

Employment First Committee

Annual Report



2014



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Introduction

This is the fourth annual report by the Employment First Committee, a committee started by the California State Council on Developmental Disabilities in 2011.

2014 Employment First Committee Guidelines

At its June 2014 meeting, the Employment First Committee (EFC) directed that its annual report give an update on employment outcomes from 2014, including information reported by ethnicity. Most of the report will describe ‘best practices’ learned from the Council’s Jay Nolan Community Services grant and the California Employment Consortium of Youth and Young Adults with Intellectual and Developmental Disabilities (CECY) and its grant-funded Local Employment Collaborative Teams’ (LECTs’) programs of excellence.

This report will also include federal guidelines, as well as efforts by various states throughout the nation of putting Employment First into action.

Overview

Under the Lanterman Act, California has successfully developed a broad system of services to support people with intellectual/developmental disabilities (I/DD) to live in their own communities of choice. In that process, however, this state largely provided non-work-related services. As a result, California now ranks 3rd among its sister states in offering non-work day program services but is ranked 35th in the nation when it comes to supporting people with I/DD in fully integrated work settings.

In California, 12.45% of working age, regional center clients get a paycheck. Of this 12.45%, most work in segregated work sites, make minimum or sub-minimum wages, and/or work a few hours a week. Only 8% of Californians with I/DD work in integrated competitive employment (ICE) settings. The goal of Employment First is to focus on services that support and enable people with disabilities to work in integrated, competitive settings.

There is a strong, growing national movement to support Employment First policies and practices, with 22 States having already adopted such policies: Arkansas, Colorado, Connecticut, Delaware, Kansas, Louisiana, Maine, Maryland, Massachusetts, Missouri, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington and, now, California.

The passage of AB 1041 (Chesbro) in 2013 codified California's Employment First Policy and established an employment first policy in statute, directing the state to make opportunities for integrated, competitive employment a clear priority. This legislation is the result of seven years of cooperation between the Council, its stakeholders, the Legislature and the Administration in implementing strategies to expand employment outcomes for people with developmental disabilities throughout California.

US Department of Labor: The Workforce Innovation and Opportunity Act Overview (July 22, 2014)

President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law on July 22, 2014. WIOA, the first legislative reform of the public workforce system in 15 years, was passed by Congress in a wide bipartisan majority. WIOA is designed to help job seekers gain employment, with education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in a global economy. Every year, WIOA programs help millions of jobseekers and workers acquire the skills and credentials needed to obtain good jobs.

WIOA Programs

WIOA brings together core programs of federal investment in skill development:

- Employment and training services for adults, dislocated workers, and youth
- Wagner-Peyser (one-stop) employment services, administered by the Department of Labor (DOL) through grants to states; and
- Adult education and literacy programs and Vocational Rehabilitation state grant programs that help people with disabilities obtain employment, administered by the Department of Education (DoED)

WIOA Background

WIOA replaced the workforce investment act of 1998 and retains and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act and the Rehabilitation Act of 1973. WIOA provides programs and services for vulnerable populations, including those for Native Americans, and migrant and seasonal farmworker programs. WIOA supports Job Corps and YouthBuild, as well as evaluation and multi-state projects administered by the DOL. WIOA also authorizes programs administered by the DoED and the Department of Health and Human Services.

Highlights of WIOA Reforms:

Requires States to Strategically Align Workforce Development Programs: WIOA ensures that employment and training services provided by core programs are coordinated and complementary so that jobseekers acquire skills and credentials that meet employers' needs:

- Every state will develop and submit a four year strategy – in the form of a single unified strategic plan for core programs – for preparing an educated and skilled workforce and meeting the workforce needs of employers.
- States can include other partners in their plans, such as Temporary Assistance for Needy Families (TANF).

Promotes Accountability and Transparency: WIOA ensures that federal investments in employment and training programs are evidence-based and data-driven, accountable to participants and taxpayers:

- Core programs are required to report on common performance indicators and provide employment information, such as how many workers entered into and kept employment, average wage figures, and whether workers obtained credentials and measurable gains in skill development.
- Programs now measure the effectiveness of services to employers.
- Department of Labor (DOL) and the Department of Education (DoEd), with input from stakeholders, will establish a common performance accountability system for programs.
- Negotiated levels of performance for common indicators will be adjusted, based on a statistical model that takes into account economic conditions and participant characteristics.
- Performance reports for states, local areas, and eligible training programs will be publicly available.
- Programs will be evaluated by independent third parties at least every four years.

Fosters Regional Collaboration: WIOA aligns workforce development programs with regional economic development strategies to meet the needs of local and regional employers:

- States will identify regions within their state.
- Local areas within regions will have coordinated planning and service delivery strategies.

Improve the American Job Center (AJC) System: WIOA increases the quality and accessibility of services that jobseekers and employers receive at the local AJCs:

- States will develop criteria to certify AJCs (at least) every three years to ensure continuous improvement, easy access to services (including virtual access), and integrated service delivery for jobseekers and employers.
- Key partners and services will be available at AGCs in the co-location of the Wagner-Peyser Employment Service and the addition of the TANF (Temporary Assistance for Needy Families) program as a required partner.
- The workforce system will have a common identifier so workers that need employment or training services and employers that need qualified workers can easily find their local AJCs.
- The Secretary of Labor, with the input from a new advisory council, other federal agencies, and states will develop and implement plans to improve the national workforce and labor market information system and help jobseekers make informed career choices.

- States and local areas are encouraged to improve customer service and program management by integrating intake, case management, and reporting systems.
- AJC partner programs will dedicate funding for infrastructure and other shared costs.

Improve Services to Employers and Promotes Work-Based Training: WIOA contributes to economic growth and business expansion by ensuring the workforce system is job-driven, matching employers with skilled workers.

