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Employment Policy for People with Disabilities: Current and Future Direction

Social Enterprises of the Future: Policy Perspective White Paper

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Encouraging employment has been a goal of disability policy for at least thirty years. However, the expectation that employment in competitive, integrated jobs should be the first goal for adults with disabilities has become increasingly important in the last fifteen years, with major policy shifts in 2014. Several new federal laws and regulations call for phasing out facility-based, congregate employment and special minimum wages in favor of community-based jobs offering the same pay and benefits as workers without disabilities. Transitions to these new policies have already begun. This white paper outlines the current state of employment and workforce development policy implementation for people with disabilities, the evolution of current policy, and potential directions in the next five to ten years.¹

Since the 1960s, creating sheltered workshops and other forms of congregate settings has been a popular strategy to provide work for people with disabilities. In some cases, jobs in congregate settings paid special minimum wages. A congregate setting can mean a segregated facility employing only people with disabilities, often connected with a disability services agency. However, work crews exclusively made up of people with disabilities and their staff that work in the community but do not interact with other community members are also considered congregate settings. A work crew is a team of employees that travel to various job sites to perform their work activities, such as a cleaning or grounds keeping service that works in office buildings. The technical term for work crews is “enclave work.” Integrated employment means work in the community along with employees without disabilities. Special minimum wages are lower wages based on productivity or other factors.

The study draws on a literature review of academic and policy research on employment for people with disabilities, federal disability employment policy, and strategies for public and private sector employment-related agencies for people with disabilities in the last 15 years, combined with analysis of disability employment policy statements and documents in five states. In addition to secondary research, the study examines perspectives of 16 industry experts and thought leaders on the future of employment for people with disabilities. Interviews were conducted with experts in disability law/policy, labor economists and other academics, and disability advocates. Areas examined include legislative and societal trends on wages, settings, and entitlement programs and how they impact current/future employment of people with disabilities. Analysis focuses especially on competitive, integrated employment. The project also examines the evolution of disability employment policy.

1. Employment Trends for People with Disabilities

Finding and maintaining work remains a persistent problem for people with disabilities. In 2017, 33 percent of the U.S. population ages 16-64 with a disability was employed, compared to 74 percent of those without a disability.² Employment levels vary by type of disability, age, education, and where one lives, with those with hearing (51%) and vision (42%) disabilities working more than those with cognitive (26%), ambulatory (24%), and intellectual and developmental disabilities (IDD) (23%) (Kraus 2017,18, Livermore et al 2017, 28). Younger people with disabilities are more likely to be employed than older people.³

Employment rates steadily increase with more education. While 28 percent of people with disabilities who have a Bachelor’s degree work, percentages drop to 22 percent of those with some college, 15

¹ This white paper provides an overview of research sponsored by SourceAmerica and conducted by TechnoMetrica in the fall of 2017.

² U.S. Bureau of Labor Statistics Table 1: Employment status of the civilian noninstitutional population by disability status and selected characteristics, 2017 annual averages. <https://data.bls.gov/cgi-bin/print.pl/news.release/disabl.t01.htm>.

³ Source Kraus 2017,18, Livermore et al 2017, 28.

percent for those with a high school diploma and 9 percent for those without a diploma.⁴ In all categories, people with disabilities are more likely to work part-time than full time. People with IDD are most likely to be employed in congregate settings and earn special minimum wages.

	Employment Rates By Type of Disability
Hearing	51%
Vision	42%
Cognitive	26%
Ambulatory	24%

	Employment Rates By Type of Social Security Recipient
IDD	23%
Other Disability	11%

	Employment By Education Level	
	Disabled	Non-Disabled
No HS degree	9%	54%
HS degree	15%	63%
Some college	22%	70%
College degree or more	28%	76%

Many people with disabilities who hold jobs work part-time (Weathers and Wittenberg 2009, Nord et al 2013). The U.S. Bureau of Labor Statistics reports that 28 percent of people with disabilities ages 16-64 who were employed in 2017 worked part-time. In comparison, 16 percent of those without disabilities worked part time.⁵ Those on Social Security or Social Security Disability Insurance (SSI/SSDI) almost all work part-time, with average hours of about 20 hours per week (Livermore et al 2017, 30). Part-time work has been a persistent pattern for people with disabilities, for example in 2005 roughly 48% of people with disabilities worked at all, while only 24% worked full time (Weathers and Wittenberg 2009, 120).

⁴ U.S. Bureau of Labor Statistics Table 1: Employment status of the civilian noninstitutional population by disability status and selected characteristics, 2017 annual averages. <https://data.bls.gov/cgi-bin/print.pl/news.release/disabl.t01.htm>.

⁵ Percentages computed from BLS 2017 employment report Table 2: Employed full- and part-time workers by disability status and age, 2017 annual averages. <https://data.bls.gov/cgi-bin/print.pl/news.release/disabl.t02.htm>

Numerous studies report that malemployment – or employment below potential skill levels, is common for people with disabilities. This includes studies focusing on IDD and autism (Barnhill 2007, Gardner and Carran 2005, Migliore and Butterworth 2008), mental illness (Barron 2000), and deaf/hard of hearing (Boutin 2010b).

Low employment rates and part-time hours increase the likelihood of living in poverty. Mean annual earnings for people age 16-64 in 2014 were \$32,400 for people with disabilities and \$42,500 for those without disabilities. Those with cognitive disabilities earned significantly less (\$20,900). Poverty levels for people with any disability age 16-64 were 27.5 percent, compared to 12.5 percent for those without disabilities. Over one-third of those with cognitive disabilities lived below the poverty line (Butterworth et al 2016, 59).

Declining Employment

Researchers also note a trend where fewer people with disabilities are working and more are either engaged in nonwork activities or stay home with no programming at all. Employment for people with disabilities have decreased since the 1990s while Social Security Insurance/Social Security Disability Insurance (SSI/SSDI) rolls have steadily increased (Houtenville et al. 2009, Stapleton and Burkhauser 2003). Employment rates for people with disabilities dropped from 44 percent for men and 37.5 percent for women in 1989 to roughly 33 percent for both genders in 2000 (Stapleton and Burkhauser 2003: 4). Several studies report that the percentage of people with disabilities employed has gone down as policy initiatives have eliminated employment options in congregate settings in favor of competitive, integrated employment (Spreat and Conway 2015, Butterworth 2007).

While the reasons for this steady decrease in employment are the topic of much debate, a few factors are consistent across the research. Stapleton and Burkhauser (2003) note that changes in eligibility for SSDI, the major income support program for people with disabilities, in the late 1980s led more people to leave employment for government support. Nearly every study examining disincentives to work cite concern over losing SSI/SSDI and related benefits as a significant factor (Wittenberg et al 2013, Livermore and Goodman 2009, Chan et al 2005, Hall and Parker 2010, Harris et al 2013, Huang et al 2013).

Analysis of the studies cited above shows that the great recession caused many to lose their jobs, with a slow rebound for people with disabilities. Employer prejudices, lack of accommodations, other barriers like lack of transportation, and family concerns about safety or loss of benefits, are also frequently cited reasons for low labor force participation among people with disabilities. One expert commented:

Employer and coworker attitudes—we need to continue working on those to minimize the incidence of mistreatment in the workplace of people with disabilities up to and including workplace discrimination. We’ve got a ways to go in working on that. Even though we have laws that prohibit discrimination, it still occurs. (Academics)

Where do People with Disabilities Work?

Studies show that people with disabilities are over-represented in production, transportation materials moving, and service occupations and under-represented in professional, management, business and financial occupations (Smith and Clark 2007, Boutin 2010, 2010b, Butterworth et al 2015, Livermore et al 2017, Kumin & Schoenbrodt 2016). Major job categories are building and grounds cleaning and maintenance (10.8%), transportation and materials moving (8.8%), personal care and service (8.6%), production (8.5%) and healthcare support (8.1%) (Smith and Clark 2007). People with IDD are particularly likely to work in these kinds of manual labor jobs (Butterworth et al 2015, Livermore 2017).

Congregate vs. Integrated Employment and Special Minimum Wage

Multiple studies report that people with IDD make up most of the people with disabilities working in congregate facility-based or work crew settings. Livermore et al (2017, 30) report that social security recipients with IDD were three times more likely to work in congregate settings (69 percent) versus people with other disabilities (23 percent). Butterworth et al (2007, 3) note that “approximately three-quarters of all workers receiving subminimum wage in sheltered workshops” have IDD.

Several studies noted that people who lived in their own apartments were much more likely to have integrated, community jobs than those who lived with family or in group homes. In contrast, those living with family, in adult foster care, or in community-based group homes were less likely to work in a community-based job and more likely to not be working at all (Butterworth et al 2015, Siperstein et al 2014, Spreat and Conway 2015).

The same studies found that those in institutions or community-based group homes were more likely to work in congregate settings. Butterworth et al (2015, 215) found that 35 percent of those living in an institution and 29 percent of those living in a group home worked in a facility-based job. Siperstein et al (2015, 171) found that those living in group homes were “three times as likely to be working in a sheltered setting than those living with family.” These differences may occur because of the connection between formal residential placements and congregate employment. Those living in community-based group homes are likely to be enrolled in a daytime activity which may include either facility-based employment or congregate work offsite. Group home residents without jobs are likely to be in day programs. While labeled as nonwork, day programs may also include some congregate work projects where participants are paid on a piece work basis.

2. Current Employment Policy for People with Disabilities

The Fair Labor Standards Act of 1938, which established minimum wages and other key labor statutes, included section 14(c) that established special minimum wages for people with disabilities based on their productivity in comparison to other workers doing similar work in order to “prevent curtailment of opportunities for employment” for people with disabilities (Butterworth et al 2007, 2). The Americans with Disabilities Act (ADA) of 1990 established protections from discrimination for people with disabilities, but it built on the earlier Rehabilitation Act of 1973 and Developmental Disabilities Act of 1984. All of these promote employment for people with disabilities. The Supreme Court Olmstead decision in 1999 stated that services for people with disabilities, including employment, should be in the least restrictive settings possible.

