

Marketplace Dynamics Subcommittee
Proposed Near Final Recommendations for ACICIEID Final Report
To be presented:
April 27, 2016

- I. Changing the Narrative and Creating a Sustainable Culture of Inclusion through Better Business Partnerships
- II. Training and Pipeline Issues
- III. Transportation
- IV. High Growth Industries (Healthcare)
- V. Office of Federal Contract Compliance Program (OFCCP) 503 Rules
- VI. Tax Incentives: 1.) Work Opportunity Tax Credit (WOTC), 2.) Disabled Access Credit (Small Business) and 3.) Architectural and Transportation Barrier Removal Tax Deduction.

Background: **Immediate action must be taken by businesses, government, and other key stakeholders** to increase competitive integrated employment opportunities for people with ID/DD and other significant disabilities. Despite the high demand for work and the demonstrated benefits of developing more inclusive workforces, currently only a fraction of businesses across the US consistently and strategically target the hiring and retention of people with ID/DD and other significant disabilities. It is imperative that DOL develop and implement national outreach campaigns to educate both large and small employers on the opportunities and benefits associated with building more inclusive workforces. Businesses with successful disability diversity and inclusion initiatives must serve as the cornerstone of all outreach campaigns. Additionally, DOL should strategically promote business-to-business partnerships in order to increase competitive, integrated employment opportunities for individuals with ID/DD and other significant disabilities.

Changing the Narrative while Creating a Sustainable Culture of Inclusion by Building Better Business Partnerships:

1. *Congress should provide funding to the US Department of Labor to disseminate Public Service Announcements and conduct a national marketing campaign targeting employers of all sizes that promotes **Business to Business** communication and highlights the accomplishments of people with ID/DD and significant disabilities working in integrated competitive employment.*

- This marketing campaign should be developed in conjunction with existing disability inclusion leadership organizations, such as the USBLN, and spotlight model businesses that have effectively built a more inclusive workforce through the development of outreach and recruitment policies and practices specifically aimed at hiring people with ID/DD and other significant disabilities such as:
 - The Pepsi Achieving Change Together (ACT), a Kessler Foundation funded joint initiative between PepsiCo and service provider Ability Beyond that has resulted in enhanced recruiting, screening, hiring, training and advancement for people with disabilities throughout the PepsiCo organization.
 - AMC Theater’s FOCUS Program (Furthering Opportunities, Cultivating Untapped Strengths) where recruitment, interview, hiring, and training processes were strategically adapted to provide individuals with disabilities greater opportunities for competitive employment, wages and benefits.
 - **Small business may be identified once CEO interview occurs.**

Reduce Training and Pipeline issues to Ensure Job Seekers are Prepared to Enter Competitive Integrated Employment:

Background: Employers seeking to build more inclusive workplaces report challenges in connecting with qualified job candidates with ID/DD or other significant disabilities. Employment service professionals often refer candidates to employers who lack the requisite skills to fill the targeted positions. Additionally, employers report that job coaches themselves often lack the qualifications and professionalism to fully support newly hired employees with disabilities in the workplace. Individuals with ID/DD and other significant disabilities must have opportunities to develop their skills and identify their support and accommodations needs in real work environments in order to effectively communicate these to future employers.

Proposed Recommendations:

2. *Congress should: provide funding to the US Department of Labor and the US Department of Education to develop **mandatory***

training and to establish National Training and Certification Standards for all employment support personnel who work with individuals with ID/ DD and other significant disabilities; and mandate that AJCs and state VR agencies allocate a specific percentage of “work-based learning” funding exclusively for use with individuals with significant disabilities.

- National Training and Certification Standards
 - Employment support personnel includes, but is not limited to: employment service providers, AJC management and staff, Business Service Representatives, Workforce Development Board members, State Workforce Executives, SSA Ticket Program Employment Networks staff, and VR staff. The employment support personnel Certification requirements should build on existing standards, such as those established by the Association for Persons Supporting Employment First (APSE) Certified Employment Service Professional (CESP) exam, and augment any other existing professional standard requirements, e.g., Certified Rehabilitation Counselor.
 - To maximize access, the mandatory training should be provided through online, on-demand, centralized Disability Awareness Modules (Modules) and lead to the required Certification credential.
 - To enhance services provided to employers, the Modules must educate staff on how to work and communicate with people with ID/ DD and significant disabilities and include specific business-related content, such as general market and industry information and recommendations or guidance from businesses that have successfully included individuals with significant disabilities into their workforce. Following the training, employment support personnel will be better educated on HOW to communicate with businesses and to guide them through a customized approach to hiring, retaining, and supporting employees with ID/DD and significant disabilities.

