

# Creating a National *Employment First* Strategic Framework:

An Overview Federal and State Action with regards to Improving Integrated  
Employment Outcomes of Individuals with Significant Disabilities

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**September 2012**

For more information on the U.S. Department of Labor's investment in the creation of a National *Employment First* Strategic Policy Framework, please contact Serena Lowe, Senior Policy Advisor, at [Lowe.Serena.D@dol.gov](mailto:Lowe.Serena.D@dol.gov) or via telephone at (202) 693-7928.

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## Introduction

The U.S. Department of Labor's Office of Disability Employment Policy (ODEP) recognizes that many states desire to align their policy and funding in support of the *Employment First* approach but may not yet possess the knowledge, skills, abilities and/or resources necessary to lead and facilitate such change.

State Governments have invested in a number of systems-change efforts in recent years that have resulted in a national *Employment First* movement. ***Employment First*** refers to a model of cross-systems alignment with the goal of focusing the delivery of publicly-financed supports on integrated employment as the primary or preferred employment outcome for youth and adults with disabilities. An *Employment First* strategic framework includes the alignment of policies, programs, and procedures among Federal and State agencies to ensure a prioritization of funding and practices that promote, encourage, and incentivize services and supports that lead to integrated employment outcomes. *Employment First* is based on the principles laid out in Figure 1 on page 2. The Federal Government's administrative resources can be used to assist and leverage state efforts to accelerate systems change, driven by a common aim to improve the employment outcomes and socioeconomic advancement of youth and adults with disabilities. To date, approximately 23 states have engaged in some level of *Employment First* activity.

The following brief provides (1) an overview of the Federal Government's investments in promoting *Employment First* principles, (2) a description of ODEP's Employment First Leadership State Mentoring Program, and (3) a summary of state investments in *Employment First* efforts and responses to increased Federal pressure to improve integrated employment options for youth and adults with significant disabilities. The brief concludes with specific recommendations for how NGA and ODEP could collaborate to promote *Employment First* within NGA Chairman Markel's National Disability Employment Initiative.

## **Figure 1. Key Principles of a National Employment First Strategic Framework**

1. *Disability is a natural part of the human experience that in no way diminishes the right of individuals with disabilities, including individuals with the most significant disabilities, to achieve the goals of disability policy—equality of opportunity, full participation, independent living & economic self-sufficiency.*
2. *Self-determination and informed consumer choice are essential elements in all programs and service options related to employment.*
3. *Employment, or work for pay, is a valued activity both for individuals and society. Employment provides both tangible and intangible benefits. Employment helps people achieve independence and economic self-sufficiency. Employment also gives people purpose, dignity, self-esteem, and a sense of accomplishment and pride.*
4. *All individuals, including individuals with the most significant disabilities, should enjoy every opportunity to be employed in the workforce, pursue careers, advance professionally, and engage actively in the economic marketplace.*
5. *Individuals with disabilities, including individuals with the most significant disabilities, should be empowered to attain integrated employment with the highest possible wage with benefits, consistent with their interests, strengths, priorities, abilities, and capabilities.*
6. *It is presumed that all individuals with disabilities, including individuals with the most significant disabilities, can achieve integrated employment with appropriate services and supports.*
7. *Employment-related training services and supports should be provided to assist individuals with the most significant disabilities to become employed with a priority for integrated employment. Other employment activities and training (including prevocational services), while existing, shall be directed toward integrated employment for all individuals with disabilities.*
8. *Based on information from the employment marketplace, services and supports related to the provision of employment and training should target areas of present and future workforce growth. Input from employers and knowledge of the marketplace is critical to effectively direct employment-related training and services.*
9. *Service providers are expected to use best, promising, emerging practices with respect to the provision of employment-related services and supports.*
10. *Technical assistance should be available to service providers for the purpose of expanding and improving their capacity to provide supported employment, customized employment, and other services and supports that will enhance opportunities for integrated employment consistent with best, promising and emerging practices.*
11. *Supports should be provided for as long as needed, with a focus on the use of natural supports.*
12. *The prioritization of integrated employment must reflect an establishment of infrastructure and resource allocations that coordinates multiple systems through an alignment of common objectives, targeted outcomes, performance measures and funding mechanisms while simultaneously ensuring a seamless delivery of supports and services at an individual level.*
13. *Exploitation of workers with disabilities is abhorrent and workers should enjoy meaningful and effective protections against exploitation.*

## Cost Benefit of Integrated Employment to States

Multiple studies demonstrate the cost effectiveness of increasing integrated employment opportunities over segregated work and non-work opportunities for youth and adults with the most significant disabilities. Empirical data reveals that individuals with significant disabilities are capable of performing integrated employment with the proper customization of supports and accommodations.<sup>1</sup> For example, supported employment has been proven to be cost-efficient and cost-effective compared to sheltered workshops.<sup>2</sup> In fact, recent empirical data suggests that the placement of citizens with disabilities in sheltered work actually leads to a phenomenon that economists refer to as “negative value-added”, *i.e.*, a public investment that leads to more costly and negative outcomes that are counter to the intent of public policy.<sup>3</sup>

The U.S. Department of Labor has invested significantly in the development of evidence-based promising practices that lead to improved integrated employment outcomes for job seekers with significant disabilities. A particular emphasis has been on customized employment, which requires an individualized assessment process that leads to the identification and negotiation of a job based upon the skills, strengths and interests of the individual and the unmet or prospective needs of an employer. Research has documented several benefits to customized employment strategies with respect to youth and adults with significant disabilities, including:

- **Benefits to individuals:** An evaluation of ODEP’s Customized Demonstrations at 26 national sites showed that reliance on public income supports decreased, while total income increased.<sup>4</sup>
- **Benefits to tax payers:** The net benefit ratio of integrated employment = 4.20 (13.54 in Washington State). That is for every tax dollar spent, the return is over 4 times that in reduced public outlays.<sup>5</sup>

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<sup>1</sup> Certo & Lueking, et.al, (2009); Brault, M.W. (2010); Butterworth, et.al (2011).

<sup>2</sup> Cimera (2002, 2006, 2010, 2011); Braddock (2011); Butterworth, et.al (2011).

<sup>3</sup> Additionally, Cimera’s latest economic research suggests that not only is there no value-added by putting someone into a sheltered workshop even temporarily but that it actually leads to an economic phenomena commonly referred to as “negative value-added”: “Do individuals who participate in sheltered workshops benefit from the experience?” To investigate this issue, a recent study (Cimera, in press) examined two groups of supported employees – 4904 individuals with cognitive disabilities who were in sheltered workshops at the time they enrolled in supported employment and 4904 individuals with cognitive disabilities who were not in sheltered workshops prior to enrolling in supported employment. Individuals in both cohorts were matched by their disability, the presence of a secondary disability, and their gender. Cimera found that although both groups 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. The author’s conclusion was that, 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”.

<sup>4</sup> Westat (2006).

<sup>5</sup> Cimera (2010).