Employment policy for people with disabilities experienced significant changes in 2014 when Workforce Innovation and Opportunity Act (WIOA), new Medicaid Home and Community-based Settings (HCBS) rule, and section 503 of the Rehabilitation Act all went into effect. WIOA and HCBS settings rule both emphasize integrated, community-based employment for people with disabilities based on individual’s choice and interests. Both regulations significantly limit work in congregate settings and payment of wages below the state or federal minimum wage. By 2014, 32 states had adopted Employment First: initiatives primarily focused on people with IDD that fostered expectations that everyone could work, and appropriate jobs were integrated, community-based employment paying minimum wage or higher. Forty-six states had some activity to develop Employment First plans.

Current advocacy initiatives highlight individualized, integrated, community-based employment; however, policy and practice still include special minimum wages and employment in congregate

settings. Efforts to repeal section 14(c) in 2011 failed and, with a few exceptions like Maryland and New Hampshire, most states have subminimum wage statutes as part of their minimum wage regulations.

Key current policies include:

- **Workforce Innovation and Opportunity Act (WIOA):** WIOA modified the Rehabilitation Act of 1973, the Wagner-Peyser Act, and Adult Education and Family Literacy Act with the goal of creating an integrated workforce development system that ensured collaboration across the various entities and programs providing services to all populations in order to obtain and keep employment in high demand occupations. WIOA only allows payments for job placement into community-based, integrated jobs with the same pay and benefits as workers without disabilities and restricts placing transitioning youth into facility-based congregate employment. WIOA funds can also be used for other support and training services.
- **Medicaid Home and Community-based Settings (HCBS) Rules:** Funding for services for people with IDD and some other disabilities comes through Medicaid waivers allowing community-based services. In 2014, the Centers for Medicare and Medicaid Services (CMS) released new rules for the HCBS waivers refocusing on providing community-based, integrated employment that reflected individual interests and goals. The rules require phasing out facility-based employment and day services, replacing them with integrated services in community settings and integrated employment. All people with disabilities, regardless of the severity of their disabilities, are expected to work.
- **Employment First:** Employment First is a state policy initiative supported and promoted by the Department of Labor's Office of Disability Employment Policy (ODEP) that promotes community-based, integrated employment as the primary goal for all people with disabilities, regardless of the severity and nature of their disabilities. Jobs are expected to pay the prevailing wage for that occupation - at least minimum wage and offer the same benefits as those received by employees without disabilities.
- **Sections 503 and 501 of the Rehabilitation Act of 1973:** The Rehabilitation Act provides a wide array of anti-discrimination and employment supports for people with disabilities. Its various regulations and amendments promote both community-based, integrated employment and congregate employment paying special minimum wages. Several regulations updated in 2012-2014 encourage the federal government and its contractors to hire people with disabilities. Section 501 directs federal agencies to create affirmative action plans to hire and create advancement opportunities for people with disabilities. In 2017, EEOC finalized a new rule that requires Federal agencies to hire and retain people with disabilities as 12 percent of their workforce. Section 503 establishes an aspirational goal that federal contractors employ people with disabilities as 7 percent of their workforce in each job category, from professionals and managers to low skilled manual or service workers. The regulations have specific clauses that do not count congregate facility-based settings as part of the 7 percent unless they are time-limited training venues preparing participants to qualify for integrated jobs with the organization with the federal contract.

Several ongoing policies also structure employment for people with disabilities:

- **Javits-Wagner O'Day Act of 1971:** The law that created the AbilityOne program expands on 1938 legislation that required the government to purchase certain products from agencies employing the blind to agencies employing people with any kind of significant disability. By statute, the program is administrated by the AbilityOne Commission, the National Industries for the Blind and SourceAmerica are central nonprofit agencies designated by the AbilityOne Commission to help

implement and provide technical assistance to nonprofit agencies participating in the AbilityOne program. . These two central nonprofit agencies facilitate the distribution and support the execution of federal contracts for supplies and services performed by community-based nonprofits. While the contracts do not require facility-based or segregated work crews, they do require that 75 percent of work on the contracts be done by people with significant disabilities.

- **Social Security Administration Employment Rules:** People with disabilities who receive SSI/SSDI must prove that they are unable to work to receive benefits. Given that qualifying for social security is a long and difficult process, and Medicaid and support services for housing, personal assistance, transportation, and employment depend on receiving SSI/SSDI, beneficiaries are careful not to lose their benefits through employment. While a certain amount of earned income is disregarded, those earning over the limits automatically lose benefits. Given ongoing concerns regarding the rising number of beneficiaries, social security created Ticket to Work and a number of other demonstration projects to encourage beneficiaries to find work. Except for people with IDD, there has been little uptake for these initiatives, with roughly 2 percent of SSI/SSDI recipients using Ticket to Work (Wittenberg et al 2013, Livermore and Goodman 2009, Hayward 1998, Hayward and Schmidt-Davis 2003a, 2003b, 2005, Harris et al 2013, Wittenberg et al 2015, Hyde and Stapleton 2015).

State Policies

TechnoMetrica analyzed employment and wage policy for people with disabilities in Alabama, Colorado, Ohio, Maryland and Michigan. These states include a leader in Employment First (Maryland), an early adopter of supported work and employment navigators in one stops (Colorado), a state that has fully funded its vocational rehabilitation system (Ohio), one just beginning the Employment First process (Michigan), and the state with the worst statistics for community-based employment in the nation (Alabama).

	State Disability Employment Profiles				
	Maryland	Colorado	Ohio	Michigan	Alabama
% all disabled employed	43	41	35	30	27
% IDD community jobs	39	28	23	23	4
% IDD facility-based jobs	0	0	54	25	2
% IDD facility-based non-work*	61	53	41	28	94
Employment First state	Yes (2009)	Yes (2013)	Yes (2012)	Yes (2015)	Yes (2013)
Special minimum wage allowed	Phase out by 2020, except active federal 14c certificates in effect before 2016	Yes	Yes	Yes	Yes, federal (no state wage law)

	State Disability Employment Profiles (cont'd)				
	Maryland	Colorado	Ohio	Michigan	Alabama
Restricts WIOA/DD Agency funding to agencies for employment in congregate settings	Yes, WIOA/ DD phase out by 2020	Findings suggest referrals have ceased to AbilityOne providers due to interpretations of RSA issued regulations ⁶	Findings suggest referrals have ceased to AbilityOne providers due to interpretations of RSA issued regulations	Findings suggest referrals have ceased to AbilityOne providers due to interpretations of RSA issued regulations	Findings suggest referrals have ceased to AbilityOne providers due to interpretations of RSA issued regulations

**Day programs often include some congregate work*

Comparisons across states show that those with strong employment programs for people with disabilities rely on collaborations within and across multiple agencies and either a state cabinet level coordinating agency or key departments at a high enough level to command significant resources and attention. States that lag have relegated Employment First to secondary entities or only include certain disabilities in their coordinated planning and services. Budget cuts, underfunding, and under staffing challenge even the strongest programs. One expert noted:

I think what happens now is state voc rehab counselors will try to put people into integrated community settings, if they can find those kind of jobs. If not, they spend some time justifying keeping them in workshops and in less integrated settings, and that's not the way to do business. We've got to remove disincentives in the Social Security Disability programs. We've got to increase incentives for employers who wish to hire and accommodate and retain workers with disabilities, and those would be some of the things that I think would help to move these very promising initiatives forward even more quickly (Academia)

While most of these states have some initiative to move away from special minimum wage and congregate settings based on WIOA and the HCBS rules, most states show some tension from existing providers or others to continue congregate work. While efforts to increase community-based employment are in process in each state, few have clear dates to sunset either congregate work or special minimum wages.

In order to effectively implement this policy, experts felt that the federal government must take the lead. One expert stated:

I think the federal government has a significant and important role, both to insure what services are available in different areas. I usually like to be more nuanced, but I think there is a place for state flexibility and creativity, but I think there has to be a minimum level of expectations of what all states are going to provide...(Law/Policy)

⁶ See GAO-18-577 VOCATIONAL REHABILITATION Additional Federal Information Could Help States Serve Employers and Find Jobs for People with Disabilities, September 2018, 21-23.

3. Policy Evolution

Evolution of current policies shows slow advocacy for more integrated, community-based jobs paying minimum wage or more over a 30-year period. Advocacy and community expectations of community-based employment really gained momentum during advocacy for the ADA and continued through the 1990s, beginning to result in policy changes in the early 2000s. Change was bolstered by the Supreme Court Olmstead decision which states that services need to be provided in the least restrictive setting possible. Both state and national initiatives gathered speed and critical mass from 2006-2012, with a tipping point reached around 2012-13. Key policy changes were announced by the federal government in 2014. Policy is now in an implementation stage and is likely to continue to focus on implementation of WIOA, HCBS, and Employment First for the next five or ten years.

Timeline for Community-based, Integrated Employment Paying Prevailing Wages	
1934	Origin of congregate settings and special minimum wage in Fair Labor Standards Act
1963	Mental Retardation Facilities and Community Mental Health Centers Construction Act (later changed to the Developmental Disabilities (DD)) Act of 1963 promoted independence and integration, and increases funding for congregate work
1973	Rehabilitation Act of 1973 promoted and expanded employment for people with disabilities
1984	Amendments to the Developmentally Disabled Assistance and Bill of Rights Act (DD) Act emphasis on services that allow people to meet their maximum potential
1986	Amendments to Rehabilitation Act that encouraged and paid for supported employment
	Amendments to Fair Labor Standards Act (FLSA) eliminate a floor for special minimum wages
1990s	1990 ADA and 1991 ADA regulations banned discrimination. Advocacy to end special minimum wage.
1998	Rehabilitation Act amendments emphasized meaningful careers, integration and inclusion
1999	Ticket to Work Act passes, attempt to encourage employment for SSI/SSDI recipients
	Olmstead supreme court decision states that people with disabilities needed to be provided services in the most integrated setting appropriate to the needs of qualified individuals
2000	Developmentally Disabled Assistance and Bill of Rights Act (DD) Act amendments reinforce community-based services, individualized services, to promote productivity, integration, self-determination and inclusion
2001	Rehabilitation Services Administration (vocational rehabilitation policy) states that integrated employment only valid outcome, sheltered workshops only temporary training
	ODEP adopts customized employment (CE) as a promising practice (start of Employment First)
	DOL inspector general's report notes widespread problems with employers determining special minimum wage and administering the 14(c) program
	GAO report notes significant problems with administration of the 14(c) program
2003	First formal state policy action for Employment First

