

# Interhab Employment Systems Change 5/2016

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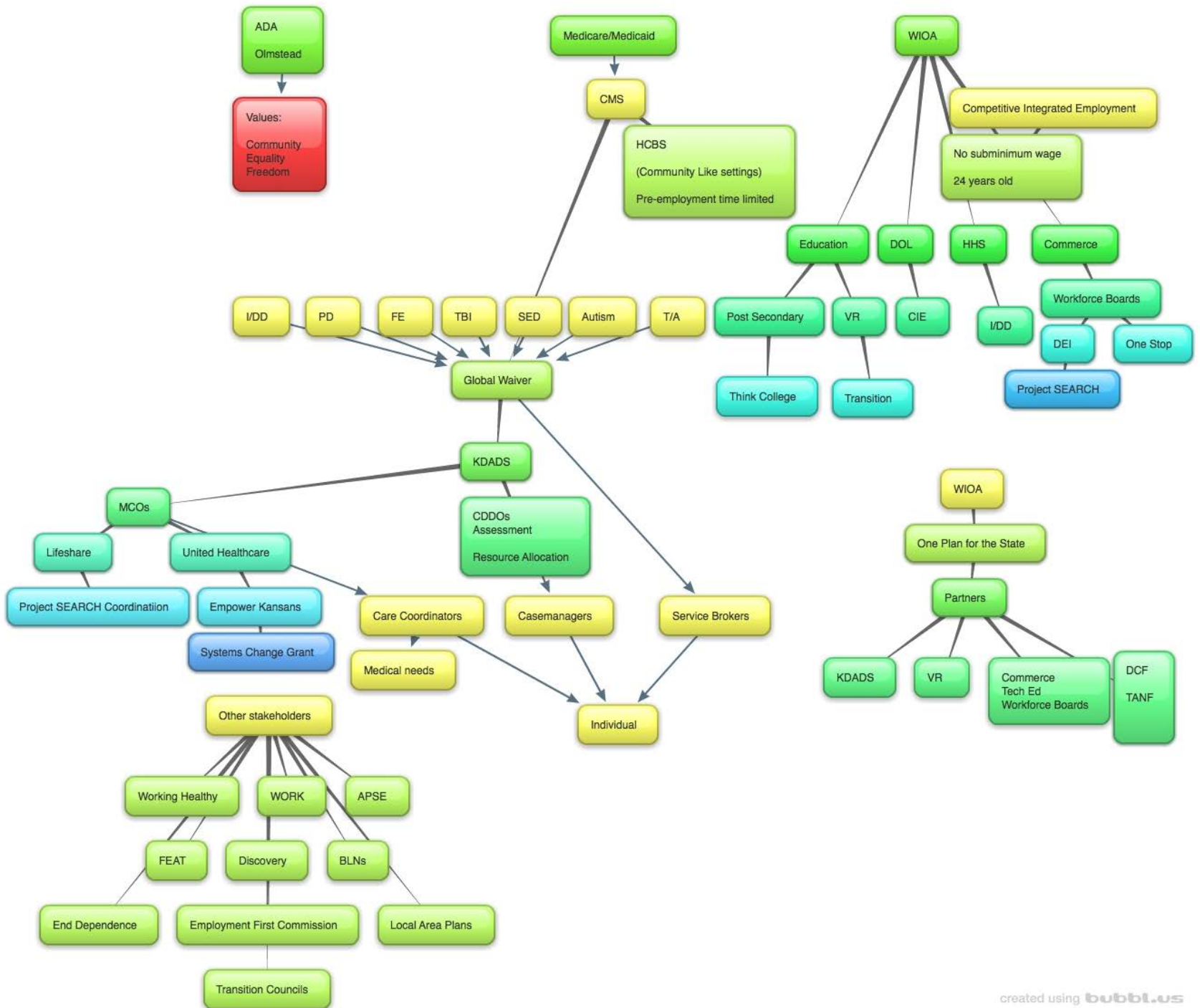
# Activities of the Kansas Council on Developmental Disabilities

- 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

Current 5 year plan posted at [KCDD@KCDD.org](mailto:KCDD@KCDD.org)

# Mega Trends

- ADA Olmstead (services in the most integrated setting)
- Social Security Ticket to Work Program
- 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)
- Every Student Succeeds Act of 2015



# WIOA 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

# Department of Labor

## WIOA Advisory Committee

### Capacity Building Recommendations for Final Report Recommendation #1:

- The state Medicaid agency, the state Department of Labor, the state Vocational Rehabilitation agency, the state Mental Health agency, the designated state I/DD agency, and the state education agency in each state should: encourage the development of state/local standards or adopt **national standards** of professional competence in providing CIE services; and support **professional development** that includes the development of organizational leaders, program managers, and professional employment staff who focus on CIE.

# DOL WIOA Advisory Committee

## Capacity Building Recommendations for Final Report Recommendation #2:

- The Center for Medicaid Services (CMS) and the Rehabilitation Services Administration (RSA), the Department of Labor, and the designated I/DD and Vocational Rehabilitation (VR) agencies in each state, should: **promote and fund innovative projects** that result in new CIE programs within existing organizations as well as new organizations that provide only CIE services; and **facilitate program transition away from sheltered employment and into CIE.**

# DOL WIOA Advisory Committee

## Capacity Building Recommendations for Final Report Recommendation #3:

Congress should provide CMS the authority to permanently extend the **increased federal match incentive for states** that was created under Money Follows the Person to move away from the institutional bias of services and incentivize the transition of beneficiaries currently in or at risk of institutional settings into HCBS.

