

**MEMORANDUM OF AGREEMENT
BETWEEN THE
U.S. DEPARTMENT OF LABOR, OFFICE OF DISABILITY EMPLOYMENT POLICY
AND
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES,
ADMINISTRATION FOR COMMUNITY LIVING**

I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to establish an understanding between the U.S. Department of Labor, Office of Disability Employment Policy (ODEP), and the U.S. Department of Health and Human Services (HHS), Administration for Community Living (ACL) to work together to expand and promote competitive integrated employment as the first employment option for individuals with significant disabilities. In addition, the MOA seeks to stimulate innovative strategies of collaboration in the field that builds upon the strengths of a community living network including state and local public entities, intellectual/developmental disability (I/DD) networks, area agencies on aging, centers for independent living (CILs), aging and disability resource centers and other key partners poised to support the competitive integrated employment goals and socioeconomic advancement of individuals with significant disabilities.

A mutual priority across these respective agencies is to invest in systems change efforts that result in increased competitive integrated employment opportunities for individuals with significant disabilities. This priority reflects growing support for a national movement called *Employment First*, a framework for systems change that is centered on the premise that all citizens, including individuals with significant disabilities, should have opportunities for full participation in competitive integrated employment and community life. Under this approach, publicly-financed systems are urged to align policies, service delivery practices, and reimbursement structures to commit to competitive integrated employment as the priority option with respect to the use of publicly-financed day and employment services for youth and adults with significant disabilities. Many states have formally committed to the *Employment First* framework through official executive proclamation or formal legislative action.

Many states desire to align their efforts to support individuals with disabilities toward an *Employment First* approach, but may not yet possess the capacity, experience, or technical resources necessary to lead and facilitate such change. To address this need, both ACL and ODEP have invested in systems-change initiatives focused on providing technical assistance to multi-disciplinary state teams to support their implementation of the *Employment First* approach with fidelity by aligning policies, coordinating resources, and updating /building capacity for implementing service delivery models toward facilitating this approach.

Additionally, significant advancements in Federal public policy and civil rights law in recent years encourages increased focus on collaboration and coordination to leverage partnerships across all levels of government. The importance of ODEP and ACL working collaboratively to advance effective practices, policy implementation strategies, and resource leveraging to improve employment and other socioeconomic outcomes of individuals with significant disabilities is critical.

II. AUTHORITY

For ODEP, the authority to enter into this MOA is 29 U.S.C. 557b (ODEP organic statute).

For the ACL, the authority to enter into this MOA is 42 U.S.C. 15082.

III. BACKGROUND

ODEP, established in 2001, provides, develops and influences the use of evidence-based disability employment policies, builds collaborative partnerships, and delivers authoritative and credible data on employment of people with disabilities. ODEP also provides national leadership to increase the quantity and quality of employment opportunities for individuals with disabilities while striving to eliminate barriers to employment. ODEP supports the creation of meaningful and expanded work options (including policies and effective practices that lead to competitive integrated employment outcomes), promotes economic opportunities and independence, encourages self-determination, and supports inclusion of people with disabilities in their communities.

ODEP has implemented numerous studies and initiatives to identify effective practices and emerging models of excellence that can result in improved employment outcomes for job seekers with significant disabilities using validated inclusive and customized approaches. One of ODEP's evidence-based competitive integrated employment strategies focuses on building flexibility around the job tasks and conditions of employment through negotiation with employers that results in customized employment benefitting both the job candidate and the employer. These and other competitive integrated employment strategies are especially appropriate for individuals with disabilities who have historically been regarded as unemployable.

ACL, established in 2012, operates on the principle that all Americans—including people with disabilities and older adults—should be able to live at home with the supports they need, participating in communities that value their contributions. Originally, ACL brought together the efforts and achievements of HHS' Administration on Aging, the Administration on Intellectual and Developmental Disabilities, and Office on Disability to serve as the Federal agency responsible for increasing access to community supports, while focusing attention and resources on the unique needs of older Americans and people with disabilities across the lifespan. ACL's mission is to maximize the independence, well-being, and health of older adults, people with disabilities across the lifespan, and their families and caregivers.

In order to improve the lives of all individuals with disabilities, ACL will pursue policies that promote improved economic status through employment. ACL will encourage the ongoing development and use of systems that promote competitive integrated employment opportunities, career and skills development, and offer an array of appropriate work supports needed to achieve and maintain employment.

