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STATE WORKFORCE INVESTMENT BOARD

COMMISSION ON DISABILITY AND EMPLOYMENT

2012 ANNUAL REPORT

SUBMITTED TO THE LEGISLATURE: October, 2012

Commission on Disability and Employment

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This year's report coincides with the end of Maine's Medicaid Infrastructure Grant (MIG), an effort also known as CHOICES Comprehensive Employment Opportunity (CEO), which has guided Maine's "Working Together" Strategic Plan. This provides us with the opportunity and duty to reflect on the past, review achievements, and make recommendations to ensure that our future plans respond to the evolving needs of both our Maine workforce and Maine's employers.

Background

In 2005, the Department of Health and Human Services (DHHS) received the federal MIG grant to look at shifting Maine's system for the employment of persons with disabilities. The strategic plan, titled "Working Together," identified the Commission on Disability and Employment (CDE) as the lead entity to monitor and advocate for the systems change needed, and was endorsed by State administration at the Governor's office and in both DHHS and the Department of Labor (DOL).

Target areas identified in the strategic plan included the following:

- Work with the Business Community: Employer education is essential to increased employment rates for people with disabilities.
- The State of Maine as a Model Employer: To get the private sector on board, the public sector should lead by example.
- Enhance Vocational Rehabilitation Services: Individuals with disabilities need the opportunity to enhance job skills for what's needed in today's job market.
- Data Collection: To determine the effectiveness of employment efforts across the service spectrum, Maine needed an increased ability to track key data elements.
- Benefits Counseling: For people with disabilities to enter or re-enter the workforce, they need an understanding of earned wages' impact on disability and medical benefits, and access to advocacy to remove systemic barriers as they start on the path to economic self-sufficiency.

A number of acronyms are used throughout this document. They are listed here for ease of reference:

BLN: Business Leadership Network
BRS: Bureau of Rehabilitation Services
CDE: Commission on Disability and Employment
CEO: Comprehensive Employment Opportunity
DHHS: Department of Health and Human Services
DOL: Department of Labor
DRC: Disability Rights Center
MIG: Medicaid Infrastructure Grant
OACPDS: Office of Adults with Cognitive & Physical Disabilities (now OADS)
OADS: Office of Aging and Disability Services (formerly OACPDS)
OAMHS: Office of Adult Mental Health Services (now Office of Substance Abuse and Mental Health Services)
PL: Public Law
SWIB: State Workforce Investment Board
USBLN: U.S. Business Leadership Network

- Transition Services for Youth with Disabilities: For youth with disabilities to be more prepared for adult living in the community, they need early, integrated work experiences and the education and service system needs to work more effectively toward employment as an outcome.

CDE members quickly realized that to take the lead on this strategic plan, the CDE needed increased organizational capacity. The MIG grant provided a great deal of time and resources to assist; the CDE developed its vision and mission statements and conducted outreach events to encourage people with disabilities and all interested parties engaged in the employment of people with disabilities to join in the effort.

Represented at these outreach events were the following stakeholder groups:

- The Disability Rights Center
- The Developmental Disabilities Council
- Certified Community Rehabilitation Providers
- American Council of the Blind of Maine
- Speaking Up for Us
- Several individuals with disabilities

Getting Started

Together with these stakeholders, the CDE worked closely with the Maine Legislature on a comprehensive bill to address the employment of people with disabilities. The end result was passage of Public Law 570, "*An Act to Increase Employment Opportunities for People with Disabilities*," in April, 2006, which created an opportunity to directly address the continued sheltered and segregated employment of Mainers with disabilities. PL 570 had other significant requirements and benefits:

- Requires DHHS and DOL to establish common data tracking and collaboration.
- Calls for the State to be a model employer within existing resources.
- Calls for the State to conduct an outreach campaign to other employers on the benefits of workers with disabilities.

A major milestone was reached in July 2008, when public funding for sheltered employment for individuals with developmental disabilities ended in Maine. Continued support and technical assistance was provided through a peer-to-peer model, on-site consultation and individual planning to move in the direction mandated in PL 570. The DHHS Office of Aging and Disability Services (OADS) continues to work together with people, families, the DOL and providers to encourage community-based integrated employment at a competitive wage.

Continued Progress

In 2009, with CDE advocacy and approval from the Legislature, Maine was able to leverage general fund appropriations from the Office of Adult Mental Health Services (OAMHS) to use as matching funds for the Bureau of Rehabilitation Services (BRS). This allowed Maine to mitigate

BRS budget cuts while continuing to fund statewide Benefits Counseling services and Employment Specialists at seven mental-health agencies across the state.

In 2010, Maine DHHS and DOL jointly developed a website with state and federal resources for job seekers with disabilities, employers, and service providers. Located at www.employmentforme.org, the website will soon include a section for transition-age youth and families. This website has become a clearing house for employment and disability in Maine. The CDE contacted the Governor's Office and had a representative attend its annual meeting to discuss concerns on the use of MIG grant funds.