- State and local boards, which are responsible for activities to meet workforce needs of local and regional employers, will use industry and sector partnerships to meet multiple employer needs within an industry.
- Local areas can use funds for demonstrated strategies that meet employer needs, including incumbent worker, on-the-job, and customized training, registered apprenticeships and transitional jobs.
- Employers will receive increased reimbursement rates for on-the-job and customized training, to meet the workforce needs and offer learning opportunities for workers.

Provides Access to High-Quality Training: WIOA helps jobseekers acquire credentials for in-demand jobs:

- Training that leads to industry recognized, postsecondary credentials is emphasized.
- State and local areas will use career pathways to provide education, employment and training assistance, in order to speed jobseekers' education and career advancement.
- Local areas will have additional training procurement vehicles, to increase customer choice and quality, including training accounts, pay-for-performance contracts, and direct contracts with higher education.

Enhances Workforce Services for Unemployed or Other Jobseekers: WIOA assures that unemployed and other jobseekers have access to high quality workforce services.

- Workforce Investment Act (WIA) service categories of core and intensive services are collapsed into 'career services' and there is no required sequence of services, enabling jobseekers to access training immediately.
- Local areas have flexibility to serve jobseekers with the greatest need by transferring up to 100% of funds between Adult and Dislocated Worker programs.
- Jobseekers that are deficient in basic skills, in addition to those with low income, have priority in getting adult program services.
- Unemployment insurance claimants can receive eligibility assessments and referrals to training and education resources through the Wagner-Peyser Employment Service program.

Improve Services to Individuals with Disabilities: WIOA will increase access to high-quality workforce services for people with disabilities' and prepare them for integrated, competitive employment (ICE).

- AJCs (American Job Centers) will provide physical and program accessibility to employment and training services for people with disabilities.
- Youth with disabilities will receive intensive pre-employment transition services so they can successfully achieve ICE.
- State with vocational rehabilitation agencies will set aside at least 15% of their funds to provide transition services for people with disabilities.
- A committee will advise the Secretary of Labor on strategies to increase ICE for individuals with disabilities.
- Vocational Rehabilitation (VR) state grant programs will work with employers to improve employment outcomes.

Makes Key Investments in Serving Disconnected Youth and Other Vulnerable Populations: WIOA will prepare vulnerable youth and other jobseekers for successful employment through increasing the use of proven service models.

- Local areas must increase the percentage of youth formula funds to serve out-of-school youth to 75%, which is an increase from the 30% provided under current laws.
- Local areas must spend at least 20% of youth formula funds on work experience activities such as summer jobs, pre-apprenticeships, on-the-job training, and internships, to prepare youths for employment.
- YouthBuild participants will get training in growing fields, expanding career opportunities.
- Key programs serving Native Americans and migrant and seasonal farmworkers will remain AGC partners, ensuring that program participants receive employment and training services from American Job Centers.

Council Legislative Activities

The Council has worked with the Administration, Legislature and stakeholders on policy to support full integration of people with developmental disabilities and cross-disabilities within the California workforce with integrated, competitive employment. The bills listed below illustrate some of that ongoing legislative effort.

AB 1041 (Chesbro), Chaptered 2013

This bill defines competitive employment, micro-enterprises, and self-employment for these purposes. The bill would additionally require the Employment First Committee to identify existing sources of consumer data that can be matched with employment data, as specified, and to recommend goals for measuring employment participation and outcomes for various consumers within the developmental services system.

AB 1089 (Calderon) Chaptered 2014

This bill specifies the transfer procedures that apply when a consumer receiving regional center services (with an order for foster care) is awaiting foster care placement or is placed in out-of-home care transfers between regional centers. The bill would establish specific timelines and procedures for making these transfers. By imposing new duties and a higher level of service on county employees, the bill would impose a state-mandated local program.

AB 1595 (Chesbro) Chaptered 2014

This bill broadly rewrites the statutory responsibilities of the State Council on Developmental Disabilities (SCDD), including restructuring the role and scope of the state's 13 area boards, to comply with the requirements of the federal Administration on Intellectual and Developmental Disabilities (AIDD), which has designated the SCDD as being at high risk and limited access to its \$6.5 million grant. Additionally, this bill revises the authorization for the Department of Developmental Services (DDS) to contract with SCDD for advocacy services within its state developmental centers and makes other conforming changes.

AB 1687 (Conway) Chaptered 2014

Existing law states that the intent of the Legislature is to guarantee that people with developmental disabilities have certain rights, including the right to prompt medical care and treatment, and the right to be free from harm, abuse or neglect. This bill recasts those rights as the 'Persons with Developmental Disabilities Bill of Rights.' The bill includes the right to a prompt investigation of any alleged abuse against people with developmental disabilities.

SB 1093 (Liu) Chaptered 2014

This bill requires that regional centers provide independent living skills services to adult consumers, consistent with that consumer's individual program plan (IPP). These are services designed to provide the consumer with functional skills training to acquire or maintain skills to live independently or to achieve greater independence while living in the home of a parent, family member, or other person. It will also require that annual performance objectives target services and supports identified as necessary to meet individual needs, including those that are culturally and linguistically appropriate.

Current law requires the Department and regional centers to annually collaborate to compile data relating to purchase of service (POS) authorization, use, and expenditure by each regional center and further requires that data to include the number and percentage of individuals, categorized by age, race or ethnicity, and disability, who have been determined eligible for regional center services but are not receiving POS funds.

Additionally, this bill requires data reporting that includes - and is categorized by - residence type and further subcategorized by age, race/ethnicity, and primary language. The bill also requires the Department and each regional center to maintain all preceding years' data on its website.

Assembly Joint Resolution 36 (Gonzales) 2014

This resolution urged the United States Congress to phase out the use of the Special Minimum Wage Certificate provision and eventually repeal a section of the 1938 Fair Labor Standards Act. The 1938 Act sets out (in Section 14[c]) the ability for entities that employ people with disabilities to obtain special minimum wage certificates from the United States DOL's Wage and Hour Division, allowing them to pay workers with disabilities less than the (otherwise) legislated minimum wage rate.