- Benefits to employers: Employers report operational benefits from customized employment strategies. Nine out of ten employers surveyed reported increased revenues, savings and/or smoother operations as a result of an employee performing tasks specific to an identified employer need.<sup>6</sup>

## **Summary of the Federal Role in Building a National Employment First Strategic Framework: Summary of Key Approaches to Achieving Employment First**

*“Work is a fundamental life activity for adults with and without disabilities....it provides a sense of purpose, shaping who we are and how we fit into our community.....All individuals, regardless of disability and age, can work and work optimally with opportunity, training, and support that builds on each person’s strengths and interests.” [\[CMS Informational Bulletin \(September 16, 2011\)\]](#)*

*“The success of the Employment First approach highlights the need to align Federal and state policies, regulations and funding priorities to ensure that integrated, community-based employment is the primary employment outcome for the targeted audiences.” [\[ADD Projects of National Significance: Partnerships in Employment Systems Change \(HHS-2011-ACF-ADD-DN-0156\)\]](#)*

*“... critical agencies at each level of government must work together to align policies, regulations, planning and funding to ensure a consistent approach to systems transformation and strategy implementation. The need for such alignment of our public system of disability services has been recognized and suggested by subject-matter experts, advocates and individual Federal agencies as the critical first step in a successful employment systems transformation.” [\[ODEP Employment First Leadership State Mentoring Program Performance Work Statement, 20 July 2011\]](#)*

While the development of a comprehensive national *Employment First* strategic policy framework has yet to be undertaken by the Federal Government in any formal way, several Federal agencies have initiated a series of demonstration projects, research endeavors, and programmatic objectives to focus resources on promoting *Employment First* principles and strategies within their existing regulatory authority. Congress has also developed a number of proposals related to improving employment outcomes of individuals with disabilities, including persons with the most significant disabilities. These efforts have begun to identify the framework necessary to achieve a systemic transformation of current public investments in providing supports and services to individuals with disabilities. Such systems reform will effectuate a more unified focus of both Federal and state resources and policies toward improving the socioeconomic advancement of individuals with disabilities.

Table 1 outlines several of these approaches. Incentives typically take the form of funding enhancements, rewards, legal protections and technical assistance and training to encourage public

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<sup>6</sup> Luecking, et al. (2006).

entities to implement critical elements of an *Employment First* strategic framework. Administrative vehicles for requiring specific action or change often involve funding restrictions, regulations or guidance, legal obligations and enforcement, and enhanced systems accountability (including outcomes-based performance measurement, data collection, monitoring & evaluation). While a brief description of each of these key approaches is outlined in this section, Appendix II-A also includes two charts that provide specific examples of ways public agencies can begin incorporating these administrative vehicles as tools in their *Employment First* framework.

**Table 1. Approaches for Effectively Implementing *Employment First* Strategies**

Carrots	Sticks
Funding Enhancements	Funding Restrictions
Rewards	Regulations/Rules/Guidance
Technical Assistance & Training	Enhanced System Accountability: Outcomes-based Performance Measurement, Data Collection, Monitoring & Evaluation
Legal Protections	Legal Obligations & Enforcement

### **Funding Enhancements & Restrictions**

Public agencies utilize funding vehicles, such as competitive grants, direct programmatic funding, demonstration projects, pilot initiatives, and increased Federal matching funds to entice state and local governments to prioritize *Employment First* strategies. Funding can also be used to discourage certain practices or policies, as in the case of reduced reimbursement rates or decreased Federal funding invested in services that lead to segregated outcomes for individuals with disabilities.

The primary Federal agencies tasked with providing supports to individuals with disabilities have engaged in a number of initiatives in recent years to trigger a greater emphasis of both Federal funds and state action focused on employment. These agencies include DOL, the U.S. Department of Health and Human Services (HHS), the U.S. Department of Education (DoEd), and the Social Security Administration (SSA). These Federal agencies have made several strategic investments in recent years to incentivize states to initiate the systems transformation necessary for realizing *Employment First* goals. A representative list of these investments is outlined in Figure 2, (including AIDD’s Partnerships in Employments in Systems Change through its Projects of National Significance; the Promoting Readiness of Minors in Supplemental Security Income (PROMISE), a joint partnership of SSA, OSEP, HHS, and DOL; various ODEP investments, including but not limited to the *Employment First* Leadership State Mentoring Program, Integrated Employment Toolkit, and Customized Employment Initiatives; and several Federal Incentives through Medicaid, including changes to the 2012 Home and Community Based Services Waiver Technical Guide, Community First Choice Option, Balancing Incentives Program, and Money Follows the Person).

**Figure 2. Recent Federal Agency Advancements to Promote *Employment First* Framework**



One extremely useful tool in this arena has been the Medicaid Federal Funding Participation (FFP) rate, which is the Federal percentage that the Centers for Medicare and Medicaid Services (CMS) apply to reimburse states for specific activities. For example, to encourage states to realign funding toward home and community based services in recent years, CMS has increased the FFP rates for those services that result in improved home and community outcomes for persons with disabilities while simultaneously reducing FFP rates for those services and practices that lead to institutional or segregated outcomes. With the implementation of the Affordable Care Act, numerous incentives are available that result in increased FFP rates for states that implement various efforts to increase integrated community and employment options for persons with significant disabilities (including but not limited to Community First Choice option, Money Follows the Person, and the Rebalancing Initiative).

### **Regulations & Guidance**

Agency regulations and guidance can be used to clarify key definitions, objectives, goals, processes, and policies related to the employability of persons with disabilities and the prioritization of public funds dedicated to provision of employment-related supports and services. Additionally, interagency guidance can be developed to help coordinate funding streams, and incentivize local and state entities to share policies and develop uniform approaches to achieve a cross-systems focus on improving employment outcomes of individuals with disabilities.

Several Federal regulations have recently been implemented that reflect growing Federal pressure on states to become more proactive in moving toward integrated employment as the preferred option of publicly-financed supports to individuals with significant disabilities.

***Vocational Rehabilitation.*** Since January 22, 2001, the Rehabilitative Services Administration has prohibited the placement of an individual with a disability into a sheltered workshop or other segregated settings from being counted as a successful employment outcome. This guidance built upon a long-held policy that prohibits Federal rehabilitation funding from being used toward the long-term

placement of persons with disabilities in “extended employment,” meaning sheltered workshops and other segregated settings. [See 66 Fed Reg. 7249; see also 29 U.S.C. @ 720(a) (1), (3) (C) (Title I of the Rehabilitation Act: “Congress finds that -- .... Individuals with disabilities must be provided the opportunities to obtain gainful employment in integrated settings.”); Rehabilitation Services Administration, Technical Assistance Circular, 06-01 (November 21, 2005), available at: [www2.ed.gov/policy/speced/guid/rsa/tac-06-01.doc](http://www2.ed.gov/policy/speced/guid/rsa/tac-06-01.doc)].

**Medicaid.** CMS recently issued an Informational Bulletin that clarifies existing CMS guidance on development and implementation of §1915 (c) Waivers regarding employment and employment related services, which:

- Highlights the importance of competitive work for people with and without disabilities and CMS’s goal to promote integrated employment options through the waiver program;
- Acknowledges best and promising practices in employment support, including self-direction and peer support options;
- Clarifies that Ticket to Work Outcome and Milestone payments are not in conflict with payment for Medicaid services rendered because both Ticket to Work and Milestone payments are made for an outcome, not service delivery ;
- Adds a new core service definition- by splitting what had previously been supported employment into two definitions- individual and small group supported employment
- Includes a new service definition for career planning, that may be separate or rolled into the other employment related service definitions;
- Clarifies that waiver funding can be used to fund customized employment strategies;
- Emphasizes the critical role of person -centered planning in achieving employment outcomes ;
- Modifies both the prevocational services and supported employment definitions to clarify that volunteer work and other activities that are not paid, integrated community employment are appropriately described in pre-vocational, not supported employment services; and
- Explains that pre-vocational services are not an end point, but a time limited service for the purpose of helping someone obtain competitive employment (left parameters around time-limited service up to states to determine).

