

Integrated employment, EmploymentFirst, and U.S. federal policy

Kathleen Martinez

U.S. Department of Labor, Office of Disability Employment Policy, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210, USA

E-mail: martinez.kathleen@dol.gov

Revised/Accepted: December 2012

Abstract. For almost forty years, U.S. policy has steadily advanced the idea of presumed employability for all people with disabilities. This includes people with the most significant disabilities employed in integrated jobs with commensurate pay that is at or above minimum wage. This article traces the factors that have contributed to the evolution of policy and practice that have led to improving the likelihood that integrated employment is both desired and achievable for individuals with significant disabilities. It also shares current U.S. Department of Labor, Office of Disability Employment Policy, activities and initiatives that promote and support the achievement of integrated employment for all people with disabilities.

Keywords: Integrated employment, EmploymentFirst, U.S. federal policy, employment and disabilities

1. Introduction

Thirty-three years ago a high school student who was blind was preparing to enter the workforce. Her career counselor suggested that she try to find a factory job because very few opportunities for blind people were available in the workforce. She ended up working in a lock factory, where she performed potentially dangerous work operating a punch press. Her career counselor did not expose her to the range of career options made available to students without disabilities, and she ended up in a job which bore little resemblance to her actual interests and abilities.

That woman was me. Eventually, I found the disability rights and independent living movement, moved to Berkeley, California, and was able to channel all my various experiences, interests and talents and apply them to the work I want to do. I have been working to promote full inclusion of people with disabilities into all aspects of life ever since. Not surprisingly, one of my primary interests as a disability advocate has been promoting integrated employment consistent with an individual's interests and abilities.

Over recent decades, several key developments have advanced the notion that all people with disabilities, regardless of the nature or significance of the disability, can work in integrated settings when given the opportunity and provided necessary supports both in the job search and on the job. Legislation, policy initiatives, and the advancement of employment service methodology, have all contributed to heightened expectations for all people with disabilities being able to pursue employment and careers. Are these expectations matching the reality in the United States? My answer is not yet, but we are working on it!

We have known for many years the benefits integrated employment provides to individuals and their communities. Recent research shows that supporting individuals in integrated settings is cost effective, and provides a greater overall return on investment than other traditional forms of employment service delivery used to support persons with significant disabilities [3]. Through creative evidence-based employment practices and emerging promising strategies being researched and implemented every day, quality employment outcomes with earnings at or above

minimum wage for persons with the most significant disabilities are being realized more than ever today. In fact, we now have methodology that matches decades of advocacy and policy activity supporting the presumption of employability for all people with disabilities. Not only can we presume that everyone can work who wants to, but we also know now how to make it happen. Unfortunately, however, we also know that these practices are being used far less frequently than they can and should be.

Although there has been growth in integrated employment, traditional congregate vocational services are growing even faster [2]. This creates a conundrum in that we know the benefits of integrated employment for people with significant disabilities, yet employment outcomes for them remain intractably low. We cannot be satisfied with this situation!

For almost forty years, U.S. policy has steadily advanced the idea of presumed employability for all people with disabilities, including those with significant disabilities. The time has come for us to build on this momentum to advance policy and practices so that integrated employment is the norm rather than the exception for all people with disabilities.

In this article, I will trace the factors that have created this ground swell and share how my agency, the U.S. Department of Labor, Office of Disability Employment Policy (ODEP), is supporting the development of policy and practice that promote presumed employability and the achievement of integrated employment for all people with disabilities. In doing so, I join with colleagues from around the world, represented in this special journal issue, in identifying issues and sharing strategies designed to ensure that wherever people with disabilities live they have a reasonable likelihood to gain the dignity, economic self-sufficiency, and community participation that comes with having a good job.

2. Evolution of policy supporting integrated employment

The disability rights movement in the United States played a pivotal role in mobilizing the steady march toward full integration into American schools, communities and workplaces. The Education for All Handicapped Children Act of 1975 made a free and appropriate education a right for all students with disabilities. From that time through recent reauthorizations of the Individuals with Disabilities Education Act

(Individuals with Disabilities Education Improvement Act of 2004 [5], the successor to the 1975 Act), there has been increasing emphasis on planning for post-school life and on education services that lead to optimal post-school outcomes. States receiving federal special education funding are now required to have a plan for the transition to adult life for every student receiving special education services. They are also required to document the post-school outcomes of these students. By placing a clear emphasis on helping students, regardless of the nature of their disability, plan for a productive adult life, IDEA has created a generation of young people who have high expectations for themselves which include working alongside their peers without disabilities in integrated workplaces.