In 2011, as the MIG/CHOICES CEO grant was coming to a close, DHHS terminated the contract with the University of Southern Maine Muskie Institute to maximize the remaining resources toward building long-term infrastructure.

In 2011/2012, after this restructuring, a revamped MIG Advisory Committee and key stakeholders achieved:

- Development of Maine's affiliate of the U.S. Business Leadership Network (USBLN) with joint support from the DOL and DHHS. MIG funds are providing initial support for the part-time Maine BLN Director who is housed at the Maine State Chamber of Commerce; creating statewide, coordinated and sustainable business outreach and partnership involving local and State Chambers, businesses, and the Maine State Society for Human Resource Members.
- The first training for a group of Mainers with disabilities in the area of employment advocacy by the Disability Rights Center (DRC); three of these trained advocates are now members of the CDE.
- Improved coordination within DHHS and between DHHS and DOL to increase the connection of people with disabilities receiving Temporary Assistance for Needy Families to resources such as CareerCenters and our state Vocational Rehabilitation agency.
- Increased funding for the continuance of Benefits Counseling services as other federal dollars supporting these services dwindled.
- Support for a study of employment services for persons with Brain Injuries, and a conference to report out results and plan next steps.
- Resources to assist with startup of a psychosocial clubhouse in Lewiston – an evidence-based model that assists persons with Mental Illness to increase skills and enter community-based employment.
- Support to assist with employment data tracking, including the "Snapshot 2012" developed by the Center for Workforce Information and Research at DOL. In addition, resources were allocated to support and enhance coordinated data collection efforts by both DHHS OAMHS/OADS and DOL BRS.
- Assistance with continuing education for Maine's job development and work support providers.

With the conclusion of the MIG grant on December 31, 2012, we would like to extend our appreciation to the MIG Advisory Committee:

- *Karen Fraser / DOL Bureau of Rehabilitation Services, Systems Improvement and Quality Assurance*
- *Christine Robinson / DHHS Office of Substance Abuse and Mental Health Services and the lead on the MIG grant*
- *Lisa Sturtevant / DHHS Office of Aging and Disability Services and project staff to the MIG*
- *Mel Clarrage / Disability Rights Center, member of the State Workforce Investment Board (SWIB), and Chair of the CDE*

In summary, Maine has made significant progress with the priorities in the original strategic plan.

Brief highlights include:

- The creation of Maine's BLN and participation in the national Think Beyond the Label Campaign.
- Executive Order naming the State of Maine as a Model Employer.
- As a result of Systemic Improvements in Maine's Vocational Rehabilitation Program, there is no longer a wait list for services.
- Benefits Counseling System continues to provide services statewide.
- Public funding for sheltered workshops has ended; DHHS, in conjunction with DOL, is monitoring the practice of some people with disabilities who continue to work at subminimum wage in order to provide assistance to each person for employment at a job at minimum wage or higher.
- Increased data collection is informing a clearer understanding of how employment service dollars are being used and what outcomes are being achieved.

More progress is needed

Even with this progress, the workforce participation rate of individuals with disabilities ***remains about the same at just around 40 percent.*** Statewide systemic change takes a great deal of time and patience as true change means to break out of the status quo. This, combined with the downturn in the economy, reduced the number of available jobs and tightened budgets. The CDE has been able to build membership of people with disabilities—combined with the reenergized SWIB and support from both public and private agencies, the CDE is well positioned to continue its work.

The SWIB has a new focus through the passage of “LD 1874” and the change in bylaws, which establishes the Governor as chair of the Executive Committee. These two key elements meet a CDE goal to have closer access to the Governor's office so that we can impact change much more timely and effectively.

At the August 17 SWIB meeting, the CDE introduced the first subcommittee policy recommendation to have all entities receiving federal or state funding set measurable goals for, and track the participation and completion rates of, individuals with disclosed disabilities in their employment programs. The most important element to track is employment outcomes.

This year, the CDE added six new members, and five were people with disabilities! There is now a broader representation of disability populations than ever before, including people living with Cerebral Palsy, Major Mental Illness, Deaf and Hard of Hearing, Brain Injury, Intellectual Disability, and Blindness. In addition, the CDE has representation from The Disability Rights Center, Developmental Disability Council, Maine APSE, Certified Rehabilitation Providers, the Bureau of Rehabilitation Services (BRS), and the SWIB.