Timeline for Community-based, Integrated Employment Paying Prevailing Wages (cont'd)	
2004	Individuals with Disabilities Education Act (IDEA) act reinforced full participation, economic self-sufficiency and independent living
	Beginning of Washington state Working Age Adult Policy, focusing on community-based, integrated employment at minimum wage or higher
2005	Second formal state policy action for Employment First
	Department of Labor investigation baseline survey shows continued widespread problems with compensation and special minimum wages in agencies with 14(c) certificates.
2006	Office of Disability Employment Policy (ODEP) starts State Employment Leadership Network (SELN) at Institute for Community Inclusion (ICI) to promote Employment First
	Arizona passes minimum wage law that does not allow special minimum wages
2007	First National Disability Rights Network and NCIL report Segregated and Exploited report on sheltered workshops and subminimum wage released
2009	Third formal state policy action for Employment First
2010	Four more states take formal state policy action for Employment First
2011	Second Segregated and Exploited report released
	ODEP solicits proposals from states for customized employment training/development
	Five more states take formal state policy action for Employment First
2012	Ten more states take formal state policy action for Employment First
	Class action suit in Oregon leads to consent decree to stop placements into sheltered workshops and close congregate settings. Oregon is an Employment First State
2013	Eleven more states take formal state policy action for employment first
	U.S. vs. Rhode Island consent decree to close sheltered workshops in Rhode Island
2014	Four more states take formal state policy action for employment first, 32 states have a policy action, 46 states have some activity
	WIOA enacted, sets rules for community-based employment at minimum wage or higher, bans referring transitioning youth to sheltered workshops
	HCBS regulations take effect, giving 5 years for all states to move to community-based, integrated settings for employment and restricts special minimum wages
	Section 503 of the Rehabilitation Act rules requiring government contractors to employ people with disabilities as 7% of their workforce in all categories went into effect
	Federal executive order making the minimum wage for federal contracts \$10.10 per hour, puts a floor on special minimum wages for federal contracts at \$10.10
2016	Trump administration extends deadlines to fully implement HCBS rules by three years
	Maryland passes law eliminating subminimum wage

Employment First started in Washington State in the early 2000s with a series of meetings among stakeholders around ways to promote community-based, integrated employment. This led to the adoption of the first state formal action in 2003 and implementation of the Working Age Adult Policy in 2004. Office of Disability Employment Policy (ODEP), the U.S. Department of Labor’s entity to promote employment for people with disabilities, formally started their own Employment First initiative in 2006 through funding the SELN and asking Washington State to mentor other states. Other states slowly begin to adopt Employment First over the next five years. The tipping point occurs around 2012, when 21 states had formal actions adopting Employment First and many more were on the way. Another 11

states passed formal actions in 2013 and by 2014, 32 states have a formal Employment First policy with 46 some activity toward Employment First.

Advocacy against special minimum wages began to ramp up in the 1990s. This was fueled by a series of reports by the U.S. Department of Labor inspector general and U.S. Government Accountability Office in 2000-2001 that showed that administration of 14(c) certificates was lax, organizations with certificates often did not go through the proper process to determine the productivity of the employee to set a special minimum wage, and many people were underpaid as a result. A 2005 follow up report by DOL showed few changes.⁷

In 2007, Institute for Community Inclusion (ICI) published an influential report on sheltered workshops and subminimum wage as part of contract with Wisconsin to discern their direction for these policies (Butterworth et al 2007). The report analyzed the implementation of an abrupt end of subminimum wages in Arizona and internationally, noting that eliminating subminimum wages abruptly led to movement of people with disabilities out of employment altogether, while programs like those in Washington and other states that gradually ramped up competitive employment were more effective.

About this time, a coalition of advocacy groups called the *National Disability Rights Network* published a series of reports (2007, 2011, 2012) called *Segregated and Exploited* that documented low wages and raised questions about working conditions in sheltered workshops, advocating for the end of both sheltered workshops and subminimum wages (Bates-Harris, 2012, 40). These reports were widely read and became a major motivator for the shift away from special minimum wages and sheltered workshops.

A flurry of legislation to end special minimum wages was introduced in various states around 2011-2013. These bills were often introduced through the advocacy of the state developmental disabilities councils and other local advocacy groups. Besides the Arizona bill, research indicates Maryland and New Hampshire passed legislation ending special wages for people with disabilities. On the federal level, the Transitioning to Integrated Meaningful Employment (TIME) Act eliminating new 14(c) certificates was introduced in the House of Representatives in January 2015 with one sponsor and referred to the Subcommittee on Workforce Protections of the Committee on Education and the Workforce in April 2015. No other actions were taken, and the future of national legislation is unclear.

Policy changes promoting Employment First and community integration began in earnest in 2012 when the new HCBS rules were first proposed and WIOA development began. The 2012 changes to section 503 promoting employment for people with disabilities among federal contractors started as an Obama administration executive order which was then formalized through a policy change. All of this became settled policy in 2014 with the passage of WIOA, finalization of the HCBS rules, and implementation of section 503.

These policies include requirements that jobs pay the same as paid to workers without disabilities in the same positions, leading to a phase out of special minimum wages. That said, most states still have active special wage policies and federal special minimum wages remain in effect. Policies also require movement away from facility-based employment and any form of employment that segregates workers with disabilities from others. This means that work crews will need to be integrated with employees without disabilities and include interactions with people without disabilities as a regular part of the job.

If this initiative follows the trajectory of supported work, once programs are in place, the first few years will show significant success. Success rates may drop after five years once individuals more employment

⁷ See Butterworth et al 2007, 4-6 for detailed discussion of these and related reports.

ready are placed into community-based jobs. It is also unclear if the rise of community-based employment will lead to the decoupling of disability support services from social security advocated by many analysts.

For the next five to ten years, policy is likely to focus on the implementation of WIOA, the HCBS rules, and Employment First. This will probably include addressing the rise in the number of people with disabilities in nonwork activities. This concerning trend is partly the unintended consequence of closing down facility-based employment in favor of community-based work. While federal statutes place a five-year time limit on most transitions, they are likely to take much longer. The tension between congregate work and community-based work will be discussed in the next sections.

Analysis of development of both sets of policies suggests that significant new directions in policy develop very slowly with several decades of low level advocacy and policy statements encouraging the new direction to community-based, competitive employment paying minimum wage or more but little action. After a more sustained level of advocacy over ten years, reports begin to appear supporting new directions, and advocacy toward new policies begins at the local and national level. Policy change starts slowly at the state level, with the Employment First movement taking about ten years to reach a tipping point and the *National Disability Rights Network* reports coming out around the same time.

Once that tipping point is reached, policy change happens very quickly. It took only a year from when 21 states had adopted Employment First and the first legislation specifically to eliminate subminimum wages was introduced at the state level for the federal government to develop new policy. Those policies passed quickly, with the new direction announced in 2014.

The next step will be a period of transition.

4. Current Issues

There is consensus in both the literature and disability community that a shift is occurring to integrated employment, but more training, funding, outreach and local enforcement is needed to make better and faster progress. In other words, the policies are in place, the issue now is implementation. Several key issues have arisen in recent years.

Increase in Facility-based Nonwork

While the transition to community-based employment is designed to foster more integrated experience, meaningful work and higher wages, a wide range of studies note that the percentage of people in nonwork activities, particularly facility-based nonwork activities, has steadily gone up as initiatives to promote community-based work and close congregate settings have gained ground (Spreat and Conway 2015, Butterworth et al 2007, Butterworth et al 2016, Nord et al 2013, Houtenville et al. 2009). In a longitudinal study following people who had been deinstitutionalized for fifteen years, Spreat and Conway (2015) found that while most worked while in an institution, the number that worked, and the hours worked, steadily declined in the community. They report:

...Concern derives not just from the absolute number of functionally unemployed individuals, but also ...the trend that is readily apparent in the data. Fewer hours were being worked by these individuals over time, and fewer people were working overtime. The mean monthly hours of productivity declined from 16,357 in 1994 to 8,728 in 2009. This is a 46.6% decline in the number of hours worked, paired with a 189% increase in the number of persons without functional employment.

Disability community experts also note this trend. One commented:

I think in some instances it's positive and others it might be negative. Their opportunities for employment will definitely diminish and I think the hope is... that instead of going to the sheltered work they'll find competitive jobs. But it still depends on employers being willing to hire these people and job coaching services being available for them or employer taking that on. (Law/Policy)

Most scholars do not speculate on the reasons for this shift, although budgets and priorities are mentioned by many. One expert observed:

...the Employment First approach is helping reshape expectations, but there isn't sufficient infrastructure, particularly for [those with] with significant disabilities to actually make it happen, part[ly] a resource driven issue... an individual who needs direct one-on-one support very seldom gets the level of support they need...to effectively work in an employment setting. (Advocacy)

Experience with the employment system for people with disabilities suggests that finding community-based employment is slow, time consuming work and that people may be placed in day programs while the work search continues. In states with waiting lists, people may simply stay at home while waiting to qualify for services. Experts highlight the need for staff changes to address this issue:

It's easier to do things in a group, and more cost efficient to do that, so being able to do things really individualized is very challenging. I think there are elements about how we think about the staffing and professionalization of employment personnel... The staff don't have the skills or the capacity to really be able to, or the time or money. [It] is hard work to be able to work with somebody with a significant disability and find the right kind of work environment and support them within that. You know we are sort of moving people around versus really changing the kind of outcomes. (Academia)

Family member fears also play into this issue:

I think that there is a lot of fear for family members, especially about what all of these changes mean, and I think there is a perception ... that if a loved one has a severe disability, that all of these things are trying to make it so that they have to have a job that maybe they're not qualified for, and that they don't like, and I think the fear of that might push people into day programs. (Law/Policy)

Finally, finding employers willing to hire someone with a significant disability or create a customized job is a slow challenging process and many observers report that generating enough jobs is a problem. Other community supports are a challenge. People are placed in day programs while seeking work:

I think it's the barrier of employers discriminating...; attitude barriers are huge, still; ...transportation, their concern about losing Medicaid, and lack of community support. (Law/Policy)

Preparing People with Disabilities for the Workplace

One concern that has been a focus for over ten years is making sure that people with disabilities are prepared to work. The focus is usually on transitioning youth. Both research and expert observations highlight early experiences to prepare for work:

So on access, starting as young as students in elementary, middle and high school and beginning to have the expectations and have their programs support the notion of them developing job skills is really critical and lags behind most of their peers in my experience. So that when they exit high school or go onto some kind of a post-secondary experience, there are more opportunities there than there used to be, but there are still huge challenges in terms of allowing people to have the opportunity as

well as gain the skills they need. (Advocacy)

Working Effectively with Employers

Scholars, practitioners and advocates all note that improving employment will mean that agencies providing employment services for people with disabilities will need to more effectively work with employers. This includes teaching disability employment agency staff to understand employer perspectives and make the business case for employment (Capella et al 2015, Erickson et al 2014, Harris et al 2017, Henry et al 2014, ICDR 2007, Kalygarou and Volis 2014). One expert commented:

I think many employers, when you talk to them about hiring people with disabilities in integrated settings, the most common response is, "Sounds good. Where are the applicants? Bring us folks with disabilities who are ready to work and want jobs, and we'll talk. (Academia)

Still others observe that many employers have concerns about working with people with disabilities and need to learn more about their potential as workers:

I think that non-discrimination policies are important, but education is just as important. If we can provide more training to businesses and success stories...I've seen wonderful models and I do think that once people understand what the access or accommodation needs maybe it becomes less of a barrier. (Academia)

The Role of Congregate Settings

While most research sees limited value in congregate settings, the disability community's view is mixed. Some think they should be completely phased out, while others think they fill an important need for people with severe disabilities, those with IDD, and older disabled people who were fostered in that system who will find it much harder to transition to an integrated setting. Most can foresee a dual-track system with integrated employment existing alongside congregate setting:

The use of congregate settings is kind of a double-edged sword ... if the folks don't have a place to go for full employment at a living wage whether that's minimum wage or something else and they need to do something during the day, we really don't have an alternative set up that's reasonable. (Advocacy)

Congregate settings are often seen as a training ground for community jobs, if they are relevant:

I think as a principle that's a great start. I think sometimes in practice, sometimes the training opportunities that are offered are not all that meaningful, so I think that would really be the key. It would be important that the skills are transferable. It would be important that the skills have context to the real world. So if those kinds of elements were there, it would be good. (Law/Policy)

While many see congregate settings as a training ground for people with disabilities before entering competitive, community-based employment, Cimera et al (2012, 88) found that although both those with or without sheltered workshop experience:

... were equally likely to be employed (59.6% versus 60.4%, respectively), individuals from sheltered workshops worked significantly fewer hours, earned substantially less wages, and cost 74.8% more to serve than individuals who were not transitioning from sheltered workshops ... for adults with cognitive disabilities, sheltered workshops were 'negative value-added'. That is, participating in sheltered workshops diminished the future outcomes achieved once individuals became competitively employed, perhaps because the skills and behaviors individuals learned in sheltered workshops had to

be 'unlearned' in order for the workers to be successful in the community.

Taken together, these data suggest that if trends increasing the percentage in nonwork activity continue, policy makers and providers may look again at ways to integrate congregate settings to provide more people with work. This could take many forms, but given the emphasis on closing facilities, it is most likely to increase the use of work crews or people with specialized supports working within larger integrated work settings. Any potential rethinking of congregate work as a viable employment option is not likely to start for another 8-10 years as current policy initiatives focus on implementing their plans. However, during that time, congregate employment will continue for at least another three to five years before WIOA and HCBS regulations go fully into effect. At that time, serious discussion of the future of remaining congregate settings may become a key policy issue.

Retaining Disability Supports with Increasing Employment

Many disability experts considered the issue of retaining disability supports with increasing employment as the single most important policy problem in the country relating to the employment of people with disabilities. People with disabilities often choose not to work because they fear losing their SSI and SSDI benefits, which include housing supports, employment supports, personal assistants, assistive technology, and other related benefits as well as healthcare. Many people need these benefits to survive. Experts felt that this issue needs to be addressed at the federal level, but everyone predicted that it will take at least five years before any changes might be made:

In order to live in the community there are so many different kinds of benefits you need to become eligible for. Cash benefits, housing benefits, medical benefits, support services benefits. It takes a long time – sometimes years – to get that put into place. People are very fearful about jeopardizing it all by going to work. Because then you have to start all over. That's the thing I think we have to address in order for more people to be employed. (Advocacy)

The potential impact of a policy changes that weaken the Affordable Care Act (ACA) and potential cuts to Medicaid are a current issue of concern and are likely to remain so during the life of the current administration and any subsequent administration interested in this issue. ACA included a significant expansion of Medicaid. If this expansion is rescinded, people will not only lose health care, but those with disabilities on Medicaid would lose the additional benefits associated with the Medicaid waiver. So far, advocates have successfully fought cuts to Medicaid in federal budgets and legislation, but this will remain an issue.

Reforming the social security system is another issue that recurs as a policy concern. While there is some tinkering around the edges with such programs as Ticket to Work and the Medicaid buy ins that allow working people to buy into the system to receive support services and healthcare, no attempt to change the definition of disability used by SSA or change its rules around work have been seriously considered. Policy scholars at Mathematica (Stapleton et al 2015, 2016) have proposed a triage system that provides supports to return to work to eligible SSI/SSDI applicants deemed likely to be employed before their claims are processed, but there has been no uptake on this suggestion. One expert commented:

It's a paradox on one hand as we want to reform these systems; yet...the systems themselves are viewed as an important demotivator for people who would otherwise want to go back into the workforce. I think the elimination of work disincentives [is important] and we need to continue to find creative ways to allow people who want to work to do so while not jeopardizing their benefits. (Academia)

National Council on Independent Living (NCIL) has promoted decoupling disability supports (housing, employment supports, personal assistants, assistive technology, etc.) from SSI/SSDI for a number of years. While NCIL is the primary advocacy organization promoting this change, it has been raised on a number of fronts. To date, nothing has happened with this suggestion.

Another ongoing policy issue involves expanding Achieving a Better Life Experience (ABLE) accounts. These accounts allow people with disabilities to save for various needs without risking their social security eligibility. Recently passed federal law allows accounts to be established for people up to the age of 26, but policy advocates want to raise the age limit. People who save earnings in ABLE accounts could earn more without losing social security. The policy will for additional changes to ABLE is unclear.

5. Conclusion: Future Directions

If these initiatives succeed in convincing all the stakeholders of their goals in the next ten years, policy is likely to start focusing on the challenges encountered in this process in the subsequent ten years. Taken as a whole, research suggests that for the next five to ten years, policy is likely to focus on the implementation of WIOA, the HCBS rules, and Employment First. The shape that implementation takes as all of the state plans are approved and put in place will likely determine what happens next. The success of this initiative is also tied to the fate of Medicaid funding and the ACA, as much of the push for community-based, integrated employment is focused on the population funded through Medicaid waivers to the developmental disabilities administrations.

This will probably include beginning to address the rise in the number of people with disabilities in nonwork activities. This concerning trend is partly the unintended consequence of closing down facility-based employment in favor of community-based work. At this point, it is unclear how this issue might be addressed and new, yet to be developed strategies will need to emerge. It is also unclear if the rise of community-based employment will lead to the decoupling of disability support services from social security advocated by NCIL and others.

The role and nature of congregate settings will clearly need to change, but the shape of the new direction is yet to be determined and will take at least the next five to ten years to begin to take shape. It is likely that after eight to ten years, concern over the high number of people in nonwork activities and push back from remaining congregate employers will force a renewed conversation about their role in a community-based employment system. Some agencies providing congregate employment opportunities are also likely to resist changes, resulting in a slowed implementation in some states and localities.

Much of the WIOA activities focus on transitioning youth. While fostering changes for the next generation makes sense, policy observers and VR administrators note that older workers, particularly those slated to transition out of facility-based congregate work, are potentially neglected because of the emphasis on youth and limited budgets. As WIOA and the HCBS rules are implemented, policy may refocus on this issue and both policies and budgets be adjusted about 5 to 10 years from now.

Another issue of concern regards how to effectively move people into community-based employment. Office of Disability Employment Policy (ODEP) and some Employment First states are currently promoting customized employment (CE), but a recent review of the literature on CE notes that more than half of the articles advocating CE have no data supporting their claims and no large or experimental design studies have been conducted to date (Riesen et al 2015). Supported employment has significant evidence for its effectiveness (Callahan et al 2011, Cimera 2012,2016, O'Day et al 2017), but at present only 3 percent of funding in Medicaid waiver budgets is for supported employment, compared to 18 percent for day

services (Friedman and Rizzolo 2017). States vary greatly in their approaches to increasing community-based employment and funding for various approaches may be the topic of policy debate for the next ten years, probably longer.

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Appendix A: In-Depth Interviews

Findings and Representative Quotes from In-Depth Interviews

As a complement to the secondary research component of the study, in-depth interviews were conducted to examine perspectives of industry experts and thought leaders external to SourceAmerica on the future of employment for people with disabilities.

In-depth interviews were conducted among a total of 16 experts representing three market segments:

- Disability Law/Policy Experts (n=6)
- Labor Economists/Academics (n=5)
- Advocacy Groups (n=5)

While not a factor in their selection for inclusion in the study, all respondents work for companies or in institutions that employ people with disabilities, and most have coworkers with disabilities. Some respondents also identified as people with disabilities.

1. Key Upcoming Issues in Disability Employment Policy over the Next 10 Years

Respondents across all three subgroups raised a variety of policy issues that they considered to be of critical importance in the upcoming decade. Some of these issues are directly related to current laws, while other issues regard broader cultural shifts and changes in societal perceptions and attitudes. All of these issues are complicated and intertwined.

A. Transitioning to Integrated Employment and Elimination of Special Wage Certificates

Respondents from all three subgroups considered the current push toward integrated employment and eliminating special wage certificates to be key, related issues in the upcoming decade.

Almost all respondents opposed special wage certificates, but views differed on the role of congregate settings. Some respondents were deeply opposed to the use of congregate settings in any form, while others were ambivalent. Some respondents believed that congregate settings can have positive outcomes. No consistent pattern was found relating a respondent's subgroup affiliation with their stance on congregate settings.

Many respondents disliked congregate settings and think they should be phased out.

"I would have thought they would have been phased out by now. I'm surprised the extent to which there continues to be congregate settings and subminimum wage programs that continue to exist. That said, we're probably at a better point closer toward getting that, ending those practices, but I don't think we're going to be totally done with that in the next five to ten years."
(Academia)

"I would like to see them phased out. I think that they contribute to a mindset in the larger population that people with disabilities are secondary or lesser employees." (Law)

However, some did not think congregate settings will phase out completely because they serve a role for people with disabilities—especially for those with severe disabilities.

