



To: Christopher Button, Supervisory Policy Advisor, Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities
From: Donna Meltzer, CEO, National Association of Councils on Developmental Disabilities (NACDD) on behalf of the NACDD Public Policy Committee
Re: NACDD Testimony for First Meeting of Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities

Date: January 14, 2015

Dear Dr. Button and Distinguished Members of the Committee,

The National Association of Councils on Developmental Disabilities (NACDD) is the national association for the 56 State and Territorial Councils on Developmental Disabilities (DD Councils). The DD Councils were conceptualized out of the Developmental Disabilities and Bill of Rights Act (DD Act) which has been in effect for over 50 years to create innovative and effective approaches to ensuring all people with intellectual and developmental disabilities are included in the community including within all areas of employment. NACDD's Public Policy Committee, which is composed of DD Councils from throughout the nation and territories, welcomes the opportunity to provide the Advisory Committee testimony of recommendations to be considered in seeking to improve employment outcomes for people with disabilities. In looking at barriers and solutions to employment, there are times that the recommendations step outside of the Department of Labor's purview into other federal agency terrain. We know that the Advisory Committee and Secretary of Labor understand the complex nature of employment and disability. Although some recommendations fall outside of the Department, NACDD strongly believes that the Department of Labor can lead these complex interagency collaborations to improve employment outcomes. Please see below for our specific recommendations and let me know if you have any specific questions or need additional information. Thank you all for your work on this important issue and dedication to making change.

Sincerely,

Donna Meltzer
NACDD, CEO
202-506-5813
dmeltzer@nacdd.org

**RECOMMENDATIONS OF NATIONAL ASSOCIATION OF COUNCILS ON
DEVELOPMENTAL DISABILITIES FOR CONSIDERATION BY ADVISORY COMMITTEE**

- **Partner with the private sector, support high school transition, and model successful strategies to engage the broader community in discussions around youth employment**
 - Provide support in the high school setting that specifically target youth with disabilities and allow them to advance and apply their technology skills.
 - Model strategies for transition include a continuum of career preparation (soft skills and job shadowing), career awareness (community-based situational assessment and work experiences – paid and non-paid), and career placement (paid employment via supported competitive employment, customized employment, self-employment). Project SEARCH is one model as are [Computer Academy](#) programs.
 - The National Secondary Transition Technical Assistance Center Predictors for Success as well as the research conducted by Richard Lueking, TransCen, clearly indicate early career development is essential for positive post-secondary employment outcomes as part of the research. If stronger emphasis is not placed on career development as part of the high school experience, particularly for youth with more significant intellectual and developmental disabilities, it will be difficult to break the cycle of transition that is not culminating in paid employment at minimum wage or greater.
 - The Chamber of Commerce and U.S. Business Leadership Network have been essential partners in local and national issues on employment. They have identified many businesses that employ promising practices for hiring and retaining people with disabilities.
- **Continue Interagency Work on Employment Solutions**
 - In June 2014, the NACDD Public Policy Committee weighed in on an interagency Request for Information on Adoption of Career Pathways Approaches for the Delivery of Education, Training, Employment, and Human Services between the Departments of HHS, Education and Labor. NACDD encourages the agencies to continue this interagency work and thought development and to work off of the ideas submitted in June to create successful pathways to employment for people with intellectual and developmental disabilities. The Workforce Innovation and Opportunity Act requires to states to develop these strategies to support the use of career pathways and the results of this interagency request should be shared with states in doing so.
 - In the work that the WIOA Advisory Committee does, it is important to NACDD and others in the disability community that the Advisory Committee and Department of Labor take into account the new home and community-based settings rule issued by the Centers for Medicaid & Medicare Services in January 2014. This rule impacts employment and sets expectations for thousands of providers of employment services for people with disabilities. It is crucial that the Department of Labor is highly engaged in this work alongside CMS.
 - The Department of Labor, in its employment efforts, can encourage the Rehabilitation Services Administration and CMS to better coordinate Medicaid and rehabilitation funding for long term supports and employment. DD Councils recognize at the local level that these important funding streams are not aligning in ways that they can better encourage successful employment outcomes for people with disabilities.