In addition to membership growth this year, the CDE made the following contributions to expanding Maine's workforce for people with disabilities:

- In October, 2011, some members of the CDE, along with other interested parties, attended the "*Alliance for Full Participation Conference*" in Washington, D.C., a national employment conference. From this conference came a resolve from all of the Maine participants to work together to ensure that Maine would become an "Employment First" state. Essentially, that means working on policy to ensure that *all* people with disabilities who have a desire to work can do so in environments of their choosing, for competitive pay. The group has expanded to include a variety of stakeholders, has been meeting regularly, and is in the process of developing draft legislation.
- The CDE was involved in the development of DHHS's report to the legislature in January, 2012. The report regarded "*LD 28*," which has several recommendations to ensure that persons receiving Sections 21 and 29 work supports have opportunities for community integrated employment. At the July 2012, meeting, the CDE asked for an update on how DHHS was moving these recommendations forward and offered assistance as needed.
- The CDE inquired about the tracking of individuals working under a Section 14c Subminimum Wage Certificate, as the CDE would like to see them phased out. To that end, members worked closely with representatives from the offices of Maine's Representatives Michael Michaud and Chellie Pingree, to educate them on the federal law. As a result of their education and advocacy, Michaud and Pingree signed on as cosponsors of "*HR 8056: An Act to Phase out Subminimum Wages for Persons with Disabilities*," on a national level.
- The CDE developed a position paper on the "*Social Security Reauthorization Act of 2012*," which encouraged the Social Security Administration to continue funding for both benefits counseling and advocacy services to assist beneficiaries as they explored future employment. The position paper was shared with Maine's representatives in the House and Senate, and was accompanied by a letter from the CDE requesting attention to the matter.
- Since access to benefits counseling was one of the key areas in the Strategic Plan, CDE members worked closely with state agencies to ensure that Mainers with disabilities would be able to continue receiving this service despite an expected loss in federal funding. Funding through June 2013 was established through an increase in funding support from the remaining MIG budget, some first-time financial support from DHHS OADS (formally Office of Adults with Cognitive & Physical Disabilities (OACPDS)), from the DOL Bureau of Employment Services Disability Employment Initiative grant and increased support from Maine's BRS and OAMHS.
- The CDE was also active in the development of Maine's Business Leadership Network, through start-up meetings and participation at the April 2012 conference entitled:

“Maine’s Untapped Workforce: How hiring people with disabilities makes good business sense.” The program was presented in partnership with the Maine State Chamber of Commerce, DHHS and DOL. Also noteworthy, a part-time Maine BLN Director’s position was funded by the MIG grant. The Director’s office is housed out of the Maine State Chamber of Commerce.

- As the steering committee of the Disability Employment Initiative Grant, members were active in several key projects including Asset Development Summits and Financial Fitness Fairs in the northern part of the state. CDE members also contributed to disability awareness training for all Maine CareerCenter staff.
- The July CDE meeting invited state agencies to present updated employment data from their programs. In attendance were representatives from the Bureau of Rehabilitation Services (both the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired), and the DHHS OAMHS and OADS.
- The CDE has been one of the key supporters of bringing together the five councils who are mandated by federal law or state statute to advise on the current status of the BRS and the CDE on all state employment issues. The five councils are the three State Rehabilitation Councils, the State Independent Living Council, and the CDE. The Chair of the CDE, with membership support, has been advocating for two years that, as a collective group, we have joint meetings throughout the state and invite feedback from persons with disabilities. At the August 2012 meeting, we had a lively discussion as to how the five councils can start this in the coming year.

CDE Recommendations for Governor Paul LePage and the Maine Legislature for the upcoming year:

1. Encourage public support for business development and engagement efforts, including activities undertaken by Maine’s Chamber of Commerce and newly formed Business Leadership Network.
2. Require State Government, both the Executive and Legislative branches, to re-engage its efforts to be a model employer for persons with Disabilities. We request that veterans, older workers, women, and youth with disabilities are represented in these efforts. We further request that the CDE be updated annually on Maine’s progress in this area.
3. Require that employment supports and benefits counseling services are covered services under any future “global” MaineCare waiver.
4. Require incentives for integrated employment for people with disabilities at a systemic level.
 - a. Current opportunities exist in DHHS with its performance-based contracting measures and evaluation, its agencies’ compliance with the DHHS Employment Policy, and implementation of recommendations for DHHS-OADS in the LD 28 report. Replicate performance-based contracts that are working within other government agencies and departments.

- b. Develop similar measures and strongly recommend that DOL (and its CareerCenter Network) improve tracking and outcomes in education, employment and wages for all Employment and Training dollars spent, documenting use by people with disclosed disabilities. The CDE encouraged the SWIB to make this policy recommendation.
5. Focus attention from Maine's executive and legislative branches on transition services for youth with disabilities. Maine continually fails to meet federal indicators in this area, which has led to significant reviews by the federal government. The CDE would recommend that a cross-departmental task group be established to examine this issue and would welcome the opportunity to serve on the task group.
 6. Support initiatives focused on the financial and economic health of individuals with disabilities, especially programs that move participants beyond 'getting a job' toward economic self-sufficiency and civic engagement. Asset building strategies should include education related to home buying, starting a savings account, understanding available tax credits, work incentives, financial literacy, self-employment and more. Currently the Disability Employment Initiative Grant is addressing this issue in Northern Maine, and we recommend that this be done statewide.