“No, I don’t think they’ll phase out. I think they are here to stay, and I don’t see them necessarily as incompatible with the mission of Employment First and WIOA. These are just other ways of making sure that people with disabilities will be able to access employment opportunities that might not be available to them now.” (Advocacy)

“The use of congregate settings is kind of a double-edged sword and what I mean by that is if the folks don’t have a place to go for full employment at a living wage whether that’s minimum wage or something else and they need to do something during the day, we really don’t have an alternative set up that’s reasonable. The congregate settings have served that and in some cases congregate settings have become a supportive environment for those individuals and a place they can at least be going during the main part of the day and not have to resort to isolation in their own homes or group homes. So I think there is still a need though what those places are and how they structure them... it kind of baffles me where that’s going to go. As I said earlier in reference to my own personal circumstance that right now because we don’t use a congregate setting, when there is not employment opportunity 6 hours a week, the rest of the week is relegated to home and it’s just not okay.” (Advocacy)

Some expressed concern that phasing out congregate settings completely could lead to some people with disabilities being institutionalized.

“...of course I like the idea of [phasing congregate settings out]. I think people are working towards it. But when we have policy discussions about cutting benefits at such high rates, I worry that people will end up in institutional settings rather than congregate settings.” (Academia)

B. Special Wage Certificates

Many respondents believed that this issue is currently at the forefront of federal policy because it is included in WIOA. Respondents expect to see changes in this area in the next five years, as states move to align their own policies with federal policy.

“Well I think the wage thing will definitely phase out over the next few years.” (Advocacy)

“I think the problem of subminimum wage has been a real problem for a really long time and the way that it’s evolved is that almost the only classification of people for whom subminimum wage was considered appropriate was individuals with significant disabilities. So getting rid of that is okay by me, particularly if it means that the people are at least going to get minimum wage. We also know that minimum wage is still way below the ability to live. So it needs to advance even further. (Advocacy)

“There have been things going on already with subminimum wage... and WIOA has put limits on sheltered workshops subminimum wage... But there are other things you can do with subsidies and we have these tax credits, the work opportunity...you know, tax credits for employers not been used very much. People have proposed other types of employer kinds of credits to hire people with disabilities. So I don’t know if that’s a trend that will actually happen, but it might be one way to get employers more willing to hire people with disabilities. There’s a lot of fear to get over with them.” (Law)

Several respondents expressed ambivalence about this issue.

“...there’s a lot to sort out with the subminimum wage, the 14(c) certificates, wherein people usually with intellectual disabilities or mental health conditions are employed at subminimum wage. I think nationally there has been a trend away from that, but I think there’s still a lot to figure with how to support people, specifically people with those types of disabilities to find gainful employment.” (Law)

“What I hear is that in some communities there is a need for the special wage certificates, and the individuals feel very productive, and on the other end there are situations where it’s abused. So, I really don’t know the answer to that question.” (Law)

C. Ensuring SSI and SSDI Benefits/Elimination of Work Disincentives

Many respondents considered this issue the single most important policy problem in the country relating to the employment of people with disabilities. People with disabilities often choose not to work because they fear losing their SSI and SSDI benefits, which include housing supports, employment supports, personal assistants, assistive technology, and other related benefits as well as healthcare. Many people need these benefits to survive. Respondents from all three subgroups felt that this issue needs to be addressed at the federal level, but everyone predicted that it will take at least five years before any changes might be made. Most respondents believe that the current federal political administration will not do anything to address this issue. As one respondent put it, “I think this particular administration is probably less apt to push that agenda than perhaps the previous administration. That’s why I would say maybe five years, because I think it will depend on the presidential election in 2020.”(Law)

As the quotes below illustrate, this is a complex issue involving not only SSI and SSDI benefits, but healthcare and livable wages.

“In order to live in the community there are so many different kinds of benefits you need to become eligible for. Cash benefits, housing benefits, medical benefits, support services benefits. It takes a long time – sometimes years – to get that put into place. People are very fearful about jeopardizing it all by going to work. Because then you have to start all over. That’s the thing I think we have to address in order for more people to be employed.” (Advocacy)

“...it’s just this bureaucratic morass because there just aren’t enough resources. I think that if people with disabilities had the assurance that if they tried to work, and there were a longer period of a sliding scale – because they hit a period and then it’s like, boom, they’re off – and so often their healthcare is tied to that. I think a lot of people feel like it’s a gamble. It’s a bird-in-hand kind of thing, are you going to take that gamble with your livelihood, that provides your home and your healthcare. Those are pretty essential needs. If there were a larger discussion about how we could structure programs that provided that kind of support, it would increase their opportunities.” (Law)

“I think the inclusion of people with disabilities in that conversation about what is a livable wage, and how do we support them in a situation where folks are able to earn income, versus being dependent on benefits to allow that to happen. There is that benefit discussion around that folks are able to work at a livable wage, higher minimum wage, that then have implications for probably discontinuing financial benefits, but still having healthcare support. Until we resolve some of those issues, there’s going to be continually a barrier.” (Academia)

The other thing that has to go in concert with [eliminating subminimum wage] is a revision of SSI and SSDI so that people can really keep their employment dollars alongside their SSI or SSDI

dollars so that they can actually live and have a livable circumstance and not be relegated to poverty. So there needs to be some linking up between revisions to SSI, SSDI and the wage formula.” (Advocacy)

D. Healthcare

For most respondents the issue of healthcare is very important, and linked to discussions on SSI and SSDI benefits. Respondents agreed that people with disabilities need to have access to healthcare.

“I think we have to have universal healthcare at some level... I’ve always seen that people with disabilities are very limited by their benefits, whatever those are. If they can’t relocate to have adequate employment because they are tied to a certain state or a certain job because of their benefits, then this is going to obviously curtail their choices and their competitive abilities. I firmly believe that needs to be something that is attached to them and mobile. It’s a huge issue. We have so far to go on that.” (Academia)

“I mean obviously the debate on healthcare, a critical variable because of lots of services for folks with intellectual disabilities or support, through waived Medicaid funds, that resolution, both short term in terms of what does healthcare look like in the US moving forward, and what do States do in terms of supporting healthcare and moving forward, does that model make sense? Is that how employment services are supported? The support for services with intellectual disabilities get tied to the healthcare debate get overly complicated.” (Academia)

E. Support Services

For some of the respondents, continued access to support services for people with disabilities was a critical policy issue.

“One I think is the availability of effective and ongoing services to help support people with the most significant disabilities acquire and maintain employment. We know how to do this as a field, but it varies kind of wildly from state to state, and community to community whether we are really able to implement the kind of on-the-job supports that many people with disabilities need to keep working.” (Academia)

“Transportation would be a third one, I think that is a huge barrier for a lot of people from groups A and B, for accessing employment, problems with transportation, especially in rural communities.” (Law)

F. Access and Reasonable Accommodations

Many respondents felt that more needs to be done to provide adequate accommodations for people with disabilities in the workplace.

“I also think access to reasonable accommodations and supported employment in the workplace is a very important critical issue for workers with disabilities. We’re going to need to continue to look for new and innovative ways to provide the kind of supports that people need to keep working.” (Academia)

“To me also I think it’s flexibility and once people acquire a disability for there to be policies in place for employers to be able to move to a more flexible job design that still provides benefits. I’ve seen people say with multiple sclerosis for example who have basically been pushed out of

their job because it becomes difficult to work at the pace they were working at 100%, but they still have a lot to give. I think from a policy level that kind of flexibility could be really amazing, but I think it's really difficult.” (Academia)

G. Education

Education was brought up by several respondents, but especially by advocates. Many respondents believe that young people with disabilities need to be prepared for employment from an early age through programs at their schools. The Individuals with Disabilities Education Act was brought up as an example of federal policy relating to this issue. One respondent voiced concern that this law has only been implemented voluntarily by most states and enforcement has been spotty.

“So on access, starting as young as students in elementary, middle and high school and beginning to have the expectations and have their programs support the notion of them developing job skills is really critical and lags behind most of their peers in my experience. So that when they exit high school or go onto some kind of a post secondary experience, there are more opportunities there than there used to be, but there are still huge challenges in terms of allowing people to have the opportunity as well as gain the skills they need.” (Advocacy)

Another respondent from the advocacy community believed that schools need to be integrated in order to prepare students for full inclusion in the greater community as adults.

“I think it's the lack of connection between the importance of inclusive education and integrated work environments. They've been operating in silos, so we still have segregated schools at the state that are being funded by state dollars, and federal law is mandating that we provide, that states provide students with integrated competitive employment, but they've been held at low expectations in segregated settings, some pre-K through 22, and then they're trying to get a job at Home Depot. So that's one of the major disconnects that I'm seeing, funding is still being allocated for specialized schools, which are essentially mini school institutions, so students aren't being integrated with their peers, they aren't attending events with their same age peers at grade level, like going to prom, all of those things are building the skills that all students need to create meaningful lives after high school.” (Advocacy)

H. Improving Employer and Coworker Attitudes

Some respondents felt that improving employer attitudes was critical for more people with disabilities to find employment.

“I think that non-discrimination policies are important, but education is just as important. If we can provide more training to businesses and success stories, these kinds of things that encourage and provide examples for how businesses best support individuals. I've seen wonderful models and I do think that once people understand what the access or accommodation needs may be it becomes less of a barrier.” (Academia)

“It's kind of going back to the spirit of the ADA where we said we want the employer and the employee to come together and work collaboratively. I think that we are going to have to provide more training in terms of what does that collaboration look like, how is that successful and really try to get employers onboard. I know that happens in small cases, but in large institutions it's very difficult.” (Academia)

I. Setting Employer Quotas

One academic respondent listed employer quotas that require hiring a certain number of people with disabilities as important. He believed that enforcement of these quotas will lead to greater employment opportunities for people with disabilities.