SB 1176 (Steinberg) 2014

This bill would have required a health care service plan or health insurer that provides coverage for essential health benefits to monitor the accrual of Out-Of-Pocket (OOP) costs toward the annual OOP limit and specifies mechanisms for monitoring OOP costs under different circumstances such as network versus out-of-network care. It also would have required plans and insurers to reimburse enrollees or those insured that exceed maximum OOP limits and applied to contracts issued amended or renewed on or after January 1 2015.

CECY and EFC Partnership

California Employment Consortium for Youth and Young Adults with Intellectual and Developmental Disabilities (CECY) is designated as a Project of National Significance and one of eight partnership and employment system change projects funded by the Administration on Intellectual and Developmental Disabilities (AIDD). The EFC and CECY collaborative is a key partnership working together to make integrated, competitive employment (ICE) a reality in California.

California Data Analysis

The work of the California State Council on Developmental Disabilities (the Council), its Employment First Committee (EFC) and CECY led to the identification of a simple but important analysis, performed with existing data sources, which can help stakeholders better understand employment outcomes. Further coordination between agencies will be required, however. A current agreement between the Department of Developmental Services (DDS) and the Employment Development Department (EDD) has resulted in valuable, high quality data describing the numbers and percentages of working age regional center clients' wages and their average earnings. At the request of the EFC, the Council has asked that shared information between departments be expanded slightly to allow for a deeper analysis, without impacting consumer confidentiality issues and with a relatively small investment of staff time.

Background on DDS and EDD Agreement

Distribution of Earnings: Under the current agreement, DDS supplies EDD with social security numbers (SSN) for all working age regional center clients. EDD then pulls income information associated with these SSNs and returns the data in aggregate form by a) numbers and percentages employed and b) average earnings. The Council has requested that EDD and DDS expand this analysis to include the distribution of annual earnings, in increments of 20%.

Analysis of Subgroups: The Council has also requested the Departments expand analysis to include subgroups of regional center clients. This may illustrate employment outcomes associated with, for example, various service/support types, levels of (dis)ability, disability types, geography, and ethnic backgrounds. In this way, EDD can provide DDS with similar aggregate information for every subgroup, inclusive of thousands of people each, and will ensure confidentiality of individual earnings information. The Council is not prescriptive in its request but is encouraging collaboration among the Departments and, with the partnership of CECY and EFC, seeks to identify solutions and approaches that are not labor-intensive and will maximize California's efforts.

California Employment First Policy

On October 9, 2013, California Governor Jerry Brown signed AB 1041 (Chesbro) into law, which established the regulatory basis for the Employment First Policy. California became the 12th state to enact such a law. It is the policy of this state that opportunities for integrated, competitive employment shall be given the highest priority for working age people with developmental disabilities, regardless of the severity of those disabilities. The statute also created the Employment First Committee (EFC) to work with the State Council on Developmental Disabilities (SCDD) to support efforts toward statewide integrated, competitive employment (ICE) for people with developmental disabilities.

Employment First Committee Work

The structure of the EFC includes a diverse group of agencies and people, including self-advocates, providing the opportunity to explore interrelated elements associated with having numerous departments with different worlds sharing a common goal. Quarterly meetings are conducted to review, evaluate and assess the Council and areas related to policies and programs and ensure a continued commitment to providing ICE in local communities and throughout the state.

Data and Policy Work

The EFC has worked extensively on policy and data recommendations, summarized here:

- Furthering the adoption of an Employment First policy (AB 1041 [Chesbro]), by working with the Departments and CECY to identify, analyze, and disseminate data on employment outcomes.
- Coordinating with CECY and recommending the expansion of important data collection between DDS and EDD.

Best Practices in Transition

Another important function of the EFC is to advise the Council. Based on the recommendation of the EFC, the Council focused a portion of its Cycle 35 Program Development Funds on ICE goals for transition age and young adults. A Council grant defines transition age as being between 16 and 30 years of age. This is responsive to the EFC's second priority to 'strengthen youth transition to ICE.'

After reviewing 34 grant proposals, the Council awarded \$360,000 to Jay Nolan Community Services (JNCS), in partnership with Easter Seals of Southern California. The JNCS grant began in February 2013 and is assisting transition age youth with I/DD (in the Los Angeles and San Diego regions) in postsecondary education leading to career advancement. The grantees are developing and using best practices:

1. Customized Employment: Based on individual determination of strengths, needs, and interests of the worker and designed to meet the needs of the employer.
2. Discovering Personal Genius: A process that supports customized employment through a 'one person at a time' exploration of career potential and interest that begins with an assumption of 'employability.' It includes a team approach that gathers family, neighbors, and other allies, interviews, and an exposure to relevant activities and work experiences.
3. Parent support group centered on how families can support their transition age youth to achieve integrated competitive employment.
4. Intensive involvement of families and friends.
5. Partnerships between schools and employment service providers
6. Teamwork between schools, service providers, regional centers, Department of Rehabilitation, youth and families.
7. Using alternative sources of funding such as the federal Ticket to Work and programs.

Consistent with the EFC's third priority to "Promote participation by traditionally underrepresented groups," the grantees are doing significant outreach to communities of color and immigrant populations. The locations of the project, and the cooperation of Los Angeles and San Diego Unified School Districts, make this a promising effort for achieving systems change beyond the scope and duration of the grant cycle. This grant is an example of the collaboration of the EFC and the Council to apply significant resources to further the work of the state in providing integrated competitive employment.

Employment First Policies and Practices in Other States

Inclusion

Washington State

Guidelines are developed by the Washington State Department of Social and Human Services, Division of Developmental Disabilities for counties in Washington State to support the inclusion of people with disabilities into their communities. They address inclusion in the area of education, housing, transportation, employment, and community activities. Guidelines include specific rules and strategies for county board/staff, employers, children's services, infrastructure agencies, and others.