- The Modules should also detail strategies for identifying, funding, and addressing physical, communication, and programmatic barriers to employment; include information on universal access, assistive technology, SSA’s Ticket to Work program, work incentives, benefits counseling, and blended/braided funding; and provide guidance on making referrals to outside agencies. Additionally, the Modules should provide training on ADA “Provision of Employment Services” and WIOA section 188. Training on ADA standards must address those relating to both *provision of services* (e.g., ADA Title II, Section 504) and *employment* (e.g., ADA Title I, and specific parts of Section 504 regulations (29 CFR part 32 subparts B and C).

- Work-based Learning Funding Mandate
 - AJCs and state VR agencies must further divide the mandated percentage of work-based learning funding across the customer groups of individuals with ID/DD and other significant disabilities they serve. AJCs, for example, should ensure funding is divided between Adults, Dislocated Workers and Youth with ID/DD and other significant disabilities. State VR agencies must ensure funds are allocated for both adult and youth populations that have ID/ DD or other significant disabilities.

Transportation:

Background: Lack of access to public and Para Transit System transportation remains one of the most significant barriers to employment across the nation. If individuals with ID/DD and other significant disabilities do not have access to public transportation, many will not be able to work in integrated competitive employment. Research shows that the transportation provided by workshops is one reason many people with disabilities to choose sheltered employment over integrated employment. Given the Workforce Innovation Opportunity Act’s overarching emphasis on integrated competitive employment, **transportation challenges must be addressed immediately.**

Proposed Recommendation:

3. *Congress should direct the Secretary of the U.S. Department of Transportation (DOT) to ensure that safe, seamless, cross-jurisdictional, accessible transportation is available for people with disabilities, including but not limited to establishing Para-Transit Systems in urban and rural areas across the United States, and to utilize the latest technological and digital strategies to address the most glaring deficits, especially in rural areas.*

- DOT should build on existing new technological and digital strategies to better address transportation issues for people with disabilities. For example, the National Center for Transit Research (NTR) provided funding to researchers at the University of Illinois (Chicago) Urban Transportation Center to develop an on-line tool that permits experts to evaluate accessibility by different transportation modes and use that information to improve livability. DOT should consider a grant program to fund this effort on a national scale.
- Congress should direct DOT to develop additional grant opportunities aimed at providing additional funding for travel training, updating safety mandate requirements, and training for transportation vendors on appropriate and respectful communication with and treatment of people with ID/ DD and significant disabilities. DOT must identify strategies for broad nationwide publication and dissemination of all grant opportunities.
- DOT must ensure recruitment of businesses offering their own transportation services or supports for all training and educational opportunities provided by the Department.

High Growth Industries (Healthcare):

Background: Employment in healthcare occupations is projected to grow 19 percent from 2014 to 2024, a rate significantly exceeding the average for all other occupations. Healthcare occupations will add more jobs – approximately 2.3 million -- than any other group of occupations. (Source: US Bureau of Labor Statistics Occupational Handbook for Healthcare Careers). According to DOL, the healthcare industry is currently seeking to increase the available labor pool of health care employees. To attract new employees and build a more stable workforce, health care industry employers are focused on recruiting from non-traditional labor pools, increasing the diversity of workers, and reducing turnover rates. (Source: U.S. Bureau of Labor Statistics, 2006-

07 Career Guide to Industries). The healthcare industry may be one of the **last industries** that has not yet completely opened the doors for the employment of people with ID/ DD and other significant disabilities beyond low-skill, entry-level positions. We believe this is due in part to negative perceptions and lower expectations regarding the abilities of individuals with ID/DD and other significant disabilities.

4. *Recognizing that healthcare is the fastest growing sector in the American economy, Congress should fund the Department of Education and the Department of Labor to develop initiatives that will educate employers within healthcare industries about the abilities of people with ID/ DD and significant disabilities and create opportunities for people with ID/ DD and significant disabilities to participate in educational training and certification programs in healthcare and other high-growth fields. These initiatives should highlight success stories, including those from healthcare companies and institutions of higher of education, as well as showcase examples of effective partnerships between healthcare businesses and the public workforce system such as –*

- Rush University Medical Center in Chicago, IL: In July 2015 Rush hired a full time HR Senior Executive exclusively to recruit veterans and people with disabilities into their workforce. Since October, 2015, Rush has hired 24 veterans and 28 individuals who self-identified their disabilities during the hiring process. In addition, Rush has brought on eight interns with disabilities so far in this fiscal year.
- Onondaga Community College's Model Training and Transition Program (Upstate NY): Youth with ID/DD and other significant disabilities participating in this program earn an Associate Degree in Health Information Technology — a high-demand area for local businesses.
- Metro North Employment, Inc. (Boston, MA): The Massachusetts Workforce Development Board and its two local American Job Centers fund individuals with disabilities to pursue healthcare career training and certification programs (from Certified Nursing Assistant to Registered Nurse). Upon certification or licensure, the AJCs provide additional outreach and placement supports for all program participants.