**Special Education.** In June of 2012, the U.S. Department of Education’s Office on Special Education Programs (OSEP) issued informal guidance to all state education agencies that indicates that the Individuals with Disabilities Education Act’s (IDEA’s) requirement that students be placed in the Least Restrictive Environment (LRE) extends beyond the confines of the classroom to transition work placements. In the letter, OSEP clearly states that transition services are a coordinated set of activities for a child with a disability that are designed as part of a results-oriented process to facilitate the child’s movement to post-school activities, which can include, among other things integrated employment (including supported employment).

OSEP specifically indicated that transition services (including work placements) should be based on a child’s strengths and interests, and if the IEP team determines that a work placement is an appropriate

transition service, it must be included in the child’s IEP and is subject to the Free and Appropriate Public Education (FAPE) notice requirement and LRE provisions. In addition, because work placements are part of transition services pursuant to OSEP’s guidance, a youth may only receive services in a segregated setting (segregated work placement) if the use of supplementary aids and services could not support the youth in a less restrictive setting. This includes supplementary aids and services which may include things like job coaches and assistive technology, which must also be provided to the youth to help him or her make progress in the work placement setting.

Finally, OSEP stated that State Educational Agencies (SEAs) have the responsibility to monitor whether LRE is being met for youth in work placements, which would suggest that a district would be expected to show a variety of work placements based on the strengths and interests of the youth in their district.

## **Legal Protections and Obligations**

Since the enactment of the ADA 22 years ago, individuals with disabilities have garnered a number of civil rights protections to prevent denial of their ability to live and work in typical community settings based on discrimination or lack of access.

### ***Title I of the ADA***

**Title I of the Americans with Disabilities Act (ADA)** protects individuals who meet the Act’s definition of disability against discrimination by employers. Discrimination is prohibited in the recruitment, hiring, promotion, training, pay, and other privileges of employment.<sup>7</sup> It also requires that employers make reasonable accommodation to help otherwise qualified individuals with disabilities to benefit from the full range of employment related opportunities available to others.<sup>8</sup> Generally, the individual with a disability must inform the employer that an accommodation is needed.<sup>9</sup>

Reasonable accommodations may include making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and reassignment to a vacant position.<sup>10</sup> Reasonable accommodations must be provided unless it would result in undue hardship. “Undue hardship” means significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or

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<sup>7</sup> 42 U.S.C. §§ 12101-12117, 12201-12213 (1994) (codified as amended).

<sup>8</sup> Individuals with a relationship or association with a person with a disability are not entitled to receive reasonable accommodations. See *Den Hartog v. Wasatch Academy*, 129 F.3d 1076, 1084, 7 AD Cas. (BNA) 764, 772 (10th Cir. 1997).

<sup>9</sup> See 29 C.F.R. pt. 1630 app. § 1630.9 (1997); see also H.R. Rep. No. 101-485, pt. 3, at 39 (1990) [hereinafter House Judiciary Report]; H.R. Rep. No. 101-485, pt. 2, at 65 (1990) [hereinafter House Education and Labor Report]; S. Rep. No. 101-116, at 34 (1989)[hereinafter Senate Report].

<sup>10</sup> 42 U.S.C. § 12111(9) (1994); 29 C.F.R. § 1630.2(o)(2) (i-ii) (1997).

operation of the business.<sup>11</sup> An employer must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship. The ADA's "undue hardship" standard is different from that applied by courts under Title VII of the Civil Rights Act of 1964 for religious accommodation.<sup>12</sup> The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for investigating Title I employment discrimination complaints.

### ***Title II of the ADA and Olmstead v. L.C.***

**Title II of the ADA** provides that a public entity, such as a state or local government, may not by reason of disability exclude a qualified individual with a disability from participation in, or deny such an individual the benefits of, the services, programs or activities provided, nor may a public entity subject a qualified individual with a disability to any form of discrimination.<sup>13</sup>

On January 25, 2012, advocates filed a class action law suit charging that the State of Oregon violated Title II of the ADA by serving individuals with intellectual and developmental disabilities in segregated employment settings. The complaint alleges that the State of Oregon currently funds some supported employment services that permit some persons with intellectual and developmental disabilities to work in integrated employment settings, but thousands of other similarly-situated individuals are unable to obtain such supports because DHS administers, manages, and funds an outdated employment service system that primarily relies upon segregated sheltered workshops. Thus, the complaint asserts that Oregon violated the ADA by failing to timely develop and adequately fund supported employment services, despite their demonstrated knowledge of how to provide these services, their acknowledgement of the benefits of integrated employment, and their repeated public commitment to policies designed to expand integrated employment.<sup>14</sup>

The Oregon case is the first class action of its kind to challenge a state's unnecessary reliance on segregated employment opportunities in lieu of more integrated options. On April 20, 2012, the Department of Justice submitted a statement of interest to the District Court in Oregon expressing agreement with the plaintiffs that Title II of the ADA can cover protection against unnecessary segregation of individuals with disabilities in sheltered workshops.<sup>15</sup> DOJ's recognition in its statement of interest that unnecessary reliance on segregated employment could constitute a violation of the ADA may serve as an impetus for states to reassess their employment service delivery infrastructure, and consider reallocating and rebalancing services and supports to support *Employment First* solutions.

CMS has also recognized Olmstead's application to non-residential employment and vocational services provided under Medicaid. CMS has stated that States "have obligations pursuant to ... the Supreme Court's Olmstead decision" requiring that "an individual's plan of care regarding employment services

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<sup>11</sup> See 42 U.S.C. § 12111(10) (1994); 29 C.F.R. § 1630.2(p) (1997); 29 C.F.R. pt. 1630 app. § 1630.2(p) (1997).

<sup>12</sup> See 29 C.F.R. pt. 1630 app. § 1630.15(d) (1997). See also *Eckles v. Consolidated Rail Corp.*, 94 F.3d 1041, 1048-49, 5 AD Cas. (BNA) 1367, 1372-73 (7th Cir. 1996); *Bryant v. Better Business Bureau of Maryland*, 923 F. Supp. 720, 740, 5 AD Cas. (BNA) 625, 638 (D. Md. 1996).

<sup>13</sup> 42 U.S.C. § 12132 (2006).

<sup>14</sup> *Id.* at #5-#6.

<sup>15</sup> Statement of Interest of the United States of America in *Lane v. Kitzhaber* (April 2012)

should be constructed in a manner that...ensures provision of services in the most integrated setting appropriate.” [CMCS Informational Bulletin 5 (September 16, 2011) (emphasis added), available at: [www.cms.gov/CMCSBullentins/download/CIB-9-16-11.pdf](http://www.cms.gov/CMCSBullentins/download/CIB-9-16-11.pdf)] For State Governments, interpretation of Title II of the ADA may require a new level of scrutiny of resource allocation and rebalancing of services and supports that an *Employment First* strategic framework can help achieve.

### ***Section 503 of the Rehabilitation Act of 1973***

**Section 503 of the Rehabilitation Act of 1973** prohibits discrimination and requires employers with Federal contracts or subcontracts that exceed \$10,000 to take affirmative action to hire, retain, and promote qualified individuals with disabilities.<sup>16</sup> All covered contractors and subcontractors must also include a specific equal opportunity clause in each of their nonexempt contracts and subcontracts. This law is enforced by the Office of Federal Contract Compliance Programs (OFCCP) within DOL<sup>17</sup>.