Supported Employment

Six Other States and the District of Columbia

Supported employment strategies have been developed by six states: Connecticut, Kansas, Maryland, Oregon, South Carolina, and Vermont as well as the District of Columbia in implementing supported employment for people with disabilities and state systems, they generally address system integration, local service collaboration, transforming existing vocational services, agency staff development, enhancing the outlook of supported employment, benefits counseling, use of outcome-based performance, and reliability issues.

Interagency Activities and Collaborations

This report introduces other key state entities with responsibilities in the areas of transition and employment:

Coordination among Key State Committees and Councils

The Employment First Committee (EFC) serves as a forum for key stakeholders, the Council and the relevant departments, to clarify roles and responsibilities related to employment for people with developmental disabilities and to collaborate on data, and to develop best practices and policies to further ICE. Whereas other committees and councils address a cross disability focus on employment, EFC provides a unique focus on people with developmental disabilities. This focus provides an opportunity to address the unique barriers faced by individuals with complex support needs, and who experience the poorest transition and employment outcomes. These groups are seeking greater coordination, recognizing the potential for supporting each other's work, avoiding duplication of effort, and benefiting from each other's experience and expertise. The work of CECY is discussed in the next section, while the other groups are discussed below.

California Committee on Employment of People with Disabilities (CCEPD)

California Committee on Employment of People with Disabilities (CCEPD) is established by statute and charged with consulting and advising the Secretaries of the California Labor and Workforce Development Agency and California's Health and Human Services Agency on all issues related to full inclusion in the workforce of persons with disabilities, including development of a competitive strategy for the employment of people with disabilities.

CCEPD is comprised of a diverse team of 21 appointed members, an Executive Officer appointed by the governor, and three full-time professional staff from the Department of Rehabilitation. The mission is to achieve an employment rate for people with disabilities in California that is in parity with that of the general population. CCEPD fulfills its charge by:

- (1) Convening stakeholders at state and local levels to acquire timely and relevant input for policy recommendations and action steps;
- (2) Gathering, analyzing, and disseminating data, policy recommendations, and other information;
- (3) Identifying, formulating, and supporting innovative policy solutions to emerging and long-standing policy barriers and challenges; and providing tools to facilitate effective implementation of policy recommendations.

While the committee is staffed by the Department of Rehabilitation and funded by the Employment Development Department, they are charged with addressing the employment needs of all individuals with disabilities.

CCEPD has two task-oriented workgroups:

Increasing Employer Demand for qualified workers with disabilities. Areas of focus for the workgroup include: 1) improving the state of California as a model employer of people with disabilities, and 2) partnering with employers in the healthcare industry in California to develop internal policies and initiatives that increase the number of people with disabilities hired, retained, and promoted in that industry.

Building a Pipeline of qualified workers with disabilities to fulfill positions. Areas of focus for this work group include: 1) promoting the development of innovative forms of the SSI, SSDI, Cal-WORKS, and other benefit planning systems for new applicants and current recipients with the principal objective of maximizing work and economic independence; addressing the barriers in education and training for students with disabilities and existing health professionals and state employees who acquire disabilities; and 2) supporting the effectiveness, sustainability and replicability of the California Youth Leadership Forum (YLF) for Students with Disabilities, which is part of a proven model for an enhancing the personal, academic, and career potential of young people with disabilities in California.

State Independent Living Council (SILC)

The State Independent Living Council (SILC), established by statute, is an 18-member Council that is appointed by the Governor and which serves to maximize opportunities for people with disabilities with the desire to live independently. The SILC membership represents a cross-section of the independent living movement in California and, by law, the majority of the volunteer Council members are people with disabilities.

The SILC promotes policy and systems change for independent living by: 1) Advancing the Olmstead Act, 2) strengthening the Independent Living (IL) Network, 3) representing the underserved, 4) increasing capacity for educating policymakers, and 5) improving services to older individuals who are blind.

In cooperation with the state's Department of Rehabilitation, the SILC prepares a State Plan for Independent Living, which sets the policy and funding levels for the state network of Independent Living Centers (ILCs) and services. To help guide policy, the SILC solicits continual public feedback on the effectiveness of independent living services and the changing needs of the community. In addition to preparing and updating the State Plan for independent living, the SILC monitors its implementation. The SILC also coordinates with similar agencies and councils at the state and federal levels to increase communication and help assure that services to people with disabilities are delivered effectively.

The priorities of the SILC with respect transition are:

- Self-Determination
- Informed decision-making
- Options for community living, including employment

Community of Practice (COP) In Secondary Transition

The Community of Practice (COP) is located within the Department of Education's Office of Special Education and was formed and funded by the DOE to help improve transition and employment outcomes. This is a voluntary group of educational professionals.

- The COP seeks to ensure the seamless transition of services for youth, ages 16 –22, which will lead to positive post-school outcomes. They carry out their work through a statewide community of practice and a statewide list serve, which disseminates compliance information, resources and evidence-based practices and statewide technical assistance through webinars and conference calls. Their key goal, with respect to employment, is integrated, competitive employment in any area of interest for each individual youth, ages 16-22.

California Employment Consortium for Youth and Young Adults with Disabilities (CECY)

The Employment First Report has a special focus on the California Employment Consortium for Youth and Young Adults with Intellectual and Developmental Disabilities (CECY). CECY is a five-year project (2011-2016), affording a time-limited opportunity for government, the Council, and key stakeholders to work together on furthering the goal of integrated competitive employment (ICE).

CECY is one of the eight Partnerships in Employment System change projects funded by the Administration on Intellectual and Developmental Disabilities (AIDD) as a Project of National Significance. The Tarjan Center at UCLA, the University Center for Excellence in Developmental Disabilities (UCEDD), provides the administrative leadership for CECY.

