



**Civil Rights and Employment Policy:
Why Employment 1st in Colorado???**

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What is the Colorado Developmental Disabilities Council???

- Our mission is to advocate in collaboration with and on behalf of people with developmental disabilities for the establishment and implementation of public policy which will further their independence, productivity and integration (systems change focus).
- Our Five Year Plan guides all of our activities.
- Currently our goals are: 1) leadership development for people with disabilities and their families; 2) reduction of seclusion/restraint and suspension/expulsion; 3) transition from school to an integrated life including jobs, homes & recreation.

What’s behind SB16-077: Employment First for Persons with Disabilities?

- Colorado’s day service system for people with I/DD is not compliant with Olmstead v. L.C.
- Best-practice employment services are not being implemented widely.
- The system’s employment service capacity is limited.
- People with disabilities and families have limited knowledge of the promise of supported and customized employment.
- Employment-related expectations for students and adults with significant disabilities are way too low.

What is supported employment for people with disabilities?

- Paid work,
- In integrated settings,
- With ongoing, non-time limited support.
- Job match is the focus: like Wells Fargo’s coin processor.
- Includes self-employment options: like Motorola’s coffee service.
- Includes “customized employment...”

Customized employment means everybody works!

- The employer’s needs (tasks that need completion) are matched to a job seeker’s skills, interests and abilities.
- A job description may be modified (example: driving and writing duties are eliminated).
- A job schedule may be reduced (example: works hours go from 8 to 4 hours per day).
- Job training and ongoing support may be intensive initially and gradually reduced.

The right to integrated employment is established by the ADA & Olmstead Ruling (U. S. Supreme Court, 1999)

Our society defines us by what we do. Employment counts! According to Olmstead, people utilizing services through state and local government have the right to be served and employed in:

the “**most integrated setting**”

This is the law of the land.

Most states are presently in

violation when it comes to

state-funded employment services!



Clarence Miller, Colorado's self-advocate extraordinaire

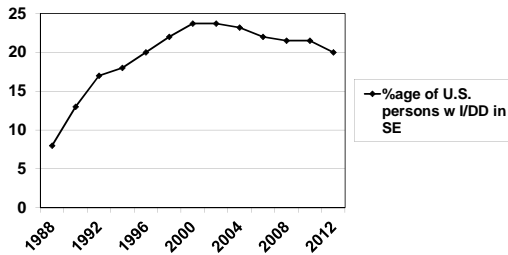


"I'm sick and tired of people trying to put me in sheltered workshops. Olmstead says people with disabilities have a right to work in the community. This is ridiculous!" (Clarence died January 2014.)

Where are we at in Supported Employment (SE) nationally?

- ▶ Over thirty years of implementation in U.S.
- ▶ First ten years (1986-1996) resulted in nearly 25% of people with developmental disabilities employed in community settings (Colorado was at 50% in 1993)
- ▶ According to Braddock, Hemp, Rizzolo, Tanis, Haffer, & Wu (2015) over 80% (476,000) of people served by the states remain stuck in SEGREGATED day programs, work activity centers and sheltered workshops (19.4% in supported employment)
- ▶ Wide differences across states in persons with developmental disabilities integrated employment from 5% (Alabama) to 84% (Washington)
- ▶ Why the differences between states???

U.S. growth and decline in Supported Employment (Braddock, et al., 2015)

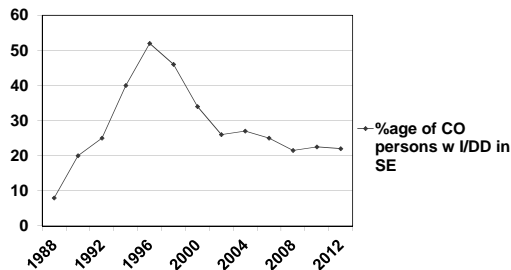


How top (and bottom) states are apparently performing...

- ▶ Washington 84%
- ▶ Oklahoma 67%
- ▶ Maine 48%
- ▶ Connecticut 47%
- ▶ **Colorado (8% jump?) 33% (9-10% in "CIE")**
- ▶ Texas 7%
- ▶ Illinois 6%
- ▶ Alabama 5%
- ▶ U.S. state average 20% (24% in 2004)

*percentage of I/DD participants in integrated supported employment in the U.S. for FY 2013 according to Braddock, et al. (2015)

CO growth and decline in Supported Employment



DOJ Guidance on Integration Mandate application to state services, 10.31.16

- ▶ The current standard for meeting the integration mandate is Competitive Integrated Employment (CIE)
- ▶ "...which is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons."
- ▶ This definition is consistent with Workforce Innovation and Opportunity Act of 2014.

What state-funded services are non-compliant? (DOJ Guidance: 10.31.16)

- Sheltered workshops (Colorado now calls this model prevocational services)
- Group employment (enclaves or work crews)
- Groups of people going into the community during the day to go to the mall or to volunteer (most people get leads to jobs through their contacts and relationships with others; grouping is stigmatizing and not conducive to relationship-building)
- This means 90% of people with intellectual and developmental disabilities in Colorado are apparently being served in non-compliant programs.

Self-Advocates Becoming Empowered (SABE) Policy on Employment (2009)

“SABE calls for equal employment opportunities for equal pay for all people.

SABE calls for immediately, no new people can go into sheltered workshops.

SABE calls for immediately, no new people can go join an enclave.

SABE calls for ending sub minimum wage in 2012.