In the reauthorizations of the Rehabilitation Act that have occurred since 1973, now incorporated into Title IV of the Workforce Investment Act of 1998 [8], a progressively stronger emphasis has been placed on presumptive employability for people with significant disabilities. It is now unacceptable for the state vocational rehabilitation system to refuse or discontinue services on the basis of disability severity. It is also unacceptable to count placement in a sheltered workshop as a successful rehabilitation case closure.

The Ticket to Work and Work Incentives Improvement Act of 1999 [7] recognizes employment as a reasonable goal for individuals who, ironically, have had to prove they are too disabled to work in order to receive income support from the Social Security Administration's Disability Insurance and Supplemental Security Income programs. Individuals who receive benefits from these programs are eligible to have a virtual "ticket" which they can exchange for services from designated Employment Networks that will help them prepare for and get a job. The Social Security Administration also allows eligible beneficiaries who become employed to retain a portion of their cash benefits under certain conditions. This is a further incentive to encourage the pursuit of employment by beneficiaries who have a documented significant disability.

The passage of the Americans with Disabilities Act (ADA) [1], more than 20 years ago, is perhaps the most important landmark to date in our nation's advocacy for full integration. With its promises of equality of opportunity, full participation, independent living, and economic self-sufficiency, the ADA in conjunction with the other legislative developments discussed previously have served as catalysts to further raise expectations regarding the employment potential of all people with disabilities.

3. Evolution of practice related to integrated employment

The full integration mandate, fueled by legislation and advocacy, galvanized further developments in policy that have led to employment service delivery practice models focused on promoting integrated employment outcomes and employment expectations. For example, supported employment emerged as a widely accepted service to promote employment of people requiring additional support to find and retain integrated employment because of systems change grants from the Federal government in the early 1990s. The demonstration of the effectiveness of supported employment provided a major impetus for state vocational rehabilitation, developmental disabilities, and mental health agencies to adopt policies and regulations to fund and oversee supported employment practice [6]. In fact, supported employment was included in the Rehabilitation Act amendments as a service category. As a result, the job search and job coaching supports associated with supported employment have become widely implemented strategies for facilitating employment for people with disabilities who previously had been unable to access employment in traditional ways.

In more recent years, through demonstration projects funded by ODEP from 2001 to 2005, the concept of “customized employment” has emerged as another key driver in expanding the presumption of employability for people with the most significant disabilities. Customized employment is by its definition a negotiation of job tasks or duties designed to meet an identified business or economic need as well as the identified interests and strengths of an individual. Customized employment starts with a person centered approach, called discovery, to identify task competency, interests, and support requirements of the individual job seeker. Then, through negotiations with the employer, a customized job description is designed that did not exist before, which contains tasks that the individual is willing and able to perform, the supports that will be provided, and the conditions under which he or she will work. Job tasks may be carved from an existing job, restructured from one or more existing jobs, or created to match the skills and accommodation needs of the job seeker so that they increase the employer’s efficiency and profits. Because customized employment provides employers with job applicants who perform job tasks tailored to their strengths and interests as well as the employer’s needs, it is a win-win for both. Through the use of customized employment strategies, we have

been successful in opening doors to opportunity for people who, just a few decades ago, were routinely excluded from vocational rehabilitation services on the erroneous assumption that they could not contribute to or participate in integrated employment settings.

We found through these demonstrations that when customized employment strategies were utilized, the employment rate of participants was significantly higher than typically achieved by people with significant disabilities. Reliance on public income supports, such as Supplemental Security Income, also decreased while individual income increased [4]. The success of these demonstrations is now being recognized through new policy and funding initiatives by Federal and state agencies. We are now beginning to see customized employment being adopted as a specific funding category authorized by some state vocational rehabilitation agencies. A variety of other agencies also have adopted the discovery elements of customized employment, as an alternate assessment tool for youth, job seekers with disabilities, and other populations with complex needs such as recipients of public income supports like Temporary Assistance for Needy Families, or TANF.