CECY Steps to Effective Employment Outcomes:

- Raising aspirations, capacities and expectations of youth with intellectual and developmental disabilities (ID/DD), their families, service systems, employers, and communities regarding integrative competitive work as the first choice;
- Improving statewide system policies and practices, strengthening inter-agency collaborations and practices between and among local and state agencies to increase opportunities for Integrated Competitive Employment (ICE) of youth and young adults with ID/DD; and
- Working with CECY partners to effect policy change at a state level that is aimed at increasing employment of youth and young adults with ID/DD.

Membership:

CECY has become a statewide consortium of over 40 members representing:

- Department of Rehabilitation
- Department of Education
- Employment Development Department
- Department of Developmental Services
- California State Council on Developmental Disabilities
- Tarjan Center at UCLA
- Special Education Administrators
- Association of Regional Center Agencies (ARCA)
- Regional Centers (Orange County, Alta, and San Diego)
- Community College Chancellor's Office
- California Committee on Employment of People with Disabilities (CCEPD)

- Disability Rights California (DRC)
- School Districts (Irvine and Whittier)
- California Transition Alliance
- California Committee of Practice – Secondary Transitions
- Youth Advocates

Work Groups:

Most of CECY’s work is accomplished through the following workgroups:

- Policy (“Policy Change Artists”)
- Best Practices (“America’s Next Top Models”)
- State Data and Performance Indicators (“Data Nerds”)
- Outreach and Communications (“Outreachers”)
- Resource Development (“Unbroken Chain”)

Youth Self-Advocacy:

CECY emphasizes the role of self-advocates in contributing to the consortium’s understanding of the issues and participating in policy and strategy deliberations. CECY’s Youth Advisory Committee (YAC) provides input and advice.

Best Practices - Documentation and Dissemination:

There are many challenges in supporting transition age youth with developmental disabilities to get jobs. However, many organizations have learned a great deal about developing methods that have been successful at the local level. CECY seeks to help document and disseminate some of the most promising practices in the state through grants to seven such organizations. The grantees shed light on specific barriers to employment and describe new solutions that can be utilized by programs across the state. These solutions include using hybrid-funding streams, obtaining industry certificates to become more competitive in the job market, creating collaborations to increase job development capacity after funding cuts, and more. Selected programs are from diverse communities across the state:

- Irvine Unified School District
- Glenn County Office of Education
- Taft College Transition to Independent Living Program
- Sweetwater Unified School District (Chula Vista)
- TransCen (San Francisco)
- East Bay innovations (San Leandro)
- Whittier Unified High School District

Next Steps

“The California Department of Rehabilitation (DOR), California Department of Education (CDE), and California Department of Developmental Services (DDS) have entered into a new agreement consistent with the State's "Employment First" policy and other laws to make employment in an integrated setting, at competitive wage, for individuals with Intellectual Disability and Developmental Disabilities (ID/DD) its highest priority.

DOR, CDE, and DDS, in conjunction with Disability Rights California will meet with stakeholders to make recommendations on a plan to identify changes in policies, practices, statutes, or regulations in order to improve integrated, competitive employment outcomes for individuals with ID/DD” (www.dor.ca.gov).

Facilitating the implementation of Employment First Policy in California is an undertaking of critical importance in order to facilitate the dignity and independence of individuals with developmental disabilities with the added result of more people contributing to the California economy. The EFC will continue its focus on employment for transition age youth through its four areas of responsibility established in the Welfare and Institutions Code (WIC) section 4868 (c).

The CECY policy group is developing a white paper on the barriers to employment and policy recommendations to address those barriers. The policy recommendations will focus on:

- Adoption of the Employment First Policy recommended by the Council
- Enhance and coordinate person centered transition planning across departments.
- Funding for employment support providers that incentivize integrated competitive employment, including adequate funding for job development.
- New program models for employment support services

The EFC will explore recommendations for state or federal public benefit policy changes to better enable people receiving public benefits to work. EFC will also explore a ‘Get Out of Jail Free’ card to try to minimize the risk of losing benefits through paperwork errors.

Strategies and Best Practices:

- Review the experience of grantees for implications regarding policy and dissemination. As discussed earlier, Jay Nolan Community Services and Easter Seals of Southern California are working with school districts, regional centers, and DOR to implement a number of state-of-the-art, customized, employment practices to support people with disabilities to seek jobs and succeed in integrated competitive employment.
- Explore vendors’ perspectives on how to improve Supported Employment.

- Hear from Special Education Local Planning Areas (SELPA) and the Department of Education on best practices for supporting students to prepare them for transition from K-12 education to work or post-secondary education.

Interagency Collaboration:

As a lead agency in CECY, the Council will actively address policy, barriers, best practices, and the training/information needs of providers, professionals, families and consumers. Through the Consortium, the Council will work to identify roles and responsibilities of government agencies and improving employment outcomes. The EFC will focus on activities that complement and support the work of other groups, such as CECY, Community of Practice for Post-Secondary Education, the State Independent Living Council (SILC), and The California Committee on Employment for People with Disabilities (CCEPD).

Outcome Data:

The EFC works with the CECY data group to identify existing sources of data that can be used to create a data dashboard to track the state's success in supporting growth of ICE.