On December 9, 2011, the OFCCP issued a Notice of Proposed Rulemaking (NPRM) that would strengthen the affirmative action requirements established in Section 503 of the Rehabilitation Act of 1973 obligating Federal contractors and subcontractors to ensure equal employment opportunities for qualified workers with disabilities.<sup>18</sup>

The NPRM proposes a variety of changes to the Section 503 regulations. Some of these changes revise the nondiscrimination provisions to incorporate the requirements of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). Others are designed to strengthen the affirmative action provisions by detailing actions contractors must take in the areas of recruitment, training, recordkeeping, and the dissemination of their affirmative action policies. Highlights of the proposed rule include:

- **Goals:** Establish, for the first time, a single, national utilization goal for individuals with disabilities. Federal contractors and subcontractors would be required to set a hiring goal of having seven percent of their employees be workers with disabilities in each job group of the contractors’ workforce.
- **Data Collection:** Improve collection of data on employment of people with disabilities by modifying the invitation for workers to self-identify by requiring that contractors invite all applicants to voluntarily self-identify as an “individual with a disability” at the pre-offer stage of the hiring process. Contractors also will be required to invite post-offer voluntary self-identification and to survey all employees annually in order to invite their self-identification in an anonymous manner.
- **Record-Keeping:** Require that contractors maintain records on the number of individuals with disabilities applying for positions and the number of individuals with disabilities hired.
- **Accommodation Requests:** Require, for the first time, that contractors develop and implement written procedures for processing requests for reasonable accommodation.

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<sup>16</sup> 29 U.S.C. § 793.

<sup>17</sup> 41 C.F.R. § 60-741.

<sup>18</sup> Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities, 76 Fed. Reg. 77,056-01 (Dec. 9, 2011).

- **Outreach:** Require that contractors engage in a minimum of three specific types of outreach and recruitment efforts to recruit individuals with disabilities.
- **Job Listings:** Require that contractors list job openings with One-Stop Career Centers or other appropriate employment delivery systems.
- **Annual Reviews:** Require previously recommended steps contractors must take to review their personnel processes, as well as their physical and mental job qualifications.

While the final rule has yet to be published, ODEP has begun to develop technical assistance and training materials to inform Federal contractors about effective inclusive business practices, including workplace flexibility strategies, that can assist them in improving the hiring and retention of individuals with disabilities.

The combination of these various legal and civil rights obligations serves as a critical foundation for designing a strong National *Employment First* strategic framework.

## Technical Assistance, Training & Tools for Strengthening Systems Accountability

Training and technical assistance is in great demand from state agencies that are tasked with the responsibility of executing a comprehensive *Employment First* agenda. **Thus, efforts made by ODEP through its *Employment First Leadership State Mentoring Program* (see Figure 3) are timely and desirable.** As a result, ODEP will continue its investment in the *Employment First Leadership State Mentoring Program* (EFLSMP) in FY 2013, and will also be increasing investments in policy endeavors related to assisting states in improving integrated employment outcomes for citizens with disabilities.

With respect to systems accountability, many states have begun to invest significantly in tackling a myriad of complex challenges related to aligning data collection systems across agencies, designing new outcomes to measure performance among various agencies involved in the *Employment First* framework, and implementing innovative monitoring and evaluation systems to adequately capture progress over time. Again, this continues to be an area of growing demand across states that are planning *Employment First* initiatives.

### ***ODEP's Employment First Leadership State Mentoring Program (EFLSMP)***

ODEP recognizes that many states desire to align their policy and funding in support of the *Employment First* approach but may not yet possess the knowledge, skills, abilities and/or resources necessary to lead and facilitate such change. Consequently, ODEP has initiated the **Employment First Leadership State Mentoring Program (EFLSMP)**. EFLSMP is providing the impetus for selected states to pursue systems change to fully implement the *Employment First* approach as the primary service delivery system for people with the most significant disabilities.

#### **The objectives of the EFLSMP are to:**

- Provide mentoring, intensive technical assistance and training to three states as they transform their employment delivery system to an *Employment First* approach. These states, referred to as protégé states, receive mentoring from officials in Washington, a state that has made substantial progress in implementing integrated employment as the primary service to working age adults with intellectual and developmental disabilities.
- Implement a community of practice across participating states in order to facilitate shared experiences and strategies related to pursuing *Employment First* policies and practice.
- Link participating states with related current initiatives that intend to encourage state level systemic change conducive to *Employment First* objectives.

Three states - Iowa, Oregon, and Tennessee - are receiving assistance with planning, policy development, and capacity building from Washington state officials. Washington adopted the Working Age Adult Policy in 2006, the first "*Employment First*" policy in the country. In addition, the protégé states are receiving technical assistance from national experts in employment of people with significant disabilities.

A Community of Practice has also been established in which state agencies and officials from 23 states participate in monthly Webinars, and have access to an inventory of *Employment First* materials. In addition, they are eligible to participate in a virtual policy workspace, where they can share and collaborate with officials from other agencies within their own state or in other states on policy areas of mutual interest.

**Additionally, ODEP offers a dedicated website containing comprehensive information on integrated employment for a variety of audiences: <http://www.dol.gov/odep/ietoolkit/>.**

## **Key Findings of ODEP's Federal Policy Mapping Activities related to the Promotion of a National Employment First Framework**

For over 35 years, Congress has authorized and appropriated funds to states to improve educational, rehabilitation, and employment opportunities and outcomes for youth in transition and working age adults with intellectual, developmental, and other significant disabilities. ODEP recently invested in a comprehensive Federal policy mapping initiative to review the Federal landscape with respect to funding streams, policies, regulations, and legal elements that may influence the evolution of a National *Employment First* strategic framework moving forward.<sup>19</sup> The following key findings were identified as a result of this policy mapping endeavor:

1. The exchange of Federal funding to states is tied to terms and conditions that include:
  - Acceptance of Federal rules related to individualized program planning, delivery of supports and services, and measures of performance;
  - Submission of a state plan to describe how Federal requirements will be met;
  - Collection of data to document performance; and
  - Submission of an annual report to document performance and consistent quality in results statewide.
2. There are four primary Federal systems that impact the target audience that are defined by Federal-state obligations:
  - Individual with Disabilities Education Act (IDEA)-Office of Special Education Programs (OSEP)-US Department of Education: focus on youth in transition.
  - Rehabilitation Act-RSA-Education: focus on Vocational Rehabilitation services to eligible individuals.
  - Workforce Investment Act (WIA)-Employment and Training Administration (ETA)-U.S. Department of Labor: focus on jobseekers with and without disabilities.
  - Title XIX of the Social Security Act-Centers for Medicare and Medicaid Services (CMS): focus on Medicaid State Plan and Waivers.
3. There is a fifth major system not managed by states that also has a major impact on the target audience.
  - Social Security Act Titles II and XVI-Social Security Administration: focus on SSI and/or SSDI recipients.
4. Across the Federal Government, there are many other agencies managing services and supports that advance employment outcomes directly or indirectly (such as transportation, housing, matched savings plans, postsecondary education, and community service).

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<sup>19</sup> Morris, M. and Lowe, S (May, 2012). *Establishing a National Employment First Policy Framework: A Strategic Roadmap for Improving the Employment Outcomes of Individuals with Significant Disabilities*. Drafted for the use of the Office of Disability Employment Policy, U.S. Department of Labor.