- **Assist states in moving along Employment First initiatives**
 - DD Councils recommend that the key assistance the Department of Labor can provide in bringing Employment First to life in states is to help create a cross agency data set so that states know where they measure up nationally and how they are improving. This consistent data currently does not exist for states that are ready to move forward their state proclamations or legislation. Employment First should be a part of the state workforce board's work as well through a disability committee and other required education
 - As a model of Employment First and braided federal and state dollars in this effort, consider examining states like Florida for their models of implementation. In Florida, they have created a collaborative five-year interagency agreement among nine state agencies and organizations, including the DD Council, to address Employment First from a cross-disability perspective.
- **Policy Directive for DD Council Participation on State Workforce Boards**
 - The DD Councils represent the community arm of the Developmental Disabilities Assistance and Bill of Rights Act. One of the federal mandates that the DD Councils have is to create solutions for integrated employment in their state for people with intellectual and developmental disabilities. Representation of the DD Council on the State Workforce Boards is imperative and DD Councils resoundingly want to contribute to the boards as members. A statement or directive from the Secretary of Labor establishing this role would move the needle far to get the right conversations and discussion moving towards real change.
 - To the extent that the Department of Labor can, encourage representation of individuals with intellectual and developmental disabilities on state workforce boards and also inclusion of policies that add their representation in addition to organizations and family members that support them.
- **Setting High Standards for Section 501 of the Rehab Act**
 - In July 2014 the NACDD Public Policy Committee endorsed and weighed in on Section 501 regulations under the Rehabilitation Act of 1973 in order to propel employment of people with disabilities in the federal government. NACDD recommendations include setting a higher hiring goal than Section 503 and establishing a coordinated office for accommodations.
- **Transition for 14c certificate holders under Section 14(c) of the Fair Labor Standards Act**
 - NACDD is highly supportive of transitioning services from 14c holders permitted to provide subminimum wage to people with disabilities to competitive, integrated employment and understands the complex challenges that exist for such a transition to occur. One recommendation that DD Councils have is to ensure that there are more community-based options for employment since oftentimes a 14c option may be the only option offered to consumers. More information and education about the connection between day habilitation and 14c sheltered workshops needs to be recognized. Many providers may identify as a day habilitation service, but will provide sheltered workshop services. In order to encourage transition, an accurate data set of existing 14c holders needs to be acquired and penalties for holders with expired certificates should be enforced.

- **Employment Training Administration (<http://www.doleta.gov/>) and Rehabilitation Services Administration**
 - A partnership between ETA and RSA could yield positive results in ensuring that disability employment is not overlooked and is integrated at all levels. The ETA has been an eager partner of disability employment work and a partnership with RSA could effectively greatly advance ETA's current disability programs (DisAbility Online, Disability and Employment Community of Practice, and Disability Employment Initiative).
- **Support Grants that Fund Successful Transition at the Local Level**
 - The Iowa DD Council has been involved as the fiscal agent for the AIDD Project of National Significance on Employment. In addition, the Council is included in a Memorandum of Agreement (MOA) between 8 state agencies to strengthen employment outcomes for Iowans with disabilities. Administrators from those agencies comprise the Governance Group tasked with deploying resources and acting on recommendations of the Operations Team (agency representatives doing the front line work & research to advance employment as an outcome.). The Iowa DD Council is a contributing partner in the Employment First State Mentor Leadership Project funded by the federal Department of Labor (EFSMLP) and the Disability Employment Initiative (DEI) also from the Department of Labor. Last year's outcomes report included data and stories about some of the people who became employed after being considered unemployable, in some cases, for years.
 - The successful Let's Get to Work model in Wisconsin, which has shown impressive employment data, is in part a result of funding from the Administration on Intellectual and Developmental Disabilities' Employment Systems Change [PIE grant](#).
- **Delay Implementation of Home Care Rule**
 - NACDD encourages the Department of Labor to delay the implementation of the new home care rule regarding the companionship exemption for home care workers under the Fair Labor Standards Act. NACDD has requested in the past a delay of the implementation of the rule and again does so due to the fact that DD Councils have reported that they expect current state implementation of the rule will impact people with disabilities, including those that are currently employed.

EXTERNAL RECOMMENDATIONS/OUTSIDE OF DEPARTMENT OF LABOR

- **Shift accountability measures of RSA to include people with developmental disabilities**
 - A recent Institute for Community Inclusion report coming out of the University of Massachusetts shows that people with developmental disabilities in particular do not receive vocational rehabilitation services. In addition to looking at the percentage of people served who requested services, success rates of RSA should account for the percentage and number of people with developmental disabilities served. Provision of services for a larger percentage of people with disabilities, generally, should also be taken into account. People with disabilities who data show are not served should be prioritized for RSA services.
 - Example: In 2011 Ohio had a disability population of 87,326 between the ages of 22-30 and only 22.2% of these people were employed. Only 2,655 of the unemployed population (327 of which had developmental disabilities) received

VR services and 17.8% of the 2,655 received employment (472 people). However in cases like this, reports will indicate that RSA is servicing 100% of its clients when that may in fact be a small population like 472, of which an even smaller portion are people with developmental disabilities.

- **Provide transition training for teachers**
 - DD Councils have raised the issue that teachers generally do not receive vocational training and therefore are often unprepared to offer transitional services.
- **Policy Directive from DOE on definition of transition services under IDEA and Rehab Act**
 - DD Councils have raised the issue that varying definitions and application of transition services under IDEA and the Rehab Act has caused confusion in the states. A policy directive from the Department of Education clarifying that the definitions are consistent would address the barriers created from such confusion.