Employment Data Dashboard (Beta version) for Working-Age Regional Center Clients:

- 1) Numbers and percentages with earnings
- 2) Average earnings and distribution, such as 20th percentile ranges
- 3) Annual earnings presented in relation to the Federal Poverty Level
- 4) Number and percentage in Integrated Competitive Employment
- 5) Number and percentage who worked at least 10 of the last 12 months
- 6) Number and percentage receiving vacation or sick time
- 7) Number and percentage receiving health benefits through their employer
- 8) Number and percentage without a job who want one
- 9) Number and percentage receiving support in their employment

Employment Data Dashboard (Alpha version):

The Alpha version would expand data analysis to all working age individuals with I/DD, who are associated with those served by the Departments of Rehabilitation or Education (DoEd). The data must be available on a regular basis for such analysis. It can then be posted on the internet, possibly through the Council website, where it will be accessible by any interested party. The Special Education Division may assist in finding gaps in post-secondary planning through its ability to survey schools and other facilities providing services for students with developmental disabilities. This data will assist the DoEd and the EFC to determine why students are so difficult to track and where students are one year after leaving secondary education. The Special Education Division is also researching ways to provide follow-up on students over a longer period of time.

Dissemination:

- Help people with developmental disabilities and their families, including those in under-represented groups, understand the relationship between work and public benefits. This is responsive to an identified barrier in employment that many people with developmental disabilities face because they are afraid to lose public benefits.
- Explore methods of informing employers of the benefits of employing people with significant disabilities. Coordinate with other efforts, including CCEPD.
- Develop a section of the Council's website to highlight the Council's work on employment: 1) providing plain language materials and videos on the Employment First policy and options for integrated competitive employment, 2) disseminating materials and practices from the Council's program development grants, 3) posting relevant outcome data, and 4) providing access to resources from other sources.

APPENDIX A

Statutory Responsibilities of the Employment First Committee

California Welfare and Institutions Code Division 4.5. Services for the Developmentally Disabled Chapter 14. Employment

- 4868.** (a) The State Council on Developmental Disabilities shall form a standing Employment First Committee consisting of the following members:
- (1) One designee of each of the members of the state council specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph (2) of subdivision (b) of Section 4521.
 - (2) A member of the consumer advisory committee of the state council.
- (b) In carrying out the requirements of this section, the committee shall meet and consult, as appropriate, with other state and local agencies and organizations, including, but not limited to, the Employment Development Department, the Association of Regional Center Agencies, one or more supported employment provider organizations, an organized labor organization representing service coordination staff, and one or more consumer family member organizations.
- (c) The responsibilities of the committee shall include, but need not be limited to, all of the following:
- (1) Identifying the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for people with developmental disabilities.
 - (2) Identifying strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers.
 - (3) Identifying existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities.

- (4) Recommending legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older. This shall include, but shall not be limited to, the development of an Employment First Policy, the intended outcome of which is a significant increase in the number of individuals with developmental disabilities who engage in integrated employment, self-employment, and microenterprises, and in the number of individuals who earn wages at or above minimum wage. This proposed policy shall be in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. The proposed Employment First Policy shall not limit service and support options otherwise available to consumers, or the rights of consumers, or, where appropriate, parents, legal guardians, or conservators to make choices in their own lives.
- (d) For purposes of this chapter, "integrated employment" shall have the same definition as "integrated work" as defined in subdivision (o) of Section 4851.
- (e) The committee, by July 1, 2011, and annually thereafter, shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed Employment First Policy described in paragraph (4) of subdivision (c).

Responsibilities of the Employment First Committee

(PLAIN LANGUAGE VERSION)

The Lanterman Act tells the State Council on Developmental Disabilities to have an Employment First Committee. This is what the Lanterman Act says about the Employment First Committee (EFC):

Why the EFC was created:

The Lanterman Act created the EFC to help get more people with developmental disabilities jobs in integrated competitive employment (ICE).

What is Integrated Competitive Employment (ICE):

It means good jobs with good pay (minimum wage or above) - jobs at a typical workplace, where people with disabilities work with other people from their community who do not have disabilities. These are jobs where people with disabilities get the same pay and benefits as people without disabilities doing the same work and where they are paid directly by their employer. Having a good job can also include people who make money with their own small businesses or by working for themselves.

Who is a member of the EFC:

There are several people who must be on the EFC, including self-advocates and family members. The EFC also needs to include representatives from departments of government and other organizations that help people with developmental disabilities get good jobs.

Members of the EFC must include a representative from each of the following: Self-Advocacy Advisory Committee of the State Council, Family members and other self-advocates, Department of Developmental Services, Department of Rehabilitation, Department of Education, Employment Development Department, University Centers for Excellence in Developmental Disabilities, Disability Rights California, Regional Center service coordinators, Association of Regional Center Agencies, and a supported employment provider.

What the EFC has to do:

- (1) Describe how the government departments work with each other to help people get good jobs with good pay.
- (2) Find what works to help people get good jobs with good pay.

- (3) Find good ways to plan for transition aged students (age 14 and above) to go to work after they are finished with high school, or their education beyond high school.
- (4) Find ways to encourage agencies to support people to get good jobs with good pay.
- (5) Develop partnerships with employers and agencies that help people find good jobs with good pay.
- (6) Find out how many people with developmental disabilities are working and how much money they are earning. Each year, measure if the state is getting better at supporting people to get good jobs with good pay.
- (7) Recommend ways the state can improve how they measure progress in helping people get employed.
- (8) Recommend goals for integrated competitive employment for the state to meet.
- (8) Recommend legislation and other ways that the state can do a better job of supporting people to get good jobs with good pay.
- (9) Recommend ways to improve helping transition age students (age 14 and above) go to work after they are finished with high school, or their education beyond high school.
- (10) Recommend an Employment First Policy that will get a lot more people good jobs with good pay, with the supports they need. This will help people with disabilities to be part of their communities, have jobs, and make money, just like other people their age without disabilities. The policy will make sure people can choose the services they want, like they do now under the Lanterman Act.
- (11) Other things the EFC thinks will help.

The annual Employment First Report:

Every July, the EFC has to send a report to the Legislature and the Governor. The report makes recommendations to the Legislature and the Governor and describes all the work of the committee. The State Council approves the report.