The strategies for effecting integrated employment continue to evolve and there are now multiple avenues for individuals with the most significant disabilities to achieve employment. While we have achieved significant success through our pilot demonstrations and other initiatives, given the continued high unemployment and low workforce participation rate, it is clear that there is much more we need to do to take what we know works to scale. As a result, there is an increasing grassroots call for more policies that encourage integrated employment. The contemporary EmploymentFirst initiative represents the latest and to date most progressive chapter in this movement.

4. EmploymentFirst

EmploymentFirst is a strategy that facilitates the full inclusion of people with the most significant disabilities in the workplace and community. For people with significant disabilities, government supported services have historically been heavily focused on non-work activities. EmploymentFirst changes this paradigm via a clear set of guiding principles/values, policies and practices disseminated through state statute, regulation or operational procedures that promote employment in integrated community-based businesses *as the first and preferred option of youth and adults with significant*

disabilities. That is, government funding entities must first opt to pay for services that are intended to result in integrated employment rather than center-based and day habilitation services. The presumption of employability is a prominent underpinning of current “EmploymentFirst” initiatives.

To advance EmploymentFirst, ODEP recently created the EmploymentFirst State Leadership Mentor Program to help states align their policies, regulations and funding priorities to encourage integrated employment as the primary outcome for individuals with significant disabilities. Through this initiative, ODEP is providing support and information to selected states that want to implement systems change reflecting the EmploymentFirst approach but have struggled in doing so. In recognition that many states have the desire to align their policy and funding in support of the EmploymentFirst approach yet lack the knowledge, capacity, or resources necessary to lead and facilitate such change, ODEP is providing information, technical assistance, and policy resources targeting stakeholders at all levels, including state leaders, policy makers, disability employment professionals, and individuals with disabilities and their families.

As a companion resource for the promotion of integrated employment, ODEP has developed the Integrated Employment Toolkit (<http://www.dol.gov/odep/ietoolkit/>). This web-based resource toolkit provides relevant practical information and resources to help members of targeted audiences understand and implement integrated employment as they support persons with disabilities. ODEP sees this as living resource that will grow as our knowledge and experience grows.

5. Can we get there from here?

While the legislative, policy and practice developments discussed have been important in advancing integrated employment for people with significant disabilities, unfortunately this has not yet translated into noticeable improvements in their employment rates. There is, however, an old adage that you get what you pay for. It is my personal belief that if we can take EmploymentFirst to scale, and align our policies and funding to support integrated employment outcomes rather than non-work or congregate work, we can and will succeed.

I myself have faced multiple challenges becoming successfully employed as a person with a disability. I am, however, but one example of how misinterpretation, stigmatization, and underestimation of a person’s skills and interests have the potential to lead to a bad result. All people with disabilities should be able to channel their interests and abilities into work they enjoy as I did and do, because work adds value to our lives. Work is about dignity and respect. Everyone wants to feel that they have contributed to their family and society in a meaningful way.

We still have a long way to go before the promise integrated employment holds will ring true for everyone with a disability. In many ways ODEP’s work is just beginning. After all, the employment of people with disabilities is one of the last great frontiers in advancing civil rights. I am glad to know, however, that other countries are joining the United States in taking steps to advance the notion of presumed employability. I look forward to learning from their efforts as we march forward in the common belief that everyone can work.

References

- [1] Americans with Disabilities Act of 1990, P.L. 101-336, 42 U.S.C. 12101 *et seq.*
- [2] Butterworth, J., Smith, F., Hall, A., Migliore, A., & Winsor, J. (2010). *State data: The national report on employment services and outcomes*. Boston: Institute for Community Inclusion, University of Massachusetts Boston.
- [3] 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.
- [4] Elison, L., Frey, W., Palan, M., & Horne, R. (2008). Evaluation of customized employment in building the capacity of the workforce development system. *Journal of Vocational Rehabilitation*, 28, 141-158.
- [5] Individuals with Disabilities Education Improvement Act of 2004, PL 108-446, 20 U.S.C., 1400 *et seq.*
- [6] Revell, G., Inge, K., Mank, D., & Wehman, P. (1999). *The impact of supported employment for people with significant disabilities: Preliminary findings from the national supported employment consortium*. Richmond: Virginia Commonwealth University.
- [7] Ticket to Work and Work Incentives Improvement Act of 1999, PL 106-170, 42 U.S.C. §§1305 *et seq.*
- [8] Workforce Investment Act of 1998, PL 105-220, 29 U.S.C., 2801 *et seq.*