of individual allocation from “Rates”
- * Rates need to be based on actual cost
- * Supported Employment rates based on actual cost
- * Universal Self-Directed Participant Services
- * Consistent Well-Qualified Personnel

Employment

- * Significantly increase career opportunities
 - * Apprenticeships and internships
 - * Support self-employment
 - * Promote existing incentives
 - * Fund new projects and a bi-annual summit
- * Outreach to employers and champions
 - * Encourage the development of additional employment incentives
- * Support Employment First efforts
- * Advocate for an incentive based payment system for Supported Employment Programs

The four essential components of effective participant directed services

- * Universal assessment tool based on individual need
- * Conflict Free case management that writes approves and monitors the plan
- * Community Guide (supports broker) arranges for supports and services intensity duration etc.
- * Financial Management Services provider to arrange for payment of services

State Transparently arrived at rate

- * Based on provider exact cost for the service
- * Based on national average to provide service
- * Rate may be the same for the same service no matter who pays
- * Rate may be split between multiple recipients

Four types of providers

- * Traditional Habilitation/Rehabilitation providers who have customarily and ordinarily provided facility services.
- * Traditional Employment and Community-only non-facility service providers.
- * Non-traditional providers who provide services to 1-3 people, who meet requirements for providers of similar services as required by the state, are certified, use the Medicaid contracted Financial Management Services agency to receive payment.
- * Non-traditional discrete skilled service providers, such as the participant's employer, etc. provider would use the Financial Management agency's services.

Milestone Payments promise

- * Pay only for outcomes
- * Easy to place people balance out the hard to serve
- * Better use of taxpayer dollars
- * Rewards those organizations that produce the results

Milestone payment realities

- * Not based on cost/ money lost from the beginning may never be recovered
- * Organizations encouraged to cream
- * Little effort expended on hard to serve
- * Encourages less and less supports to reduce cost/cover cost of those who never meet a milestone
- * Effectively eliminated the availability of the service in all but the most urban areas.
- * Milestone in Kansas has only resulted in 26 less than half the time.

Hourly fees based on cost

- * No loss to the provider from the start
- * Current research shows customized employment
 - * 30-70 hours for discovery/job development
 - * 100-250 hours employer/systematic instruction
 - * 50-100 hours follow-up per year (usually paid from long-term funding)

Long Term Outcomes

- * One time cost for the Vocational Rehabilitation services are significant
- * The on going cost is minimal compared to sheltered workshop annual cost
- * I wavier for those with Behavioral health needs
- * New Supports Waiver
 - * Self directed service
 - * Community Guide

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