APPENDIX B

Membership of the Employment First Committee

Anderson, Tony	<u>The Arc of California</u>
Boomer, Daniel	<u>California Department of Education</u>
Cooley, Lisa	Self-Advocate
Curtright, Denyse	<u>Department of Developmental Services</u>
Dutton, Dale	Family Advocate
Hansen, Robin	<u>Center for Excellence in Developmental Disabilities, U.C. DAVIS MIND Institute</u>
Hodgkins, Rick	Self-Advocate, <u>Department of Developmental Services Consumer Advisory Committee</u>
Lapin, Connie	Family Advocate, <u>Autism Society of Los Angeles</u>
Mayer, David	Designee, <u>Employment Development Department (EDD)</u>
Moore, Bill	<u>Department of Rehabilitation</u>
Mudryk, Andrew	<u>Disability Rights California (DRC)</u>
Mulvey, David	<u>Service Employees International Union (SEIU)</u>
Pazdral, Liz	<u>California State Independent Living Council (SILC)</u>
Petrie, Dennis	<u>Employment Development Department (EDD)</u>
Raynor, Olivia	<u>Center for Excellence in Developmental Disabilities, Tarjan Center at UCLA</u>
Ruder, Steve	Designee, <u>Center for Excellence in Developmental Disabilities, U.C. DAVIS MIND Institute</u>
Sarmento, Debbie	<u>Family Resource Center Network of California (FRCNCA)</u>
Taylor, Robert M.	Self-Advocate
Vacancy	<u>California Committee on Employment of People with Disabilities (CCEPD)</u>

Weller, Kecia Chair, Self-Advocate, [State Council on Developmental Disabilities](#)

Westling, Amy [Association of Regional Center Agencies \(ARCA\)](#)

Wheeler, Barbara [Center for Excellence in Developmental Disabilities, USC UCEDD](#)

Yung, Vanda Family Advocate, [Chinese Parent Advocates for the Disabled \(CPAD\)](#)

APPENDIX C

Glossary

Activity Based Day Services: See Day Programs

ADA: [Americans with Disabilities Act](#)

APSE: [Association of People Supporting Employment First](#)

ARCA: [Association of Regional Center Agencies](#)

CDE: [California Department of Education](#)

CDER: [Client Development and Evaluation Report](#)

CECY: [California Employment Consortium for Youth](#)

Community Based Non-Work (CBNW)¹: Non-job-related supports focusing on community involvement, such as access to public resources (recreational/educational) or volunteer activities. Community-based non-work includes all services that are located in the community (rather than facility-based) and do not involve paid employment of the participant.

Competitive Employment: Work in the labor market that is performed on a full-time or part-time basis in an integrated setting for which the individual is compensated at or above minimum wage with related health and employment benefits, but not less than the customary and usual wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

Council, The: This term refers to the [State Council on Developmental Disabilities](#)

Customized Employment: Customized Employment is based on an individualized determination of the strengths, needs, and interests of the person with a disability and is also designed to meet the specific needs of the employer. It may include employment developed through job carving, self-employment or entrepreneurial initiatives, or other job development or restructuring strategies that result in job responsibilities being customized and individually negotiated to fit the needs of individuals with a disability.

¹ Institute for Community Inclusion (ICI): Community Based Non-Work Services: Findings from the National Survey of Day and Employment Programs for People with Developmental Disabilities.

http://www.communityinclusion.org/article.php?article_id=162&type=audience&id=8

Day Programs: These are community-based programs for individuals with developmental disabilities. Day program services may be provided at a fixed location or in the community. Some services offered may include developing and maintaining self-help and self-care skills, developing community integration, social and recreational skills; and behavior modification.

DDS: [California Department of Developmental Services](#)

Developmental Disabilities: The federal definition of developmental disabilities covers persons whose disability occurs before age 22 and includes a mental or physical impairment or a combination of both. There must be a substantial limitation in three or more of the following major life areas: self-care; expressive or receptive language; learning; mobility; capacity for independent living; economic self-sufficiency; and/or self-direction. In California law, a developmental disability is more narrowly defined as occurring before the age of 18 and includes specific categories of eligible conditions: mental retardation, epilepsy, cerebral palsy, autism, and "conditions requiring services similar to those required for persons with mental retardation."

DOJ: [United States Department of Justice](#)

DOL: [California Department of Labor](#)

DOR: [California Department of Rehabilitation](#)

EDD: [California Employment Development Department](#)

EFC: [Employment First Committee of the State Council on Developmental Disabilities](#)

Employment: Employment is an activity performed by an individual where there is an expectation of wages for services rendered and the services are for the primary benefit of the employer.² Alternatively, employment may refer to any income-generating activity, such as self-employment and micro-enterprise.

Executive Order (EO): A President's or Governor's declaration, which has the force of law, is usually based on existing statutory powers, and is requiring no action by the Congress or state legislature.

Group Placement Supported Employment: See Supported Employment, Group Placement

² Segregated and Exploited, National Disability Rights Network, 2011, A Failure of the Disability Service System to Provide Quality Work <http://www.napas.org/images/Documents/Resources/Publications/Reports/Segregated-and-Exploited.pdf>

I/DD: Intellectual and Developmental Disabilities. Also see definitions for Intellectual Disability and Developmental Disability.

Individual Career Plan (ICP): A term introduced by the World Institute on Disability in their proposal for a Pilot Project to reform federal work incentives. The ICP will be a career planning tool developed to maximize the productivity level of those participating in the proposed project. The plan would be developed from a list of available vocational or employment support services.

Individual Placement Supported Employment: See Supported Employment, Individual Placement.

Individual Program Plan (IPP): The IPP is a Regional Center action plan that is developed through the process of individualized needs determination and embodies an approach centered on the person and family. Individuals and family members participate in the planning process. The IPP is a legal document that identifies goals for a person with a developmental disability to live the way s/he wants. The IPP identifies services and supports that will help the individual reach his/her goals, as well as participate in the community as fully and independently as possible. Though the local Regional Center usually schedules an IPP meeting once every 3 years, the individual or family member can request a planning meeting at any time.