5. Although the Federal map of disability specific and generic programs and benefits that could play a role in improving competitive, integrated employment outcomes for the target audience has **no central point of management and/or contact**, there is a growing common emphasis across Federal authorities on improving state coordination of activities from across multiple systems at a community and individual level and on integrating resources to improve Employment First outcomes.
6. Across the four major systems (OSEP, RSA, ETA, and CMS) there is an evolving emphasis on having integrated employment outcomes at minimum wage or better as the performance outcome measure for the delivery of services and supports.
7. The most recent guidance issued by the CMS in an Informational Bulletin in September 2011 encourages states to craft definitions of employment supports and services to help achieve integrated, competitive employment outcomes for the target audience. The guidance also affirms that prevocational services should be time-limited in nature, and be focused toward leading to an integrated employment outcome. Furthermore, when states submit new or amended state plans or waiver proposals, CMS now requires them to address specific questions about how their proposal will improve and advance integrated employment outcomes for citizens with significant disabilities.
8. There is a common emphasis across the four major systems for development and implementation of individualized plans for youth in transition based on informed choice and active involvement of student and family.
9. As we move from the individualized plan requirements in law and policy to the challenges in practice, problems remain in the coordination of IEP and IPE development with education and the VR agencies as well as the use of Medicaid funds for additional complementary support.
10. Similar challenges exist with implementation of individualized plans for working age adults with direct involvement of the Workforce Development system, VR, and the DD service delivery system.
11. Under IDEA, youth and adults with intellectual, developmental, and other significant disabilities must be determined eligible for services from the state VR agency. New approaches to assessment challenge traditional approaches to determination of eligibility and represent staff training and capacity building opportunities.
12. For most states, there are a variety of Federal programs and benefits that remain underutilized by the target audience:
  - Social Security Work Incentives
  - Medicaid Buy-In
  - Ticket to Work program
  - Individual Development Accounts
  - Work Opportunity Tax Credit
  - ADA Disability Access Credit

- WIA Youth Programs
- WIA Intensive and Training Services
- Earned Income Tax Credit

13. The underutilization of Social Security Work Incentives is a barrier that could possibly be overcome by a coordinated collaborative cross systems approach to education and training of transition coordinators in the schools, VR and One-Stop Center counselors, Medicaid funded support coordinators, individuals with disabilities and family members, and others. A coordinated effort to ensure the availability of trained benefit advisors that are knowledgeable across publicly-financed systems is critically important to the ability of self-advocates and families to make informed choices and navigate various support structures to accomplish integrated employment goals.
14. The emergence of a growing number of post-secondary education programs for the target audience is an important new facilitator. Support coordinated from multiple state agencies and local education agency transition programs could enhance development and replication of promising practices.
15. The pending Olmstead litigation in Oregon, which was supported by the U.S. Department of Justice, has the potential to expand the scope of coverage of Title II of the ADA and its application to the funding, planning, operating, and administering of state employment services systems.
16. Each of the Federal authorities has developed specific performance indicators which require states to report on specific outcomes related to the target audience. Each of the state agencies files regular reports documenting required processes and outcomes. The most current reports from the relevant state agencies need to be reviewed to identify specific areas for improvement. The most current Federal monitoring reports of state systems also need to be reviewed and analyzed for the identification of additional areas for improvement.
17. The Federal-state legal and policy map is evolving in a dynamic environment. Federal and state budget cuts may alter the nature and scope of state funded employment and related services and supports.

## **Core Recommendations for Launching an NGA-ODEP Collaboration in the Promotion of a National *Employment First* Strategic Framework**

There is a significant role that Governors can play in ensuring the successful implementation of a comprehensive National *Employment First* strategic framework. As the National Governors Association begins to look at ways to operationalize Chairman Markell's vision of a National Disability Employment Initiative, ODEP would like to collaborate with the NGA on one or more of the following recommended strategies:

- 1. Establishing A Policy Foundation for a National *Employment First* Strategic Framework through the Promotion of Gubernatorial Executive Orders:** There are currently half a dozen states that have launched their *Employment First* initiatives by building statewide momentum through the enactment of a Gubernatorial Executive Order. Additionally, ODEP has developed a template for a state Executive Order that could be used by NGA to encourage all 50 states to establish a Gubernatorial Executive Order promoting the establishment of cross-systems *Employment First* initiatives in their states. The high-level commitment of state Governors for pursuing *Employment First* would incentivize state public agencies and provider systems to proactively embrace the principles and goals of *Employment First*.
  
- 2. Providing Educational Resources & Policy Tools for State Teams**
  - Creation of an *Employment First* Strategic Framework Policy Resource Section within the NGA Disability Employment Toolkit for Governors: ODEP has identified, documented, and developed a number of state policy tools, resources and templates that can be shared, refined, co-branded and incorporated into a policy toolkit for NGA and its members in collaboration with the NGA Center for Best Practices.
  
  - Educational Programming on Implementing *Employment First*: Through its *Employment First* Leadership State Mentoring Program (EFLSMP), ODEP has amassed group of leading national experts to provide technical assistance and training in the operationalizing of various facets of a state *Employment First* initiative. ODEP is offering to work with the NGA Center on Best Practices to develop a webinar series to allow interested state policy teams to receive more specific virtual training on the implementation of key components and effective approaches critical to the successful development of a state *Employment First* initiative.
  
  - *Employment First* Community of Practice: ODEP has already developed a strong infrastructure for supporting the ongoing peer-to-peer mentoring and information sharing activities that occur through its virtual Community of Practice. As such, ODEP is happy to offer participants of the state policy teams who are engaged in the NGA Disability Employment Initiative the opportunity to participate in the Community of Practice's monthly webinars and to take advantage of the ODEP *Employment First* virtual workspace. This platform allows state policy officials to interact across agencies both within their own

state as well as with other states on policy development, knowledge sharing, and information exchange with respect to implementing various *Employment First* strategies.

**3. Direct Support from ODEP in Implementing the NGA National Disability Employment Initiative:**

- Employment First Workshops/Presentations/Speakers at the Fall/Spring Regional Summits:  
ODEP can provide expert presenters/facilitators at upcoming NGA summit discussions in an effort to educate, inform, and assist state policy teams with respect to implementing one or more key components of a National *Employment First* Strategic Framework.
- ODEP Support in Leading *Employment First* Discussion Thread at Annual NGA Meeting:  
ODEP would be happy to help plan a series of key presentations, workshops and trainings on key facets of *Employment First* at the NGA annual meeting, including providing assistance with content development, speaker solidification, and creation of supplemental educational resources as requested.

## APPENDIX I. Summary of Employment First Activity in Selected States

The table below includes a few selected examples of how *Employment First* policies have been pursued and adopted in various states. It is important to note that this is a representative, not exhaustive, list of national Employment First activities that are occurring in over 20 states.