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Complimentary Efforts to Support Employment First Systems-Change Efforts

In FYs 2011 and 2012, AIDD provided funds through the *Projects of National Significance* program for eight *Partnerships in Employment Systems Change* grants. These grantees partnered with various state agencies to form consortiums that will develop and implement initiatives designed to improve the employment outcomes of individuals with developmental and intellectual disabilities by promoting competitive integrated employment. They are also working together to improve statewide system policies and practices with the main objective being to encourage state partnerships and systems change efforts that will ultimately contribute to: 1) developing policies that support competitive employment in integrated settings as the first and desired outcome for youth and young adults with DD including ID; 2) removing systemic barriers to competitive employment in integrated settings; 3) implementing strategies and best practices that improve employment outcomes for youth and young adults with DD including ID; and 4) enhancing statewide collaborations that facilitate the transition process from secondary and post-secondary school, or other pre-vocational training settings, to competitive employment in integrated settings. The grantees will document their systems change and policy change efforts throughout the project period. AIDD supports these grantees efforts with training and technical assistance. In addition, AIDD funds a Community of Practice for Supporting Competitive Integrated Employment for Individuals with Intellectual and Developmental Disabilities that consists of six states. The goals of the CoP are to: identify emerging and promising practices in the area of competitive, inclusive employment (CIE) across states, develop CoPs as a strategy for peer-to-peer learning and technical assistance, provide training and technical assistance to consortium states to support states in developing and implementing an effective consortium that will lead to improved employment outcomes, and establish and maintain mechanisms to share and disseminate data, information, and promising practices.

Also in FY 2012, ODEP initiated the *Employment First* State Leadership Mentoring Program (EFSLMP), a cross-disability, cross-systems change initiative. EFSLMP is providing a platform for multi-disciplinary state teams to focus on implementing the *Employment First* approach with fidelity through the alignment of policies, coordination of resources, updating of service delivery models, to facilitate increased competitive integrated employment options for people with the most significant disabilities. The objectives of the EFSLMP are to: provide mentoring, intensive technical assistance (TA) and training from a national pool of subject matter experts and peer mentors to core states as they transform existing policies, service delivery systems, and reimbursement structures to reflect an *Employment First* approach; link participating states with current Federal initiatives that are focused on promoting state-level systems-change conducive to *Employment First* objectives; and evaluate the impacts of the investments in state *Employment First* systems change efforts over time to identify common challenges faced by State governments and validate innovative strategies and effective practices that lead to the successful implementation of *Employment First* objectives. EFSLMP core states receive a combination of onsite and virtual technical assistance in the areas of strategic guidance on policy, practice, and policy reform; provider transformation; capacity building; school-to-work transition; and employer engagement. In addition to the intensive technical assistance and training being offered to the EFSLMP core states, ODEP also hosts a National *Employment First* Community of

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Practice (CoP), which is open to stakeholders in all 50 states. In exchange for participation in the EFSLMP Community of Practice, states are asked to commit to ongoing cross-agency collaboration at the state-level toward the establishment of an *Employment First* approach to service delivery, inclusive of the following state entities: Education, I/DD adult services, Medicaid, Mental Health, Vocational Rehabilitation, and Workforce Investment.

These two initiatives are complementary efforts that reflect the mutual commitment of ODEP and the ACL to the concept of *Employment First* for all individuals with disabilities, regardless of disability label or need for support in finding and retaining employment. This MOA is designed to further the coordination of resources and efforts between the two agencies so that the concept of *Employment First*, and the related policies and practices, are more broadly embraced to effect increased employment opportunities for individuals with the most significant disabilities.

Opportunities for Providing Collaborative Support to Engage Centers for Independent Living in Efforts to Promote Competitive Integrated Employment of Individuals with Significant Disabilities

The passage of the Workforce Innovation and Opportunity Act (WIOA) resulted in the Federal government's investment in CILs to become a component of the Administration on Community Living. Simultaneously with this endeavor, ODEP has invested in working with several CILs across the country to test and validate strategies for engaging CILs with the workforce development system in order to further the goals of individuals with significant disabilities to achieve employment, and to develop innovative state and local partnerships between the public workforce development system and the disability community. This collective interest in strengthening the role of the CILs with respect to advancing employment, health and well-being, and socioeconomic advancement of individuals with disabilities provides yet another opportunity for collaboration and coordination among ODEP and ACL.

Promoting Successful Implementation of Various Federal Public Policy Developments to Improve Integrated Employment Outcomes, Health and Well-being, and Socioeconomic Advancement of Individuals with Disabilities

A myriad of advancements in Federal public policy and civil rights law in recent years has accelerated the focus on improving the employment and health outcomes of individuals with significant disabilities. WIOA includes a number of new requirements for implementation for both state vocational rehabilitation and workforce development agencies that will directly and indirectly improve access of job seekers with disabilities to services offered through these two systems. The new law also requires an unprecedented level of collaboration between these two systems, as well as education, Medicaid and state authorities on mental health and intellectual and developmental disabilities.

In addition to passage of the WIOA, the release of the final rule on Home and Community Based Services issued by the Centers for Medicare and Medicaid Services in 2014 clarified the parameters by which state Medicaid funds can be used to fund long term supports and

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services (including, but not limited to, nonresidential services related to employment, wrap-around supports and community engagement) for individuals with significant disabilities in community settings.