Integrated Competitive Employment (ICE)³: ICE is work that is compensated at prevailing wages with related health and employment benefits, occurring in a typical work setting, and where the employee with the disability interacts or has the opportunity to interact continuously with co-workers, who may or may not have a disability, and has an opportunity for advancement and mobility. Further, ICE includes all income generation activities, such as owning one's own business.

Integrated Employment: The engagement of an employee with a disability in work in settings typically found in the community, in which individuals with I/DD interact with individuals without disabilities (other than those who are providing services) to the same extent that individuals without disabilities in comparable positions interact with other persons.

Integration Mandate: The 'integration mandate' of the Americans with Disabilities Act (ADA) requires public agencies to provide services "in the most integrated setting appropriate to the needs of qualified individuals with disabilities." The goal of this integration mandate is to provide people with disabilities the opportunity to live like individuals without disabilities. See Most Integrated Setting.

³ From CPSD Response to Harkin Disability Employment Summit, October 2010

Intellectual Disability: An intellectual disability is one characterized by significant limitations in both intellectual functioning (e.g. reasoning, learning, problem solving) and in adaptive behavior, which covers a range of everyday social and practical skills. This disability originates either before the age of 18 (in California) or 22 (by federal standards).

IPP: See Individual Program Plan

Micro-enterprise: For the purpose of this report, micro-enterprises are small businesses owned by people with developmental disabilities, with accompanying business licenses, taxpayer identification numbers (other than social security numbers), and separate business bank accounts. Microenterprises may be considered competitive employment, integrated employment, and ICE.

Most Integrated Setting: A setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.

Motion to Intervene: Normally, a lawsuit involves the plaintiffs (who bring the suit), and the defendants (against whom the suit is brought). Sometimes, a person/entity who is not a party to a lawsuit in progress wants to become a party. Such a party must file a Motion to Intervene.

NCI: [National Core Indicators](#)

NCIL: [National Council on Independent Living](#)

NGA: [National Governors Association](#)

One-Stop Centers: One-Stop Job Centers are government-funded job centers that assist workers to locate jobs and employers find workers. California has over 220 One Stop Job Centers, with at least one in every county.

Projects of National Significance: Through each PNS, the Administration on Intellectual and Developmental Disabilities (AIDD) supports the development of national and state policy and best practices and awards grants and contracts to enhance the independence, productivity, inclusion, and integration of people with developmental disabilities.

Regional Center: [Regional Centers](#) are private nonprofit corporations that contract with the Department of Developmental Services (DDS) to provide or coordinate services and supports for people with developmental disabilities. The network of 21 regional centers spreads throughout California to provide local resources to find, access and/or fund the many services necessary for people with I/DD and their families. There are 21 regional centers with more than 40 offices located throughout the state.

SCDD: [State Council on Developmental Disabilities](#); the Council.

Sheltered Work Settings/Sheltered Workshops: Sheltered work settings are also known as sheltered workshops, affirmative industries, training facilities, and rehabilitation centers. These facilities generally offer a segregated work setting, in which people with developmental disabilities typically earn a subminimum wage while engaged in unskilled manual labor.

SILC: [State Independent Living Council](#)

Special Education Local Planning Area (SELPA): Each school district special education program belongs to a district or regional Special Education Local Plan Area (SELPA). SELPAs are dedicated to the belief that all students can learn and that students with special needs must be guaranteed an equal opportunity to become contributing members of society. SELPAs facilitate and provide educational programs and services for students with special needs and training for parents and educators. The SELPA collaborates with county agencies and school districts.

SSA: [Social Security Administration](#)

SSI: [Supplemental Security Income](#)

SSN: [Social Security Number](#)

Subminimum Wage: The Fair Labor Standards Act (FLSA) permits the employment of certain individuals at wage rates below the minimum wage. These individuals include people whose earning or productive capacity is reduced by a physical or mental disability, including those related to age or injury, for the work to be performed.

Subminimum Wage Certificate: Certificates issued by the U.S. Department of Labor's (DOL) Employment Standards Administration's Wage and Hour Division are required to compensate individuals with subminimum wages (see above).

Supported Employment: Supported employment provides paid work opportunities in the community, using group or individual placements. These services are aimed at finding competitive work in an integrated, community work setting for people with disabilities who need ongoing supports to learn and perform work.

Supported Employment, Group Placement: Group placements consist of training and supervision of an individual while engaged in work as part of a group in an integrated community setting. The ratio of supervision for work crews is set at a minimum of 1:4 and up to 1:8. Individuals on work crews are provided guidance and supervision throughout the course of the work day.

Supported Employment, Individual Placement: Individual placements consist of job placement in community business settings. A job coach meets regularly with the individual to provide

training and supervision to help him or her maintain the necessary skills and behaviors to work independently. As the individual gains mastery of the job, the job coaching time and support services are gradually reduced and/or phased out.

Transition: For purposes of this report, transition is a systematic, individualized process that incorporates a coordinated set of activities to assist students 16-24 to prepare for life after school.

UCEDD: [University Center for Excellence in Developmental Disabilities](#)

WIC: [Welfare and Institutions Code](#)

WID: [World Institute on Disability](#)

Work Activity Programs: Work activity programs (WAP) provide sheltered employment training for individuals who are not prepared for or who may not desire competitive employment in an integrated community work setting. A WAP serves only individuals served by regional centers and is not time limited. Individuals with developmental disabilities in WAP must be able to work at 10% productivity or better.

Working Age: For the purposes of this report, the term ‘working age’ refers to people with developmental disabilities, 18 years and older.

Work Incentives: Special rules make it possible for people with disabilities receiving Social Security or Supplemental Security Income (SSI) to work and still receive monthly payments and Medicare or Medicaid. Social Security calls these rules ‘work incentives.’