State	Type of Activity	Brief description
Washington	Working Age Adult Policy of the Department of Developmental Disabilities	This policy establishes employment supports as the primary use of employment/day program funds for working age adults and guidelines for counties to follow when authorizing and offering services to working age adults.
Massachusetts	Policy Guidance from the Massachusetts Department of Developmental Services	The Employment First Policy, enacted in 2010, establishes integrated, consumer-directed employment as the optimal goal for employment of persons with disabilities in the state. It also establishes community-based activities as the ideal setting for non-work hours.
Kansas	Legislation signed by Governor Brownback	House Bill No. 2336 establishes the Kansas Employment First Initiative Act and creates the Kansas Employment First oversight commission.
Tennessee	Policy Initiative	Tennessee Division of Mental Retardation Services (DMRS) implemented the Employment First! initiative in 2002 to make employment the first day service option for adults receiving supports funded by DMRS, Medicaid, or the state.
Oregon	Policy Guidance from state department	In 2009, Seniors and People with Disabilities Division adopted the Employment First policy for persons with developmental disabilities to renew efforts to promote integrated employment.
Ohio	Governor's Executive Order	In 2012, the State of Ohio issued a Governor's Executive Order establishing support for a state-wide <i>Employment First</i> framework in terms of aligning and prioritizing public resources and supports to citizens with significant disabilities.
Iowa	Policy Initiative	This document describes the interagency planning that has been undertaken by the state of Iowa thus far to establish competitive employment as the first priority and the expected and preferred outcome of all Iowans with disabilities.
New Jersey	Policy Declaration signed by Governor Christie	This declaration requires New Jersey's State Government to remove any barriers or practices that might prevent people with physical, developmental and mental disabilities from holding a job.
Delaware	Employment First Act (passed unanimously in the House, now in Senate)	House Bill 319 would require that state agencies that provide services to persons with disabilities consider, as their first option, employment in an integrated setting for persons with disabilities.

Please note that a more detailed description of key Employment State initiatives can be found in the 2011 Annual Accomplishments Report of the State Employment Leadership Network at [www.seln.org](http://www.seln.org).

**APPENDIX II. Examples of State-based Approaches toward Implementing Employment First (analysis of the State Employment Leadership Network, 2009)<sup>20</sup>**

<i>Employment First</i> STRATEGIES	STATES
Adopting rules reaffirming that ‘integrated employment’ is considered the primary service option for adults receiving Day Habilitation Services.	Colorado
Including requirements that integrated employment be addressed in each recipient’s Individual Service Plan (ISP) each time such a plan is developed, revised, or reviewed.	Colorado
Developing and implementing specific target goals including identifying a percentage of persons who are in non-work and sheltered employment that will move to integrated employment by a designated time, with specific benchmarks established at two time intervals over a five year period).	Florida
Providing mandates to local offices, in the form of an administrative directive from the agency leadership, requiring the redirection of at least 5 percent per year from Adult Day Training to employment.	Florida
Establishing, through state code, the goal of full time employment as the optimal outcome of day service delivery, but allowing for part time employment when deemed in the best interest of the individual consumer, and voluntary work on a temporary basis if no jobs are available.	Oklahoma
Including statutory provisions requiring that persons with intellectual disabilities/developmental disabilities (ID/DD) have access to employment and the training necessary to sustain employment.	Pennsylvania
Identifying employment as the first “day service” that should be explored.	Tennessee
Identifying employment as the most appropriate service unless there is a compelling reason for recommending another service.	
Including provisions to ensure that choice is essential and assistance is provided to help consumers in finding and changing jobs reflecting interest and skills.	Tennessee
Including provisions to ensure that jobs offer advancement (career development) if the person so chooses.	TN, WA
Requiring that services support a job for everyone who wants one.	Tennessee
Providing supports to pursue and maintain gainful employment in integrated settings in the community shall be the primary service option for working age adults, with deviations requiring authorization.	Washington
Requiring that steps be taken toward integrated employment for those individuals not currently working in such settings.	Washington
Ensuring the capability to track changes and work status over time.	PA, WA
Furnishing technical assistance to providers if <i>Employment First</i> as a practice is to be successful.	Washington

<sup>20</sup> Bill Kiernan, Director of the Institute for Community Inclusion at the University of Massachusetts, and Chas Moseley, Deputy Executive Director of the National Association of State Directors of Developmental Disabilities Services, developed a policy paper on *Employment First* strategies and experiences of states who participated in the State Employment Leadership Network (SELN) in 2009. The SELN is a national collaborative of the ICI and NASDDDS to provide technical assistance to states focusing on systems change to improve employment outcomes of individuals with ID/DD. In 2011, 26 states were members of the SELN.

### **APPENDIX III. Representative List of Key Resources/Publications related to Employment First**

- Brault, M.W. (2010). Disability among the Working Age Population, 2008–2009. *American Community Survey Briefs* (Federal Document Number ACSBR/09-12). Washington DC: U.S. Census Bureau, Economic & Statistics Administration, U.S. Department of Commerce.
- Braddock, D. (2007). Washington Rises: Public Financial Support for Intellectual Disability in the United States, 1955–2004. *Mental Retardation and Developmental Disabilities Research Reviews*, 13: 169–177.
- Braddock, D. *Challenges in developmental disabilities: State of the states, state of the nation, 2011*. The Arc of the United States 60th Annual Convention, Denver, CO, September 17, 2011. <http://sos.arielmis.net/>.
- Butterworth, J., Cohen Hall, A., Smith, F.A., Migliore, A., Winsor, J.A. (2011). *StateData: The National Report on Employment Services and Outcomes*. Institute for Community Inclusion (UCEDD), Boston, MA: University of Massachusetts.
- Certo, Luecking, et al. (2009) Seamless Transition and Long-Term Support for Individuals With Severe Intellectual Disabilities. *Research & Practice for Persons with Severe Disabilities*.
- Cimera, R.E. (2007). The cumulative cost-effectiveness of supported and sheltered employees with mental retardation. *Research and Practice for Persons with Severe Disabilities*, 32, 247–252.
- Cimera, R.E. (2008). The Cost-Trends of Supported Employment versus Sheltered Employment. *Journal of Vocational Rehabilitation* 28/15: 15–20.
- Cimera, R.E. (2010). The national cost-efficiency of supported employees with intellectual disabilities: 2002 to 2007. *American Journal on Intellectual and Developmental Disabilities*, 115, 19–29.
- Cimera, R.E. (2010). The national cost-efficiency of supported employees with intellectual disabilities: The worker’s perspective. *Journal of Vocational Rehabilitation*, 33, 123–131.
- Cimera, R.E. (2010). Can community-based high school transition programs improve the cost-efficiency of supported employment? *Career Development for Exceptional Individuals*, 33(1) 4–12.
- Cimera, R.E. (submitted). Investigating the merits of sheltered workshops for individuals with intellectual disabilities. *Journal of Vocational Rehabilitation*.
- Migliore, Alberto, David Mank, Teresa Grossi and Patricia Rogan. “Integrated employment or sheltered workshops: Preferences of adults with intellectual disabilities, their families, and staff.” *Journal of Vocational Rehabilitation*. 2007 (27): 5-19.
- Rogers, Sally, Kenneth Sharappa, Kim McDonald-Wilson, and Karen Danley. “A Benefit-Cost Analysis of a Supported Employment Model for Persons with Psychiatric Disabilities.” *Evaluation and Program Planning*. 1995 (18): 105-115