SABE calls for ending enclaves in 2014.”

...why are we ignoring self-advocates???

Chester Finn, President of Self Advocates Becoming Empowered, on Employment



“Other groups fighting for their civil rights would not stand for separate places. Neither should we!” (Finn, 2010)

DOJ’s Eve Hill, who oversaw the probe of Rhode Island’s discriminatory practices



“Unfortunately, the exploitation and tyranny of **low expectations** we found are an all-too-common **result** of the **segregation of people with disabilities**. That is why we at the Department of Justice will continue to work hard to fight this type of discrimination.” (Hill, 2014)

What is Colorado doing to get compliant with legal requirements?

- SB16-077, Colorado’s “Employment First” bill:
- “Employment First means a framework for change in the provision of services that is centered on the premise that **all persons, including persons with significant disabilities**, are capable of full participation in competitive integrated employment and community life.”
- “Employment in the general workforce is the first and preferred outcome for all working-age persons with disabilities **regardless of level of disability**.”

How is SB16-077 Employment 1st implemented?

- The Employment First Advisory Partnership (EFAP) is created in January, 2017 to develop an initial report with recommendations to the general assembly and state agencies by November 1, 2017.

Stakeholder participation on the EFAP must include:

- Representatives of a national association of persons supporting the implementation of employment first policies,
- Advocates for persons with intellectual and developmental disabilities,
- Persons with disabilities who have secured or are seeking competitive integrated employment,
- Members if the community who are not connected with any service agency.

Recommendations by The Employment First advisory Partnership shall:

- Ensure “Competitive Integrated Employment (CIE) is the primary objective and preferred outcome for all working-age persons with disabilities regardless of level of disability;”
- “Identify the barriers to CIE for persons with disabilities including policy, procedural, financial, educational, transportation, service delivery and other barriers.”

Recommendations by The Employment First advisory Partnership shall:

- “Identify training and knowledge gaps among agency staff, agency vendors and people with disabilities and their families” that create perceived barriers.
- “Identify data available and the gaps in data...” that prohibit measurement of progress toward Olmstead compliance.

Recommendations by The Employment First advisory Partnership shall:

- “Make recommendations relating to pre-vocational services to ensure ...services ...reasonably lead to CIE for people with intellectual and developmental disabilities served by the Medicaid HCBS program.”
- “Consider Employment First issues and make recommendations on issues not described” within SB16-077 which “may include career development planning and discovery process.”

EFAP INITIAL STRATEGIC PLAN DRAFT

- Has completed clearance with the five EFAP state agency departments (CDLE, CDHS, HCPF, CDE, CDHE).
- Is on target for submission to the Colorado General Assembly before the next session begins January 10, 2018.
- Will be revised on an annual basis by the EFAP through 2021.

Initial EFAP recommendations

- Implement a communication plan with messaging describing available services that support the achievement of successful employment outcomes for people with disabilities, including those with the most significant disabilities, which targets employers, educators, people with disabilities and their families (CDLE).

Initial EFAP recommendations

- Produce data for the Home and Community Based Waiver programs that allow measurement of Colorado’s progress toward compliance with federal law requiring people with disabilities receive state-funded services in integrated settings (HCPF).
- Implement department-wide Employment First policies and practices (CDLE, HCPF, CDE).

Initial EFAP recommendations

- Create an Office of Employment First to coordinate cross-departmental efforts to implement Employment First policies, regulations and practices (Colorado).
- Implement a training plan for state service providers on evidence-based practice to expand employment outcomes, in conjunction with employer-led initiatives and networks (all EFAP agency partners).

Initial EFAP recommendations

- Design and coordinate locally-based pilot projects to demonstrate the expansion of employment outcomes for people with disabilities through best-practice employment services and supports implementation (all EFAP agency partners).
- Become a "model employer" for Colorado citizens with disabilities (Colorado).

Initial EFAP recommendations

- Develop appropriate funding structures that will increase employment service and support capacity (All EFAP agency partners).
- So what's the bottom line???

Bottom line: Three essentials for the state in implementing Employment First

Implement the 3 essentials for systems change:

- 1) Clear *Employment First* policy and commitment by executive branch leadership.
- 2) Adequate technical assistance and training to assure best practice services and supports, *and* to provide an understanding by all stakeholders that all people with disabilities have employment potential.
- 3) Effective rate structures with cost-covering fees and incentives for performance, along with state employment-day services resource rebalancing.

H. L. Mencken



"When somebody says it's not about the **money**, it's about the **money**."

Funding Recommendations

- Implement adequate provider rates with incentives for performance to maximize successful integrated employment outcomes (O'Brien & Revell, 2006).
- Continue to study rate structures in the most successful states in producing employment outcomes (Washington & Oklahoma).
- "On just a monetary level, supported employment costs substantially less than sheltered workshops." (Cimera, 2014).
- Over time, inadequate supported employment rates should be interpreted as intentional discrimination against people with the most significant disabilities.

What are we waiting for???

- Families and self-advocates may not be aware of their rights to real employment (or understand how best practice employment supports work).
- Colorado's Community Centered Boards system staff have not been trained in best practice techniques.
- The state has traditionally not been willing to pay adequate rates for quality employment outcomes.
- Employers seem willing to embrace a diverse workforce.
- We must maintain high expectations for all people with significant disabilities.
- We must join together to meet segregation head-on:

We must let people know:

“What do we want?”

- “REAL JOBS!”

“When do we want it?”

- “NOW!”

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