Additionally, Congress should expand the definition of what constitutes as an “**institutional setting**” to include non-residential settings like **day habilitation and facility-based work centers**.



# DOL WIOA Advisory Committee

## Transition to Careers Recommendations for Final Report Recommendation #4:

- In order to facilitate a more integrated Federal system, Congress:
- Should provide limited authority to the four relevant federal agencies -- ED (RSA, OSEP, OCTAE), HHS (CMS, ACL, SAMHSA); DOL (ETA; ODEP); and SSA -- to waive requirements that make it challenging for states to effectively use and braid funds;
- Require Federal agencies to support state-driven pilots that demonstrate success in combining resources.

# DOL WIOA Advisory Committee

Complexity & Needs Recommendations for Final Report  
Funding Recommendation:

- The Department of Labor (DOL) should lead a collaboration of federal agencies to identify, align, and develop clear policies and practices across all federal agencies that make Competitive Integrated Employment (CIE) a funding priority for all individuals with significant disabilities.
- Participating agencies should include WIOA committee members (DOL, SSA, CMS, RSA, and ACL), as well as OSEP and DOJ.

# DOL WIOA Advisory Committee

## Complexity & Needs Recommendations for Final Report Funding Recommendation (cont'd):

- Activities should include agreeing on common principles that align cross-agency funding priorities and developing guidance for states on policy, practice and accountability measures that establish competitive integrated employment as the priority.
- Guidance on braiding, blending, Medicaid authorities, and leveraging federal funding
- Pilots with enhanced rate for transition from segregated setting to CIE; outcome-based payments guidance and TA
- RSA and ED funding to prioritize CIE outcomes, particularly for transition-age youth

# DOL WIOA Advisory Committee

## 14 (c) Certificates Recommendations for Final Report Recommendation #1:

- Congress should amend Section 14(c) of FSLA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering Competitive Integrated Employment (CIE).

# DOL WIOA Advisory Committee

## 14 (c) Certificates Recommendations for Final Report Recommendation #2:

- The Wage and Hour Division (WHD) of the Department of Labor should engage in stronger enforcement of 14(c) certificates and should use a strict standard for issuance or renewal of 14(c) certificates “only when necessary... to prevent the curtailment of opportunities for employment.”

# DOL WIOA Advisory Committee

## 14 (c) Certificates Recommendations for Final Report Recommendation #3:

- In addition to technical assistance activities recommended in other sections of this report, federal agencies including Health and Human Services, Department of Labor, Department of Education and the Social Security Administration that have responsibility either through WIOA or other federal initiatives to increase CIE for people with severe disabilities should coordinate provision of technical assistance resources to states to encourage transformation of 14(c) certificate holders to employment agencies that offer CIE.

# Home and Community-Based Setting Requirements

- The Home and Community-Based setting:
- Is integrated in and supports access to the greater community
- Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources
- Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services

# Home and Community-Based Setting Requirements

- Written plan reflects -
- • Setting is chosen by the individual and is integrated in, and supports full access to the greater community
- • Opportunities to seek employment and work in competitive integrated settings
- • Opportunity to engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS
- Allows states to serve more than one target group in a single waiver



# AbilityOne and the National Council on Disabilities

all qualified nonprofit agencies participating in the AbilityOne Program to commit to, and begin paying at least the Federal minimum wage, or state minimum wage if higher, to all employees who are blind or have significant disabilities working on AbilityOne contracts.

NCD proposes ending 14c in Phases based on the # of years the individual participated 1-10; 2 years, 10-20; 4 years, 20 years or more; 6 years.

States eliminating 14c Vermont, New Hampshire, Maryland, & New York stopped all new admissions

# KCDD Employment Systems Change

- Based request for proposal based on Employment First Commission report 2014
- Testified at Legislative Hearings
- Project Search (difficult to implement large scale)
- Medicaid Long-Term Supports not Flexible
- Vocational Rehabilitation Lack of Vendors
- No Support Post-Employment

# Griffin and Hammis Report (GH 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 GH Report

- 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 GH Report

- Significantly increase career opportunities
  - Support self-employment
  - Promote existing incentives
- Outreach to employers and champions
  - Encourage the development of additional employment incentives
- Support Employment First efforts
- Advocate for a incentive based payment system for Supported Employment Programs

# Hourly Fees Based on Cost

## GH Report

- 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 GH Report

- 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

# WIOA at the cross roads

- Several Laws and regulations coming together
- Social Security (Ticket to Work)
- Centers for Medicaid Services (final rule on settings)
- Developmental Disabilities Act (final rule)
- Department of Labor (final rule)
- Workforce Innovation and Opportunity Act
- Vocational Rehabilitation WIOA changes
- Every Student Succeeds Act of 2015 (ESSA)



# 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

# Sources

- cms<https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Downloads/Final-Rule-Slides-01292014.pdf>
- <https://www.dol.gov/odep/topics/date/20160427.htm>
- [https://www.ncd.gov/rawmedia\\_repository/FINAL\\_Subminimum%20Wage%20Report%20with%20Transmittal%20Letter.pdf](https://www.ncd.gov/rawmedia_repository/FINAL_Subminimum%20Wage%20Report%20with%20Transmittal%20Letter.pdf)
- [http://www.abilityone.gov/media\\_room/documents/US%20AbilityOne%20Commission%20Declaration%2018March2016%20Final.pdf](http://www.abilityone.gov/media_room/documents/US%20AbilityOne%20Commission%20Declaration%2018March2016%20Final.pdf)
- KCDD System Change Grant