US Department of Labor Office of Federal Contract Compliance Program 503 Rules (OFCCP)

Background: The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) finalized regulations implementing section 503 of the Rehabilitation Act in the fall of 2013 with an effective date of March 24, 2014. Since the spring of 2014, Federal contractors have been working to meet the 7% aspiration goal by developing and submitting their outreach and recruitment plans to OFCCP and encouraging current and newly hired employees with disabilities to self-disclose. In spite of efforts to reassure employees that there is no threat of negative consequences, businesses seeking to meet the 7% utilization goal stress reticence to self-disclose as a major challenge with compliance. Although the benefits of disclosure are clear on the employer side of the equation, the benefits of self-disclosure for employees with disabilities still have not yet been effectively articulated. The section 503 rules task OFCCP to work closely with Federal contractors as they work towards compliance.

Proposed Recommendations:

5. *Congress should direct the Department of Labor to develop and implement strategies to provide additional outreach and guidance to Federal contractors working to comply with the new section 503 rules during the on-going "roll out" period and should fund the Department of Labor to develop and implement projects that-*

- Provide training on the 503 Rules to VR and AJC staff, along with an ETA Training and Employment Notice (TEN) emphasizing the importance of the training. In addition, DOL must direct Federal contractors to identify as a contractor on the State Job Database Systems. Identifying as a contractor allows job seekers, AJC and VR staff to see the status of Federal contractor job opportunities and ultimately enhances efforts to recruit job seekers with disabilities.
- Create pilot programs to research and identify effective strategies Federal contractors may use in the outreach, recruitment, and hiring of individuals with disabilities. Once the studies are completed, DOL should disseminate the identified best practices to other Federal contractors to assist in their development of outreach and recruitment plans directed to job-seekers with disabilities.

- Develop and disseminate outreach materials that provide compelling reasons for individuals to disclose their disabilities to potential employers. Materials must both highlight the specific benefits of disclosure as well as address the most commonly identified fears, such as concerns over confidentiality, possible “labeling,” and negative impact on career growth.
- Implement Regional Federal contractor roundtable discussions to establish better relationships between DOL and Federal contractors. Also, SSA and/or local Ticket Program Employment Network representatives and VR business services staff can act as resources to businesses during the discussions. Goals for the roundtables must include: fostering open communication, enhancing trust and collaboration, improving understanding of different perspectives, and increasing support for the mutual goals of increasing integrated competitive employment for people with disabilities.

Tax Incentives:

Background: Federal tax policies provide incentives to stimulate employment of people with disabilities and encourage businesses to make worksites more accessible for both employees and customers. The current tax incentives directed to people with disabilities are underutilized because businesses are not aware the incentives exist and, the financial incentives are in need of updated legislation.

Proposed Recommendations:

6. *Congress should amend the Work Opportunity Tax Credit (WOTC), the Disabled Access Credit (DAC) and the Architectural and Transportation Barrier Removal deduction to expand eligibility criteria, increase financial benefits to eligible employers, and heighten programmatic oversight through the following:*
 - Expand WOTC to include recipients of Social Security Disability Insurance (SSDI) benefits under Title II of the Social Security Act as a target group and simplify the WOTC application and reporting process.

- Fund the DOL to conduct an empirical longitudinal study examining the impact and effectiveness of the WOTC tax credit. In particular, the study should explore retention rates, opportunities for advancement, and the role of the WOTC in the decision to hire employees with disabilities.
- Revise the standards for the DAC to expand the eligibility criteria beyond the current limits of businesses with \$1 million or less in gross receipts for the previous year or those with 30 or fewer full time employees. Additionally, the new income standards should include annual indexation for inflation.
- Require the IRS to develop and disseminate materials providing regulatory guidance on DAC eligibility and applicability. Materials should target both employers and accountants or tax preparation professionals and should clarify the expenses the law is intended to cover.
- Amend the Architectural and Transportation Barrier Removal Deduction to:
 - Make it a tax credit instead of a tax deduction;
 - Increase the allowable amount beyond the current \$15,000 limit per year;
 - Expand “barrier” categories to better reflect those of the modern workplace and to explicitly include both “communications” and “technology” barriers. For example, the applicability of the current deduction should be expanded to cover technological-based expenses such as software, assistive technology, and section 508 website compliance will better address accessibility barriers experienced by today’s employees, potential employees, and customers. Accessible websites will improve job seekers with ID/ DD and significant disabilities access to online job opportunities by improving visibility, navigation, and downloading of job applications;
 - Clarify the law to ensure that accessible transportation is included in any business subsidized employee or customer transportation and that the transportation barrier removal deduction (credit) extends not merely to the physical accessibility of vehicles but to their use on behalf of people with disabilities.
- Provide funding to the IRS and Department of Labor to develop a public campaign publicizing and explaining the tax incentives and deductions available to businesses to support the hiring and retention of employees with disabilities and/or to provide better access for employees and customers with disabilities.