



February 24, 2010

On behalf of APSE, a national organization focused exclusively on promoting and advancing integrated, community employment opportunities for citizens with disabilities, the following comments are being submitted as part of the Office of Disability Employment Policy's (ODEP) listening sessions on employment of individuals with disabilities.

Comments: APSE would like to applaud ODEP for hosting six listening sessions throughout the United States and for offering the opportunity for public comment. Opening the channels of communication is crucial in working to find innovative ways to improve the employment outcomes of individuals with disabilities. We would like to submit the following comments for ODEP's consideration:

Proper Funding of Community Services

For many citizens with disabilities, integrated employment would not be possible without the existence of proper community support services. Citizens with disabilities face challenges to transportation, housing, etc. which impacts their ability to become employed in an integrated setting. Often time the waiting lists to receive community services are too long and many of the service providers are under-funded, considering the number of individuals they are expected to serve. APSE recommends that there be additional and consistent funding for community support services. Even though states are facing economic hardships across the country, we cannot improve employment outcomes for citizens with disabilities without consistent and adequate funding sources. Studies by Rob Cimera from Kent State have demonstrated over the years that integrated employment is more cost effective and provides a larger return on tax payer investment than segregated services. It is imperative that we begin to look at the funding that is available and restructure how it is used (e.g., VR funding, Medicaid funding, IDEA funding for transition). A number of states (Washington and Oklahoma are examples) have coordinated adequately funded, performance-based VR fee schedules with ongoing employment supports through Medicaid that have resulted in highly successful outcomes.

451 Hungerford Drive, Suite 700 | Rockville, MD 20850
Phone: 301.279.0060 | Fax: 301.251.3762
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Medicaid Needs to Better Implement Olmstead

It has been 10 years since the U.S. Supreme Court rendered its decision in the 1990 case “Olmstead v. L.C. and E.W.” This landmark decision has paved the path towards achieving integration of individuals with disabilities. Despite the Court’s ruling, its implementation has yet to be fulfilled.

Many citizens with disabilities utilize Medicaid funding for employment support services. However, many Medicaid Waiver programs have failed to ensure that employment services are provided in the most integrated settings. The prevocational service definitions in many states allows for individuals to engage in sheltered/segregated work activities. These segregated work activities are clearly in violation of Olmstead’s ruling and APSE recommends that ODEP help assist states in the revision of their state Medicaid Waiver plans.

Coordination and Data Collection Among States

States often times work in a vacuum and very little information sharing across state lines exists. There are some states that are quite progressive in their efforts at improving employment outcomes for citizens with disabilities. Unfortunately, those innovations are often times not made known beyond the individual state. APSE calls for increased collaboration and coordination among states.

Additionally, one significant barrier to improving employment outcomes is the lack of quality data collection. Data that are currently available is spotty at best and is inconsistent from state to state. The ability to compare results from one state to the next is severely diminished because there is no set standard of what information is to be collected. APSE recommends that ODEP encourages and provides technical assistance to states in order to improve their data collection efforts.

Through our state chapters, APSE would be able to assist in guiding this collaboration and data collection effort.



Supported Employment is Good Public Policy

It is an economically smart decision to engage in supported employment practices. The benefits of supported employment outweigh the perceived costs, especially when compared to the costs and benefits of sheltered employment (see: Cimera 2007, 2008). When citizens with disabilities are integrated into their communities and employed in local community businesses, they are much more capable of purchasing goods and products resulting in money being put back into the economy. There are some states that are very strong in their supported employment practices, yet nationally the percentage of individuals with intellectual and cognitive disabilities participating in community employment supported employment is decreasing (Braddock, 2009). APSE believes that ODEP should continue to encourage supported employment practices and calls for overall increased funding and funding mechanisms that provide incentives for service providers to assist individuals to succeed in community employment, and provide disincentives for facility-based, segregated services. In that vein, APSE has recently issued a statement calling for the phase out of sub-minimum wage within five years, in conjunction with a national systems change effort to significantly increase the capacity of our current service system to support individuals in integrated community support. Particularly as a USDOL based agency, APSE would appreciate ODEP's assistance and support in these efforts.