## APPENDIX IV. Representative List of Resources Available on ODEP's Employment First Virtual Workspace

NAME of document	AUTHOR/ Originating Entity	YEAR of publication	SUBJECT or Topics covered
Strategies used by Employment Service Providers in the Job Development Process  (2-RutgersTEchReportNov2011 June 13-2012-2.pdf)	Monica Simonsen, Ph. D. Ellen S. Fabian, Ph.D. LaVerne Buchanan, Ed.D. Richard G. Luecking, Ed.D. TransCen, Inc.	2011	There is very little empirical literature reporting on the actual strategies used by job development professionals in their practice. This report describes the results of a study of job development/placement professionals' strategies in the employment process; compares these results to employer perceptions of the employment process from recent literature.
The Time is Now: Embracing Employment First  ( <i>EmploymentFirstFINALNov132011_PRINT.pdf</i> )	Report to the National Association of Councils on Developmental Disabilities	2011	This report provides an overview of <i>Employment First</i> concepts and ideals, as well as opportunities and challenges of integrated employment for people with ID. It offers an historical background, the current state of employment for people with disabilities, and discusses the benefits of integrated employment for this population. It also reviews the CA state <i>Employment First</i> initiative and other key state initiatives to advance integrated employment.
Iowa's Employment First Initiative: A Call for Change of Historical Proportion  ( <i>Iowa'sEmploymentFirstInitiative.pdf</i> )	Partners of Iowa's Employment First Initiative	2009	This paper outlines the goals of the state of Iowa's Employment First Initiative and the strategic outcomes that resulted from 14 facilitated focus groups held throughout the state on the topic of competitive employment for all Iowans with intellectual disabilities.
Shifting Resources Away from Sheltered Workshops in Vermont  ( <i>Shifting Resources Away from Sheltered Workshops in Vermont</i> )	Jennifer Sullivan Sulewski ICI, UMASS-Boston	2007	This article describes how Vermont gradually restricted and eventually prohibited the use of state funds for sheltered workshops or enclaves.
Working Together to Convert the Last Sheltered Workshop in Vermont to Individualized Supports  ( <i>Working Together to Convert the Last Sheltered Workshop in Vermont to Individualized Supports</i> )	Jennifer Sullivan Sulewski Institute for Community Inclusion, UMASS-Boston	2008	This brief overview describes the year long process of converting the last sheltered workshop in Vermont to integrated employment and the involvement of the service provider's key stakeholders.
Maintaining a Focus on Employment in Tough Economic Times  ( <i>MaintainingFocusOnEmployment</i> )	David Hoff, ICI; Molly Holsapple, Oregon Office of DDS; NASDDS. For SELN	2009	The following resource guide provides suggestions for how state ID/DD agencies can stay focused on integrated employment as their first priority, even in a tough job market and economic downturn.

<i>by SELN.pdf</i>			
Employment First: A Beginning Not an End  <i>(Employment-First-Article-IDD.pdf)</i>	William E. Kiernan, David Hoff, Suzanne Freeze, and David M. Mank, <i>Intellectual and Developmental Disabilities</i> , Volume 49, #4: 300–304, 8/11	2011	This article discusses key <i>Employment First</i> Guiding Principles, defines competitive employment, and discusses what type and where change is essential for this concept to be adopted in all states.
The Minnesota Employment First Summit Report  <i>(Employment-First-Report from Minnesota.pdf)</i>	The Planning Coalition of the Minnesota Employment First Summit	2007	The following report outlines the actions, strategies and policy change recommendations to create an <i>Employment First</i> initiative in MN. It offers arguments for the need for integrated employment for all Minnesotans, gives an overview of the 1 <sup>st</sup> 2007 summit discussions, and offers recommendations.
The Minnesota Employment First Summit II Report <i>The Scorecard: A Progress Report on Employment First Performance in Minnesota</i>  <i>(Employment-First-Report-Summit-2 MN.pdf)</i>	The Planning Coalition of the Minnesota Employment First Summit	2008	In 2008, one year after Minnesota’s 1 <sup>st</sup> Employment First Summit, the 2 <sup>nd</sup> Summit took place. This report highlights the progress toward their goals in an <i>Employment First</i> “Scorecard.”
North Dakota Employment First Summit Report from October 2011  <i>(EmploymentFirstReport North Dakota.pdf)</i>	North Dakota Employment First Task Force	2011	This fact sheet (developed during an <i>Employment First</i> Coalition-sponsored summit) offers economic arguments for full employment inclusion and summary of discussions at the summit.
Employment First Policy White Paper from Rhode Island  <i>(Rhode Island Policy White Paper – Final – 11.23.10.pdf)</i>	The Employment First Policy Workgroup in Rhode Island	2010	The paper explores the various policy options for the state of Rhode Island in the development of its <i>Employment First</i> Initiative, which is aimed at addressing systemic employment obstacles for Rhode Islanders with disabilities.
Kansas Employment First House Bill No. 2336  <i>(HB2336 – for Gov’s Signature Kansas.pdf)</i>	Legislature for the State of Kansas	2011	This act by the state legislature of Kansas established the Kansas Employment First initiative and creating the Employment First oversight commission, as presented to the Governor of Kansas for signature.
Kansas House Bill No. 2336 House Committee on Commerce & Economic Dvlpmt Summary  <i>HB_2336_Kansas_Employment_First_Hous Committee Summary.pdf</i>	Robert Siedlecki, Acting Secretary Department of Social And Rehabilitation Services, State of Kansas	2011	Acting Secretary Department of Social & Rehabilitation Services gave his arguments in support of the Kansas Employment First House Bill No. 2336 at the House Committee on Commerce & Economic Dvlpt, 2/21/11. He offers economic statistics that support having people with disabilities fully employed and discusses current promising practices.

California's Lanterman Developmental Disabilities Services Act Reform: The IPP Process & Employment First Policy Fact Sheet  <i>(CA Bill AB 2424 Fact Sheet)</i>	Office of California Assembly Member Jim Beall, Jr.	2007	After public input to California AB2424, a report to the Governor provided recommendations for improvements on the Lanterman Act. This summary outlines suggestions for improving the Individual Program Plan process and the Employment First initiative in California.
California Employment First hearing to the Assembly Committee on Human Services  <i>(CALIFORNIA EMPLOYMENT FIRST January 2012 hearing)</i>	California Assembly Committee on Human Services, Chair Jim Beall, Jr.	2012	This hearing of the CA Assembly Committee on Human Services established an Employment First Policy in the state. This report summarizes the policy, defines employment terminology, describes effects on existing law, and outlines the need.
Office of DD Services Oregon Policy On: Employment for Working age Individuals  <i>(Employment First Oregon Policy.pdf)</i>	Oregon Office on Developmental Disability Services	2008	This report summarizes Oregon's policy on employment opportunities in fully integrated work settings as a first priority for individuals with ID
State of Arkansas Proclamation on Employment First  <i>(Arkansas Employment First Initiative.pdf)</i>	Governor's Office of Arkansas	2010	This Executive order established the AK Employment First Initiative to increase employment of citizens in Arkansas w/ disabilities.
Washington State County Guidelines  <i>(Washington State County Guidelines.pdf)</i>	Washington State Dept of Social & Health Svcs Division of DD	1992	These guidelines outline the benefits of individuals with disabilities living inclusive lives in their communities
Employment Funding for Intellectual/ Developmental Disability Systems  <i>(Employment Funding for IDD Systems.doc)</i>	Allison Cohen Hall, Suzanne Freeze, John Butterworth and David Hoff, ICI Journal of Vocational Rehabilitation 34 (2011) 1-15	2010	This document explores rate-setting methodologies, rate structures, & incentives for integrated employment, and the relationship between funding, policies, and priorities. A detailed analysis yields lessons for state IDD systems as they contend with funding structures that respond to fiscal pressures
Integrated Employment Outcomes through Person-Person Technical Assistance: New Hampshire  <i>(Integrated Employment Outcomes through Person-Person TA in NH)</i>	Allison Cohen Hall, ICI	2007	NH implemented an innovative TA model to promote organizational change to expand individual employment opportunities. This change began at the micro level but trickled up thru organizations across NH.
Leading the Way: The First Year of the State Leaders Innovation Institute	Prepared by the Corporation for a Skilled Workforce	2010	The NTAR Leadership Center selected cross-agency state teams from CT, MD and MN to participate in a pilot project called State Leaders Innovation Institute (SLII).