“With regard to people with other types of disabilities, I think that the thing is maybe people being more receptive to the idea of setting quotas. I think President Obama was the one that initiated that cause by requiring that federal contractors hire a certain percentage of their workforce from those that would be characterized as disabled. That’s a trend...that’s something that has been done in Europe in the past. I know in England and in Germany.” (Academia)

2. Policies and Trends Related to Competitive Employment

All respondents considered current policy through WIOA, Employment First, Sections 501 & 503 of the Rehabilitation Act, and HCBS rules to be a step in the right direction, and many do believe that they will eventually meet their goal to move people with disabilities into competitive employment in the community. Most respondents believe that we will see some significant change within five years; however, a small subset from the advocate group was much more pessimistic. One respondent, who is particularly concerned with removing work disincentives from SSI and SSDI, didn’t think he would see real change in his lifetime.

A. Implementation of the Policies

While there is widespread positive sentiment about the intended goals of these policies, there are many challenges to meeting those goals. Respondents had different views on the nature of these challenges, but most agreed that implementation has been difficult and needs to improve. Another key theme that emerged was that states are implementing these policies in different ways. Some states are moving quickly, while others are struggling.

“I don’t feel like things are changing significantly...I haven’t seen it to be particularly effective in reality. Disability services tend to still be isolated; they’re not accessing the same kind of information opportunities to the general workforce system, which I think would be really useful to people with disabilities. So, I think there’s progress but it is kind of similar to sort of healthcare, without the Social Security benefits. It’s like we’re tweaking around the edges versus like no, let’s do this entirely differently.” (Academia)

“For me, the objectives are fabulous; the vision of the program and where it wants to get people is great. Going back to the challenges that my community faces here, as far as the lack of resources, is significant, and the way the resources are distributed is a problem.” (Law)

“I think in some instances it’s positive and others it might be negative. We don’t know yet. Their opportunities for employment will definitely diminish and I think the hope is...and there is this other initiative called Employment First that lots of states are doing to try to get people in competitive employment. I mean the hope is that instead of going to the sheltered work they’ll find competitive jobs. But it still depends on employers being willing to hire these people and job coaching services being available for them or employer taking that on.” (Law)

A respondent from the academic group believed that getting everyone “onboard” with the policy direction is a challenge. It is happening, but it is happening slowly.

“I find rehabilitation professionals are definitely onboard with this new initiative. I think disability advocates are as well. I think employers are getting there as far as this goes. A lot of them are already doing these sorts of things. I think that the entities that continue to operate the workshops create a real impediment to the implementation of these policies, for sure, and I think that’s kind of our next wave, is getting everyone on board with it. Sometimes, even though everyone expresses support for these policies, whether they’re implemented or not, I think change can occur slowly. I think we’re on the kind of beginning stages of a very important cultural shift, but once again, I fear it’s going to take time.” (Academia)

For one academic respondent, resistance to change in her state’s Vocational Rehabilitation agency is challenging implementation:

“I think it’s a great step in the right direction. It’s where we really ought to be heading. Again, some of the difficulties speak to the buy-in at the local level, and here in my community, I don’t see that just yet. The state voc rehab counselors and vendors of the state, VR agency, view the Employment First initiative as kind of a hassle, as a new mandate. You’re taking people with the most significant disabilities, trying to put them into integrated community settings. That implies that the community is ready for them. Here in Ohio where I live, we have a lot of sheltered workshops that are still full and still operating, and they’re quite lucrative, actually, for the county boards of developmental disabilities that oversee these workshops. There’s no great will to move people out of the workshops into Employment First settings just yet. It’s better than it was, but we’ve got a long way to go. I see these as very positive policy changes that in some communities are already being I think adopted in fairly broad-based fashion. In mine, I’m embarrassed to say that we’re not there yet. So, it’s going to take some time.” (Academia)

A respondent from the advocacy subgroup also felt that the current policies were under-implemented. In his opinion, improvements are needed in program infrastructures and funding.

“...the Employment First approach is helping reshape expectations, but there isn’t sufficient infrastructure, particularly for kids or young adults with significant disabilities to actually make it happen and part of it is a resource driven issue so that an individual who needs direct one-on-one type support very seldom gets the level of support they need in order to be able to really effectively work in an employment setting.” (Advocacy)

The same respondent quoted above is also personally affected by these policies. His son has disabilities, and the current policy shift has left his son with less care and fewer services. He believes the current implementation of Employment First, at least in his state, is leaving many people with less support than they reasonably need.

“Massachusetts, which is where I’m located, has implemented an Employment First program, they have eliminated the sheltered workshops settings which theoretically we have supported, but the practical reality is the resources haven’t flowed with it... my own son’s situation went from having 30 hours of service per week to 6 hours of service per week under Employment First, so it was pretty dramatic. And the other dimension of that is that he lives at home with my wife and myself. He’s in his 30s... the reality is that when he’s not in an employment setting, he’s home, which has required my spouse to end her career early and to become the full-time caregiver again... And I think that we are not the only family in this circumstance.” (Advocacy)

Some respondents also felt that these policies are not geared towards helping people with adult-onset disabilities find employment.

“I think a lot of these programs are geared towards intellectual disabilities or those with disabilities that manifested before the age of 21. For people, for adults with disabilities whose disability, whose onset was as an adult, and may have been in a white-collar working position and not for reasons tied to their disability, it’s no longer appropriate for them, it’s very difficult for them to find appropriate job support, retraining, job paths, those types of things, that would help them reach a comparable level of employment in the different fields that would be more appropriate.” (Advocacy)

Respondents offered different strategies for improving the implementation of these policies. One academic’s list of policy strategies summed up the opinions of many and included ending segregated employment settings, removing disincentives to work that come from fears of losing SSI and SSDI, and increasing employer incentives to encourage the hiring of people with disabilities.

“One would be to incentivize the state vocational rehabilitation program to really embrace Employment First as a first and absolute priority. I think what happens now is state voc rehab counselors will try to put people into integrated community settings, put clients in, if they can find those kind of jobs. If not, they spend some time justifying keeping them in workshops and in less integrated settings, and that’s not the way to do business. I think we’ve got to remove the option of more segregated employment settings, number one. We’ve got to remove disincentives in the Social Security Disability programs. We’ve got to increase incentives for employers who wish to hire and accommodate and retain workers with disabilities, and those would be some of the things that I think would help to move these very promising initiatives forward even more quickly.” (Academia)

Many respondents also viewed improved education for people with disabilities as a key strategy to achieving the goal in these policies.

“I think one of the big strategies has been to give people more opportunities when they’re younger so that when they reach adulthood, and reach the normal age when you would enter the workforce, you’re going to have more skills and opportunities. I think that’s a smart way to go about it, and I think that will contribute to what I’ve talked about in terms of increased opportunities in the next five to ten years.” (Law)

“I see that we don’t have strength with inclusive education, and that education is a direct indicator for competitive integrated employment.” (Advocacy)

B. SSI and SSDI

Respondents from all three groups considered this issue to be of key importance in the lives of people with disabilities. There was consensus that people with disabilities need to have access to benefits and healthcare regardless of whether or not they are employed. Across all subgroups respondents were pessimistic about changes coming from Washington to address this issue.

“You know too much is just stuck in the gridlock of what is happening in DC. You need significant changes to really make the Social Security system a more workable resource for people with disabilities is more legislative and I don’t see that happening anytime soon. I think the risk is, I think there needs to be significant change. The risk is as soon as you start talking about that, similar to

healthcare, then it's like OK, well we are going to eliminate all of these things that people were dependent on, and the rest will get figured out. It's too much of a vulnerability. I don't know that I trust Congress right now to effectively have a game plan about change. I think with what needs to happen, I don't know that I think they have the capacity to do that in a way for people to create opportunity.” (Academia)

“I'm so cynical on that one right now. Even if they change the policy it's like people either don't trust it, aren't aware of it and are still fearful. We did interviews with a whole bunch of Social Security beneficiaries and they still think they're going to lose their Medicare or Medicaid if they go to work. It's just not possible to do that the way the provisions...even before, you know, the Affordable Care Act and other means for them to get health insurance. They just have the wrong information about it. No, you're not going to lose your health insurance. Nine times out of 10 they're more concerned about the health insurance than they are about the cash benefits because the cash benefits are pretty crappy, especially on SSI. But they do worry about that. They have misinformation about how the benefits will get taken away from you or when they won't. Part of that is because it's so complicated nobody can figure it out, even if you have a college education you can't figure it out, let alone people with significant cognitive or intellectual disabilities or their family members who might be poorly educated.” (Law)

“It's a paradox on one hand as we want to reform these systems; yet on the other hand, the systems themselves are viewed as an important demotivator for people who would otherwise want to go back into the workforce. I think the elimination of work disincentives and we need to continue to find creative ways to allow people who want to work to do so while not jeopardizing their benefits, particularly not jeopardizing their health insurance coverage. Medicare and Medicaid, we may have to even extend further beyond what we do already. Ongoing Medicaid/Medicare eligibility after someone is no longer receiving SSDI stipend checks, they should be able to continue their health insurance coverage.” (Academia)

“Clearly there need to be changes in those systems so they are incentivized and augment what goes on in terms of being in the workforce. Essentially, SSI hasn't changed since the 70s or 80s. They still have limits of \$2,000 of assets. They still can only have a car worth \$4,500 or less. I mean, it's so byzantine that it hasn't advanced properly so one policy shift at least could be indexed according to inflation of current dollars. The monthly allocation is abysmally low in either program. You can't live on SSDI or SSI. It's impossible.” (Advocacy)

“There doesn't seem to be a general political goodwill towards trying to really look at these issues seriously and think about what needs to happen and particularly from a federal level. Too many people view these as dependency programs and as welfare type programs that they stigmatize and don't see the benefit of it in the general population. Until we can sort of revise people's thinking and the political issue there, I don't think it's going to make any difference.” (Advocacy)

Some respondents brought up ABLE Accounts as a current policy that could help to mitigate some of the financial problems that people with disabilities face. States are working to implement these accounts now, so respondents hoped to see positive effects from this law within the next year.

“I think that certainly is an important issue. I certainly know that in my own experience that people are concerned about losing benefits. I know that there has been some work done with ABLE Accounts to try to mitigate that, but I know that those are not set up in all states. So I think something that would be great would be more focus put on helping people navigate what they

can do with money, how they can effectively take advantage of programs that are available, like ABLE Accounts, or how to work with work incentives. I think there is just a lot of misinformation and people don't know how to navigate the system. I think there has been policy aimed at addressing those issues, but certainly there could be more, and that would be a very important piece moving forward.” (Law)

C. Reasons for Increased Enrollment in Day Programs

Asked why recent employment statistics for people with disabilities show little change in integrated employment and an increase in people enrolled in day programs, respondents offered a variety of explanations. There was consensus that this trend is a negative.