These recent developments in Federal public policy, coupled with landmark legal enforcement measures taken by the U.S. Department of Justice with respect to the provision of nonresidential services in alignment with Title II of the Americans with Disabilities Act, has created an overwhelming demand from State governments and other external stakeholders for enhanced technical assistance and resources from ACL, AIDD and ODEP. The convergence of these various policy advancements and the growing demand for additional support from State governments and external partners at the Federal level necessitates a coordinated approach to leveraging resources as well as creates opportunity for further collaboration in the dissemination of effective practices and innovative policy strategies. ACL and ODEP collectively have the potential to provide clear, accurate information and support to the field as the implementation of these various policy developments evolves at a state and local level.

IV. ELEMENTS OF COLLABORATION

ODEP and ACL will collaborate to expand the understanding and implementation of competitive integrated employment policies and strategies at the Federal, state and local levels.

A. Expected outcomes of this collaboration include the:

- Development, translation, and dissemination of knowledge and technical resources that enables broad adoption and implementation of policies and effective practices;
- Implementation of multi-agency collaboration strategies that result in cohesive policies and aligned resources aimed at promoting *Employment First* principles and supporting the implementation of recent Federal policy advancements focused on improving competitive integrated employment, health and well-being, and other socioeconomic outcomes of individuals with significant disabilities;
- Documentation of increased use of evidence-based policy strategies and effective practices, that result in increased competitive integrated employment outcomes, health and well-being, and other socioeconomic outcomes among youth and adults with significant disabilities;
- Adoption and implementation of *Employment First* concepts and strategies at all levels, including provider, community entities, and local and State governments; and
- Facilitation of strategic collaborations between ACL's centers for independent living and American Job Centers (AJC) to leverage each other's knowledge and resources, contributing to a comprehensive multi-agency program responding to the individual's expressed needs and interests, including but not limited to, competitive integrated employment and increased financial capabilities.

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B. The elements of collaboration are:

1. ODEP and ACL will share respective relevant agency-developed research, data, evidence-based practices, informational and technical resources, collaborative work spaces, and publications with each other and their respective grantees to improve competitive integrated employment opportunities for people with significant disabilities.
2. ODEP and ACL will collaborate to develop and issue joint policy statements and technical resources that reflect *Employment First* concepts; clarify changes in Federal public policy that encourage increased efforts to invest in the health, employment, and other socioeconomic outcomes of individuals with significant disabilities; provide technical information to key constituencies and audiences supported by one or more of the agencies; and promote the respective agency systems-change initiatives related to increasing competitive integrated employment and other socioeconomic outcomes of individuals with significant disabilities.
3. ODEP and ACL will engage and consult each other on policy proposals and other agency-specific activities and investments related improving the health, employment, and other socioeconomic outcomes of individuals with significant disabilities so as to benefit from each agency's expertise, improve efficiencies and optimize effectiveness in accomplishing mutual goals.
4. ODEP and ACL will work to cross-promote programs, initiatives, and activities of each respective agency as it relates to the mutual goal of improving the employment outcomes, health and well-being, and socioeconomic advancement of individuals with significant disabilities.
5. ODEP and ACL will maintain open communication on the activities and status of their respective investments and initiatives, identifying opportunities for leveraging resources and coordinating strategies to maximize collective impact in accomplishing mutual goals.
6. ODEP and ACL will explore leveraging funding opportunities to maximize collective impact in accomplishing mutual goals.

V. DURATION OF AGREEMENT

This MOA is effective upon the date of the last signature below for three years (36 months).

Either party may terminate the MOU by providing 30 days written notice to the other party.

VI. MODIFICATION PROCEDURES

Either party to this agreement may propose a modification to this MOA at any time. All proposed modifications will be in writing and will become effective upon the date of the written agreement between the parties.

VII. DISPUTE RESOLUTION

Any disputes arising under this agreement will be resolved informally by designated agency content persons.

VIII. EFFECT OF AGREEMENT

This agreement is an internal Government agreement and is not intended to confer any right upon any private person.

This agreement does not itself authorize the expenditure or reimbursement of any funds. Nothing in this agreement obligates the parties to spend appropriations or enter into any contract or other obligations.

Nothing in this agreement shall be interpreted as limiting, superseding, or otherwise affecting either agency's normal operations or decisions in carrying out its responsibilities and statutory or regulatory duties. This agreement does not limit or restrict the parties from participating in similar activities or arrangements with other entities.

The agreement will be executed in full compliance with the Privacy Act of 1974.

IX. AGENCY CONTACTS

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X. AUTHORIZING SIGNATURES AND DATES



Jennifer Sheehy
Acting Assistant Secretary
Office of Disability Employment Policy
U.S. Department of Labor

9/11/15

Date



Sharon Lewis
Principal Deputy
Administration for Community Living
U.S. Department of Health and Human
Services

9/11/15

Date

