

TESTIMONY TO THE ADVISORY COMMITTEE ON INCREASING COMPETITIVE INTEGRATED EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES

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Dear Distinguished Members of the Advisory Committee,

ANCOR is a national trade association representing more than 1,000 private providers of community living and employment supports and services to more than half a million individuals with disabilities, primarily individuals with intellectual, developmental and other significant disabilities. Our mission is to inform, educate and network service providers to promote, develop, grow and extend their capacity to support the choices of people with disabilities.

ANCOR provided written testimony for the Advisory Committee meeting in May, but we are pleased to be here in person today to share expertise and experience from our members and contribute to the work that you are doing. ANCOR is an association that is looking towards tomorrow and not looking back to yesterday. However, we are also very aware and sensitive to the fact that we cannot step into tomorrow without reflecting from the wisdom we hold today. As we discuss what the Committee considers to present in their report to the Secretary this fall we would like to point out four extremely important components that we believe should be in place before moving forward, changing, or ending existing programs that serve individuals, including sheltered workshops and facility-based work programs. These four factors are collaboration, innovation, data, and funding.

Let's start with the need for better collaboration. This Administration has improved interagency collaboration more than perhaps any other Administration to date. However, we truly need to continue to better align all of our systems and ensure that all relevant agencies at the state and federal level are working together effectively before we can embark on new policies that no longer support longstanding programs that currently support individuals with intellectual and developmental disabilities. Our members are acutely aware of the gaps in these systems and we encourage the Committee to continue to think about ways of connecting cross agency programs and thinking of new ideas for how individuals with disabilities can meaningfully spend their days whether in rural and metropolitan areas of the country. The Departments of Labor, Health and Human Services, Justice, Housing and Urban Development, and Education all touch people with disabilities in making sure they are part of an integrated community, but we would like to see more interagency work and program crossover between these agencies. We know that WIOA's implementation will address some of this need, especially in better connecting Department of Education transition programs and services to Department of Labor workforce programs. However, in order to succeed, individuals with disabilities need services from their educational experience to better transition to adulthood into the workforce with assistance from Vocational Rehabilitation, they need accessible and affordable housing, they need funding and programs to train and retain more direct support professionals for individualized supports, and they need access and involvement in workforce programs guided by providers, self-advocates and other stakeholders on local and state workforce boards. Improved collaboration in all of these areas will be key to laying the foundation upon which a new service model could succeed.

Secondly, we need to more fervently pursue innovation, expand and fund it before we transition from one service model to another. We have learned in twenty five years following the Americans with Disabilities Act that employment of people with disabilities is one of our most difficult challenges. In June, the Bureau of Labor Statistics released their latest numbers showing an unfortunate 17.1 percent of people with disabilities employed in 2014 compared to 64.6 percent of people without disabilities. Keep in mind these numbers do not even reflect individuals who were not actively looking for work in the month or so before the survey. The data also showed a higher percentage of people with disabilities working part time than those without disabilities. I offer this data to suggest that indeed we have challenges, but also need to recognize the complexity of the barriers. This includes that a 40 hour work week is not necessarily attainable for all individuals with intellectual and developmental disabilities.

WIOA focuses on competitive integrated employment and economic self-sufficiency, but there are some real and important discussions and therefore unique solutions to address in light of setting these goals for all people with disabilities. I will offer my brother as a personal example. Justin had childhood leukemia and as a result of radiation treatment that saved his life, he suffered a number of strokes as a child and now is an adult with physical and developmental disabilities. Justin continues to deal with serious ongoing medical issues and is unable to stand for long periods of time, has painful muscle spasms, cannot walk without collapsing, and needs rest throughout the day to recuperate from walking or exerting himself. I mention Justin because he has struggled tremendously with securing integrated employment regardless of the numerous supports that existed along the way, because employers did not understand his unique situation or have the willingness to allow him to work only a couple of hours a day as his body required. Justin is almost forty years old and the system has not worked for him. Justin and others would benefit from innovative, creative, programs that would create integrated placements that understand and conform to his circumstances. A local provider and member of ANCOR, Hope Services, has reached out to Justin offering to help craft an individual solution that will aim to put him to work and improve his quality of life. Like Hope Services, many of our members are innovating ideas for integrated employment that are successful using technology and internship models and commitments from the community, but these innovations are often piecemeal and they do not have the full support or funding they need. Successful innovative approaches need to expand on a federal basis and be put into broad practice with secured funding mechanisms before we can fully transition from other service models.

Let me now turn to the need for better data collection, which we constantly find lacking in this field. ANCOR supports the ongoing data collection of why individuals succeed and why they fail in integrated placement settings. We firmly believe that this information is crucial for states to share and to use in adequately planning their approach to integrated employment. ANCOR was impressed with the data collection component of the Rhode Island DOJ settlement agreement, and we strongly encouraged the data collection provision in Senator Grassley's Transitions to Independence Act. It is essential that we encourage this collection and support dialogue of various perspectives with the hope we will be able to learn how to address the urgent situation of people with disabilities in employment. The federal government must ensure such comprehensive data collection. We need more reliable, thorough data, including reports from the Government Accountability Office, and Department of Labor on when and how people with disabilities succeed in sustainable integrated employment while also collecting the difficult but equally important information about why some fail so that our approaches adapt and it can be applied to future policymaking.

Finally, we must address funding. Providers cannot provide person-centered, individualized supports and services without adequate funding and appropriate reimbursement structures from states and the federal government. It is foolhardy to assume states will fund employment services adequately: experience demonstrates that state payments to providers for supported employment are a major barrier to improved employment outcomes for people with intellectual and developmental disabilities. Given the recent *Armstrong v Exceptional Child, Inc.* Supreme Court decision that held that providers do not have a right of action to challenge inadequate rates, it will be essential for the Department of Labor to actively work with other agencies such as the Department of Health and Human Services to make sure that rate settings are adequately enforced not only

to further equality for individuals with disabilities but also to guarantee that as we prove what works we are able to make it reality.

Also, it is essential to recognize that our members are facing additional serious funding challenges as the Department of Labor has just issued new proposed overtime rules, a legal decision is pending on appeal on the DOL companionship rule, and the clock on the five year transition process has begun for compliance with the Centers for Medicaid and Medicare Services' HCB settings rule. These rules all touch integrated employment because as they seek the righteous goal of providing greater rights to workers and people with disabilities, they challenge providers to find additional funding that is limited. As the Committee considers its report, we urge you to make the important connection between funding and achieving the goals the Committee is charged with. If funding structures are not significantly strengthened, or actually fall apart for providers, so will the opportunities for greater integrated employment.

ANCOR members have a proud, strong history of implementing the Americans with Disabilities Act and ensuring that people with disabilities live full, meaningful lives in their communities. We can all do much more in the next 25 years, but not without thoughtful policies and supports in place.. In closing, it is essential to ANCOR that the components of collaboration, innovation, data, and funding are further honed and explored before we wholly shift our service system. We look forward to continued work with the Committee, the Department of Labor, and this Administration in making progress towards shared goals of constant improvement in our system and service delivery for people with disabilities and we appreciate your hearing our input today.

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