One respondent felt the trend was related to the failure of states to integrate education at a young age, and thought segregated schools that isolate people with disabilities from the rest of the community need to be closed.

“I would say that we need to limit the funding streams that are funding these state schools that are providing places for students to remain segregated. I feel like parents are misinformed that those are “safe place for them to be” because an educator at one point told them that they needed to be separated. So figuring out where those funding streams are coming from and stopping that, closing the front door so that more students aren't put into that situation, because that's creating issues 10, 15, 20 years out for us to be still battling the education of students at elementary age that are in those settings, there's no way for them to get out. They say they're least restrictive environments, but... And there are federal documents with the IEP that say they're supposed to reevaluate that every year, but it's not happening because you have the same team members making those choices that don't hold high expectations for the students.” (Advocacy)

A respondent from the disability law community felt that this trend is the result of several issues, including discrimination and work disincentives.

“I think it's the barrier of employers discriminating, one; attitude barriers are huge, still. I hate to keep harping on it, but the transportation, their concern about losing Medicaid, and lack of community support.” (Law)

Many respondents echoed the idea that work disincentives are a leading cause of the increase in people enrolled in day programs.

“Again, it's the work disincentives that have a lot to do with that. I think we continue with an antiquated system under Social Security. It hasn't been changed in over half a century.” (Advocacy)

A respondent from the advocacy community viewed the situation as a complex mix of conditions that create a myriad of barriers for people with disabilities to find meaningful work in integrated settings.

“Again, it's a very complex situation so it's hard to describe too easily except to say that employment locations and employment places have not really been made accessible and the employment conditions have not been made accessible. Job descriptions need to be revised. The question is what can the person do in terms of their strengths and if they can't do everything that the job requires, are there parts of the job that they could do that would be appropriate? So I

think it's structuring things differently, it's looking at an individual worker's strengths and abilities, it's providing adequate supports in the workplace without imposing on the workplace itself, it's ensuring that there are adequate resources available and helping them once they get a job. I think our goal right now for individuals with disabilities is just to say get a job, any job. But for everybody else, it's what do you want to do with your life? What career path do you want to follow? Do you want to be a doctor or do you want to be a lawyer? We don't ask that of people with disabilities. We just say can you get a job. So even if their interest isn't necessarily in bagging groceries, if they got a job as a bagger we are like oh yes, you got a job. That's wonderful. We're all set. But most people start in those jobs and move on to other things. Folks with disabilities start in those jobs and stay there for their career, so there really have to be career paths created and opportunities to advance.” (Advocacy)

Another respondent believed that tailoring programs to meet individual needs is a real challenge. Many agencies do not have the staff or resources to sufficiently offer the level of care and support that is needed to move people with disabilities into integrated employment, and the result is that more people are pushed into day programs.

“It's easier to do things in a group, and more cost efficient to do that, so being able to do things really individualized is very challenging. I mean I think there are elements about how we think about the staffing and professionalization of employment personnel, so that we are getting to the organizations that run employment services. They see what's possible in terms of helping people with significant disabilities get employment. I think their component of folks who have traditionally run a segregated service, they now are being pushed toward more doing community employment than they are doing, but folks they have a hard time with, they are pushing down into day-hab or day services. So, rather than being able to support, the staff don't have the skills or the capacity to really be able to, or the time or money, I mean that is hard work to be able to work with somebody with a significant disability and find the right kind of work environment and support them within that, but that organization to provide some of those services, really need to embrace and support their staff in having the skills that need to be able to do it, the time they need to be able to do it and the effectiveness. You know we are sort of moving people around versus really changing the kind of outcomes.” (Academia)

For another, misinformation and fear are leading many families to place people in day programs.

“I think that there is a lot of fear for family members, especially about what all of these changes mean, and I think there is a perception among a lot of folks that if a loved one has a severe disability, or if they have a severe disability, that all of these things are trying to make it so that they have to have a job that maybe they're not qualified for, and that they don't like, and I think the fear of that might push people into day programs. I think that fear may be misplaced and misunderstood, but there are some misperceptions out there about what all of these changes mean.” (Law)

D. Congregate Settings as Training Spaces for Competitive Work

Respondents were split on this issue. Some, especially those in the disability law field, thought that congregate settings could be used as training opportunities. Others, particularly individuals who had more direct experience with them, felt that congregate settings usually are not good at training. Across the board, respondents voiced concern about people with disabilities being trapped in congregate settings. No one thought this was a good outcome.

“The research data doesn’t support it. It just never seems to happen and especially for folks with intellectual disability or folks with the kinds of disabilities that are very specific, they are not able to generalize and so they learn the training model works and they habituate to it and then you change them into a new location and they can’t do it and everyone scratches their heads and says why didn’t it work? Well, it’s because you don’t understand how this person operates. But generally speaking, we know and one of the reasons for getting rid of the workshop was that over 90% of the people who started in the workshop never left the workshop. It became the end and not a means to the end.” (Advocacy)

“The population that we serve generally has a difficult time generalizing skills, so when they’re learning how to bag groceries in a factory that’s not where they’re going to be bagging groceries, or whatever their job is going to be, then they’re going to have to relearn those skills in the same setting again. I think what any other employee is going through for their job training should be made accessible to the employee that’s going to be working at their site, we don’t need these special, fabricated workshops. The other thing is we’re seeing people with disabilities getting trapped in this continuation of training, they’re always training to get a job, to then train and train and train, but then they’re not actually getting employed, so they just go from training program to training program. So I feel like it’s creating a cycle for someone to get stuck in...” (Advocacy)

“No, I don’t like it. That’s been done for a thousand years, and obviously it hasn’t affected statistics.... you don’t train people in an arbitrary location about something that’s not real. It’s not part of their job environment.” (Academia)

Other respondents saw positive potential in using congregate settings as training opportunities.

“I wish they weren’t necessary, but as a temporary measure, I think those do open some possibilities for people who may not otherwise have those kinds of experiences. I think we could also be more creative about how we might apply natural supports within integrated employment settings and wouldn’t need those congregate settings in the first place, but thinking of them as a temporary training measure is better, as what happens now in my community. Once they demonstrate someone can’t benefit from an integrated setting, doesn’t do well at the first setting in a grocery store or movie theater, they transfer that person immediately to the workshop, and it’s literally a life sentence. If the egis of it is to move people into integrated employment settings rather than being an ongoing permanent situation, then I think there’s some potential there” (Academia)

“I think that’s fine to do it as a training opportunity, if it’s very time limited. The problem is most people get stuck in it for a very long time and it’s no longer training.” (Advocacy)

“I think as a principle that’s a great start. I think sometimes in practice, at least settings that I’ve seen, sometimes the training opportunities that are offered are not all that meaningful, so I think that would really be the key. Again, as a principle, everyone needs training. I think that might be a great way for some organizations and providers who do really good work in terms of communicating with people with disabilities, of supporting them, could maybe help folks gain skills. It would be important that the skills are transferable. It would be important that the skills have context to the real world. So if those kinds of elements were there, it would be good.” (Law)

E. How to Positively Influence Change to Increase Inclusion

When respondents were asked “how can agencies positively influence change to create opportunities within their communities and through policy to increase inclusion,” the recommendations covered many areas.

A member of the advocacy community felt that agencies should stay abreast of current policy and legal obligations, as well as know the roles that different organizations play in their field.

“They can understand and follow the law, that’s a good place to start. Know what’s happening, stay in touch with what’s currently happening in their state, because we’re find a lot of states are operating in silos, so just the different agencies that are even supporting the same individual at the table don’t understand each other’s roles. I think it has to be people in the local network and the students, persons that are planning, in collaboration.” (Advocacy)

A different respondent believed that educating employers and offering ongoing job coaching to people with disabilities were two key things and agencies should be doing now.

“I think there could be more education of employers about how to include employees with disabilities, and the benefits of including employees with disabilities. I think there could be more job supports in the community to help them transition. For instance, we had a case recently where it took us six or eight months to persuade/arrange for two vocational rehabilitation agencies to provide a job coach for a young man with a traumatic brain injury. He successfully started working; he just needed a job coach to provide that transition, and to increase his familiarity with the employment location and the job. This is an individual who was told for two years by these agencies that he was unable, that he would not be able to work. I think increasing those supports so people can enter into competitive employment, and making sure that those resources are distributed.” (Law)

A member of the academic community suggested approaching employment from the perspective of the person with disabilities, by allowing them to have more control over choosing a place of employment.

“I think that the customized employment approach where people with disabilities get to interview employers...okay, when do you get breaks? What kind of job if I got hired would I have to do? Where would I do it? And that in a way is sensitizing this employer to practical questions that are on this person’s mind. And so, and he’s answering them because this person’s interviewing him. And so a week later, if he comes back and says...okay, I’ve thought about your job, and I’d really like to have it. Can I have it? The guy’s going to be in a different place (mentally) because he’s already been exposed to this person.” (Academia)

One of the academic respondents offered a whole range of suggestions for achieving this goal. This quote is included here because it also echoes what many of the other respondents recommended.

“Become active citizens in the community. Sit on boards, on Rotary Clubs, and Chambers of Commerce. You’ve got to follow the money. Find out who it is that’s got the employment opportunities. Engage more in those ways. I think developing opportunities for youth with disabilities and letting those opportunities grow from the ground up, so high school transition type programs where employers and social service agencies are working together, making sure that students as they’re exiting high schools are signed up for the state voc rehab program and any other services that might be eligible for, including the Medicaid waiver. If they’re receiving

SSI, can be very important in terms of providing transportation and on the job supports for people with the most significant disabilities. Helping people manage those benefits is a very important element as well. Making sure that people with significant disabilities are connected with quality healthcare in their communities and can manage that with the help of their families. So, if people can remain as healthy as possible for as long as possible, that's going to have an impact on the employment rate as well. It's rehabilitation and social service agencies integrating even more with the entities in our society who have the jobs, who can create the opportunities, and developing those kind of...continuing to develop—there are many good models for doing this—those effective collaborative relationships.” (Academia)

Finally, a member of the disability law community echoed other respondents in encouraging agencies to work collaboratively with employers and the greater community to overcome difficulties.