<i>(Leading_the_Way_Executive_Summary.pdf)</i>			This is a summary of results.
Washington State's Working-Age Adult Policy article  <i>(Washington State Working Adult Policy ICI article.docx)</i>	Allison Cohen Hall, ICI	2007	This review of Washington's DD policy "designates employment supports as the primary method of furnishing state-financed day services to adult participants."
New Jersey Employment First Initiative by Governor Christie  <i>(NJ Employment First Initiative by Gov Christie.pdf)</i>	Office of the Governor of NJ	April 19, 2012	This is a copy of Governor Christie's announcement that New Jersey will adopt an <i>Employment First</i> initiative and embrace a philosophy to proactively promote competitive employment in the general workforce for people with disabilities.
Washington State Working-Age Adult policy from the Division of Developmental Disabilities  <i>(Washington State working adult policy.pdf)</i>	Washington Division of Developmental Disabilities	June 1, 2012	The Washington State ID/DD Policy manual for the Working-Age Adult policy provides the first detailed regulatory framework in the nation for providing working-age adults with significant disabilities the supports needed to achieve gainful employment.
Office of Developmental Disability Services Oregon Policy On; Employment for Working Age  <i>(OR Policy on employment for working age adults.pdf)</i>	Oregon Office of Developmental Disabilities	Sept 18, 2008	The policy statement outlines key procedures and principles of Oregon's DD Services policy for working age adults
Building Oregon's Capacity to Serve Individuals with Complex Support Needs: Recommendations for Action  <i>(OR Capacity for serving indiv with complex support needs.pdf)</i>	Joyce Dean, University of Oregon	July 2007	The Capacity Building Project was designed to gather input from stake holders to develop recommendations that could be implemented to support capacity-building in service provider organizations. The paper includes summaries of the participants' vision.
A Better Bottom Line: Employing People with Disabilities  <i>(National Gov Assoc Employment First Initiative.pdf)</i>	National Governor's Association	2012	The Employment First initiative as presented by the National Governor's Association
Massachusetts Employment First Policy  <i>(Massachusetts Employment First policy.docx)</i>	Massachusetts DDS	August 1, 2010	The Employment First Policy Statement written by the Massachusetts DDS
Iowa's Employment First Initiative: Statement of Findings	Contributors: SueAnn Morrow, Tammara	Oct 2011	The following document summarizes the findings from the 2 <sup>nd</sup> <i>Employment First</i> 2-day Summit in Iowa in 2011. The summit included state officials from Iowa's

<i>(Iowa Employment First Initiative from October 2011.pdf)</i>	Amsbaugh, LeAnn Moskowitz Casy Westhoff Maria Walker Sherry Becker Becky Harker Pat Steele		Department of Vocational and Rehabilitative Services, Department of Education, and state's Medicaid and ID/DD agencies.
Employment First! Making Integrated Employment the Preferred Outcome in Tennessee  <i>(Employment First in Tennessee.docx)</i>	Jean Winsor	Jan 2007	The following report provides an overview of the history of <i>Employment First</i> in Tennessee and its implications
Delaware's Employment First House Bill #319  <i>(Delaware Employment First House Bill 319.htm)</i>	SPONSOR: Rep. Heffernan Sen. McDowell, Reps. Brady, Hocker, Hudson Q Johnson, Osienski, M. Smith, Walker; Sens. Bunting, Ennis, Sokola	May 2012	Delaware House Bill 319 is an Act to amend titles 19 and 29 of the Delaware code relating to an <i>Employment First</i> priority policy for persons with disabilities.
Executive order establishing the Arkansas Employment First Initiative  <i>(AR-EO 1017 Employment First.pdf)</i>	Governor Mike Beebe, Sec of State Charlie Daniels	Oct 2010	The State of Arkansas issued an Executive Department Proclamation that outlined the state's commitment increase employment of Arkansans with disabilities.
Letter from OSEP to WI Employment First  <i>(WI-June 6 2012 OSEP Letter to WI regarding LRE Applying to Transition.pdf)</i>	Melody Musgrove, Director of OSEP (letter to WI Employment 1 <sup>st</sup> )	June 22, 2012	WI Employment 1 <sup>st</sup> requested an opinion from (OSEP) on the applicability of the least restrictive environment (LRE) requirements under Part B of IDEA to transition work placements. The following document is OSEP's response to the state of Wisconsin, which was also disseminated to all state offices on special education.
US District Court of Oregon Statement of Interest in the Lane v Kitshaber case against segregation of people with disabilities as it relates to employment  <i>(OR-Lane vs Kitshaber-Statement of Interest for Motion for Class Certification.pdf)</i>	US Attorneys, State of Oregon	June 18, 2012	This court case argued for class certification of people with disabilities so as to not allow segregation as it relates to employment. The court upheld this in this statement.
State of Ohio Executive Order 2012-05K	John R. Kasich, Governor of Ohio	March 19, 2012	This Executive Order established the <i>Employment First</i> Policy and Taskforce to Expand Community Employment

<i>(OH-Executive Order 2012-05K Ohio Employment First.pdf)</i>			Opportunities for Working-Age Ohioans with Developmental Disabilities.
Exploring New Paradigms for the Developmental Disabilities Assistance and Bill of Rights Act  <i>(NCD_Paradigms_Mar26FIN (2).pdf)</i>	National Council on Disability	2012	This supplement to the 2011 report explores reforming the ID/DD infrastructure, using a cross-system focus, and outlines recommendations for improving employment opportunities for persons with significant disabilities despite funding limitations.
National Council on Disability Position Paper on Subminimum wage and Supported Employment  <i>(NCD subminimum_wage_paper.pdf)</i>	National Council on Disability	July 2012	This paper offers a systems-change approach to improving integrated opportunities for citizens with significant disabilities, putting forward a comprehensive system of supports focused on integrated employment.
Analysis and Recommendations for the Implementation of Managed Care in Medicaid and Medicare Programs for People with Disabilities  <i>(CMS-MANAGEDCARENCDRECOMMENDATIONS.pdf)</i>	National Council on Disability		The following paper provides an overview by NCD of trends in the implementation of managed care into state Medicaid programs, outlining key policy issues, implications and recommendations for ensuring the continuity of long-term supports and services to assist citizens with significant disabilities in attaining independent living and integrated employment.
Dept of Health and Human Services Updates to the §1915 (c) Waiver Instructions and Technical Guide regarding employment and employment related services  <i>(CMS-MANAGEDCARENCDRECOMMENDATIONS.pdf)</i>	Cindy Mann, JD Director Center for Medicaid, CHIP and Survey & Certification (CMCS)	September 16, 2011	This Informational Bulletin is intended to provide clarification of existing CMS guidance on development and implementation of §1915 (c) Waivers regarding employment and employment related services. It highlights the opportunities available to use waiver supports to increase employment opportunities for individuals with disabilities within current policy.