Employment First Initiatives

In recent years there has been a growing movement to establish Employment First initiatives in the United States (Tennessee, 2002; California, 2005; Indiana, 2005; Minnesota, 2006; Massachusetts, 2009; Georgia, North Dakota, Wisconsin & Missouri in progress). Such efforts focus on the development and implementation of policies which require that employment in integrated community settings be the first or preferred service option for service recipients receiving publicly funded services. Many of the states pursuing Employment First have worked with their state APSE chapter to secure input from stakeholders. Employment First initiatives highlight the need to raise expectations and implement better practices about employment for individuals with disabilities. To that end, many state initiatives have taken additional steps to define what "employment" means to ensure the goal of integrated jobs in the workforce at competitive wages and benefits. While Employment First initiatives often utilize supported employment and customized employment strategies, employment is not defined as using these terms and

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instead simply focuses on individual, employer-paid jobs in integrated settings at competitive wages. Employment First initiatives center on holding citizens with disabilities to the same employment standards, responsibilities, and sets of expectations as any working-age adult. APSE believes that ODEP should encourage and support the Employment First Initiatives and assist in the growth of these initiatives in each state.

Role of Workforce Development System for People with Disabilities

The final area that APSE would like to address in its comments, is the role of the workforce development system, and in particular One-Stop Career Centers, in their ability to meet the needs of individuals with disabilities. As a UDSOL based agency, we would assume this would be of particular concern to ODEP. Over the past decade, it is clear that the workforce development system has made significant progress in meeting the needs of job seekers with disabilities. The ability of people with disabilities to receive employment assistance side-by-side with all other job seekers, is integration and inclusion at its finest. The major investments by ODEP and ETA have had a clear impact in terms of both raising awareness regarding the needs of individuals with disabilities, and creating capacity to respond to those needs. At the same time, the system needs to do a much better job in terms of measuring the system's performance in terms of individuals with disabilities, as much of the current evidence appears to be based on anecdotal observations, and qualitative and quantitative research focused on specific grant-funded projects and initiatives. A major focus regarding the workforce development system is the need for better performance measurement. Incorporated within these discussions must be efforts to better measure the system's performance in terms of customers with disabilities. It is critical that decisions regarding resource allocation, system design, and system interventions, be based on a true understanding of the success and challenges the workforce development system faces

The data that is currently available regarding disability, while limited, does provide some interesting clues regarding how the system is doing. According to recent analysis, there are major variations from state-to-state in terms of individuals using the workforce development system who identify as having a disability, ranging from 11% to less than 1% (http://www.communityinclusion.org/article.php?article_id=296&staff_id=21). Whether such variation is a true reflection of system performance, or more an issue of inconsistency in data collection methods is unclear, but this significant state-to-state variation is at least worthy of further investigation by USDOL. Another interesting piece

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of data is the performance of people with disabilities using WIA Adult, Dislocated Worker and Youth funds. While individuals receiving services using WIA funds are only a subset of individuals served in the One-Stop system, the WIA data does provide detailed information regarding performance outcomes. What has generally been seen over time is that when the performance for people with disabilities in Adult and Dislocated Worker funded programs has lagged that of the general population, we have seen a concurrent decrease in the participation of people with disabilities in these programs. For Youth Programs, the performance of young people with disabilities has been close to equivalent of the general population, and participation in youth programs has remained stable. What this data is indicating is that people with disabilities are experiencing challenges in accessing services due to performance concerns. We would strongly encourage ODEP to address this issue to ensure equal access for people with disabilities to WIA funded services.

Once again, APSE would like to say thank you for your continued efforts at improving employment outcomes of citizens with disabilities. It is through increased collaboration and seeking innovation in improving America's workforce that we can meet the demands of individuals seeking employment. We hope that these Listening Sessions serve as a catalyst for a continued discussion that can provide insight into better understanding what needs to happen.

Respectfully Submitted,

APSE
451 Hungerford Drive
Suite 700
Rockville, MD 20850

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