“You certainly have to practice what you preach. Companies and agencies themselves have to be willing to hire people with disabilities, you have to be able to accommodate people with disabilities, you have to work with groups and stakeholders who know a lot about these issues. These issues have created some divisions in the disability advocacy community and in the disability provider community, and to the extent that people can work together to hear where other folks are coming from, and to acknowledge those perspectives and work through the differences, that will ultimately be helpful to create more opportunities for people with disabilities. I think whether you work in a congregate setting or not, generally, if you're in this field you care about people with disabilities and you care about them having opportunities. I think some of this division has been counterproductive and unnecessary, and I would hope that organizations with varying stances on all of this could talk to each other a little more and see what kind of progress could be made. Maybe that's naïve, but that would be my hope.” (Law)

F. Role of the Federal Government

There was general agreement across all subgroups that the federal government needs to be a leader in enforcing programs that promote the inclusion of people with disabilities in the labor force. As a leader, many respondents also thought that the federal government should do more than it is currently doing to help people with disabilities find and keep employment.

“I firmly believe that the Federal Government should be pushing those kinds of things. I think the passage of the ADA was incredibly important. Any kind of nondiscrimination movement and policy that can support these things are incredibly important. I really think they should take the lead and I support that in pushing things forward.” (Academia)

“I think they are solely responsible for making sure that people's civil rights are enforced. That's Title 1 of the ADA and then 503 and 504 and 501. And then I think they have a responsibility...I actually think they have a responsibility to eliminate the work disincentives.” (Advocacy)

“I think it's absolutely essential. I think it's the role of the government to try to create the conditions, using carrots and sticks, to increase the employment, because I think once it gets increased, slowly but surely, the government coercion or incitement will become less and less necessary. But I think the government is crucial.” (Academia)

“The federal government has to lead. If the federal government steps back, the implementation always falters because there is just not enough time, money or ingenuity to think about this unless there is some concerted effort or push.” (Advocacy)

"I think the federal government has a significant and important role, both to insure that there are some consistencies across the country to what services are available in different areas. I usually like to be more nuanced, but I think there is a place for state flexibility and creativity, but I think there has to be a minimum level of expectations of what all states are going to provide, otherwise I think you have an incentive for people to either move from one state to another, or people who are unable to move are potentially cut off from services." (Law)

"I think that the federal government has the responsibility to make sure that all citizens are being treated equally and fairly, and with respect to things like subminimum wage, they have a role to play in making sure that people with disabilities aren't trapped in employment situations where they are not treated equally or fairly. I think that the federal government has a role in ensuring minimum standards and opportunities, which I think they're trying to get at with WIOA. I don't know that the federal government should be micromanaging every aspect of employment for people with disabilities, but I do think ensuring fairness and equality, and setting minimum standards for opportunities is an important role for them to play." (Law)

G. New Legislation or Policy in the Next 5 to 10 Years

Few respondents saw new legislation on the horizon in the next 5 to 10 years. The ABLE Act was mentioned, as well as the Olmstead vs. L.C. case from the Supreme Court. Many respondents hoped to see changes in Social Security that would remove work disincentives. Additionally, many people voiced hope that healthcare reforms would ensure full health coverage for people with disabilities regardless of income or employment status; however, no one expected real change on this issue in the next 5 to 10 years.

"I don't really think there is much on the horizon except trying to emphasize the implementation of some of the court stuff like the Olmstead Act and some of the stuff coming from the Department of Justice in recent years. I don't think there is new legislation on the horizon that I would know of and a more recent piece of legislation that maybe will help was the Able Act which was the savings accounts for individuals with disabilities. And I believe that they now are able to set aside money for their wellbeing." (Advocacy)

"I do think that the Medicaid thing that's going on now, with trying to repeal Obamacare and all that, could incite a lot of anger. So it's possible that there could be a lot of push for things to happen sooner rather than later, but I just don't know. I know there are a lot of people working hard to make these changes happen, but it just seems so unlikely the Republican hold on the government." (Academia)

"I would like to see...one thing I think I would point to...I don't know if it's going to happen in the next five or ten years, but within the Social Security Act, I think a reform of the disincentives, as I mentioned before, would be one thing I would point to that I think there could be some changes coming in the next few years as far as that goes. I think we're also going to have to figure out what the issue of healthcare coverage means to people with disabilities, and whether we're going to continue making sure that the government becomes the largest provider of insurance for people with disabilities, or whether people with disabilities are really going to be able to share in the promise of the Affordable Care Act, which was to provide coverage for everybody." (Academia)

“I know there have been proposed bills to ban the use of 14(c) certificates. I don’t know if that is a helpful piece of legislation, but I know those kinds of proposals are already out there. Is there going to be more legislation for this issue? I’m sure there will be in the next 10 years, but I couldn’t tell you exactly what it will look like.” (Law)

3. Conclusion

Across the board respondents support the goal of integrated, inclusive employment and most oppose special wage certificates.

However, there is disagreement on congregate settings. Many respondents think they should be completely phased out, while some think they still fill an important need for people with severe disabilities, those with IDD, and older disabled people who will find it much harder to transition to an integrated setting.

Most can foresee a dual-track system with integrated employment existing alongside congregate settings. In addition to their role as a coexisting model for certain populations, congregate settings can also serve as a transitional space on the pathway to integration by providing short-term training, learning, and assessments.

There is general consensus that the shift has already started with regard to integrated employment, but more training, funding, outreach and local enforcement is needed in order to implement the policies that are now in place.

Buy-in from businesses is needed. Financial incentives, sharing of success stories, and outreach from other stakeholders will help to accelerate the pace of change toward integrated employment. Improving employer attitudes, focusing on continued support for people with disabilities even after they find employment, and emphasizing the need for greater accommodations in the workplace will also help to achieve this goal.

Most agree there are better opportunities for transitional youth to be fully integrated, while those that are older or more severely disabled will likely continue to need the existing system of congregate settings. Toward that end, many feel that education from a young age, geared towards future employment opportunities, is necessary to better prepare students for workplace integration.

There is overwhelming consensus on the need for people with disabilities to have consistent access to healthcare and other disability related support services, regardless of income or employment status. Reform is needed with SSI/SSDI benefits, as current policy acts as disincentives to work. In spite of the critical nature of those issues, there is widespread consensus that they will not be addressed by the current political administration. Few expect reform to occur in the next 5 to 10 years.

Because of the persistence of work disincentives, inconsistent implementation and enforcement of policies, and because it will take time for the benefits of early intervention to take root, most agree that it will take ten years or more to see widespread change in this area.

Appendix B: Discussion Guide

In-Depth Interview Discussion Guide

(ALL) For the purposes of this study disability is defined as: (READ)

- a. **People who became disabled as adults.** These could be physical disabilities, health issues like cancer, or mental health issues.
- b. **Intellectual and developmental disabilities (IDD).** These are disabilities acquired before age 21, including people with intellectual disabilities or autism, but also people with cerebral palsy, spinal bifida and physical injuries that happened in childhood.
- c. **Deaf or hard of hearing.**

I. Policy Trends In Disability Employment In The Next 5-10 Years

1. What do you see as the key upcoming issues in disability employment policy and general labor/ wage policy over the next 10 years?
 - a. We're trying to get a sense of timeline for when these issues start to become part of the policy agenda, and when they start to be enacted at the local and federal level. So:
 - When do you see them becoming part of the policy AGENDA? (Probe: 5 years? 10 years? Sooner than that? Longer?)
 - When do they start being enacted at the LOCAL level? (Probe: 5 years? 10 years? Sooner than that? Longer?)
 - When do they become FEDERAL policy? (Probe: 5 years? 10 years? Sooner than that? Longer?)
 - b. How do you see those policy issues specifically affecting those with significant disabilities?
2. Current policy through WIOA, Employment 1st, sections 501 & 503 of the rehabilitation act, and the HCBS rules all focus on moving people with disabilities into competitive employment in the community.
 - a. Do you believe these policies will meet their objectives?
 - b. How would you describe current implementation of these policies?
 - c. How long do you think it will be before you see substantive changes in the location and types of employment held by people with disabilities? (Probe: 5 years? 10 years? Sooner than that? Longer?)
 - d. What do you see as the key policy strategies to achieve this goal?
 - e. What are the major challenges, benefits, and unintended consequences of these policies? (PROBE to make sure they address all three)
 - f. Do you believe these policies will benefit everyone in the disability community? Or just a particular subset? (can PROBE for benefits and challenges, if any, for those with the most significant disabilities)
3. What do you believe is the role of the federal government in creating and enforcing programs that promote the inclusion of people with disabilities in the labor force?
4. Recent research and analysis of employment statistics for people with disabilities show little change in integrated employment, and an increase in people enrolled in day programs. What do you think are the major causes of these trends and what policy and practice strategies would you suggest to preserve or create meaningful choices for

- people with the most significant disabilities?
5. Policy makers have raised concern regarding the solvency of the SSDI trust funds and the increase of the number of people with disabilities receiving SSI/SSDI. Yet fear of losing benefits is often cited as a major barrier to employment. Do you foresee any changes in policy to address this issue? What do you think would be the timeframe for any such changes?
 6. Besides the current legislation and policy discussed earlier, do you see any new legislation or policy related to employment for people with disabilities in the next 5 to 10 years? What would be the major issues and its chances of passing?

II. Policy Trends Related To Congregate Settings And Special Wage Certificates

“By Congregate Settings, we mean an employment setting where the majority, if not all of the individuals are people with disabilities; this could include center based work, mobile work crews, teams at contract sites, etc.”

1. Current societal trends and employment policy for people with disabilities advocate for ending congregate settings and doing away with special wage certificates:
 - a. How do you think implementation of these policies will evolve in the next 5-10 years?
 - b. Do you think these policies can co-exist with this new direction or congregate settings and special wage certificates will phase out? If they will phase out, when do you think this will happen? (Probe: 5 years, 10 years, specific date?)
 - c. Are there other policy strategies you know of or would advocate to allow organizations with contracts for group work to provide these services in a competitive, community-based or integrated environment?
 - d. How can agencies positively influence change to create opportunities within their communities and through policy to increase inclusion?
2. Some advocate for congregate settings as a training opportunity for competitive work. What are your thoughts on this?
 - a. Are there ways that employers with congregate settings would need to change in order to achieve this goal?
 - b. What policies would you suggest to use congregate settings in this way?