*New State Legislation Impacting Employment Policy and Practice

2018 Employment First Conference: Building Full Lives: Charting a New Course for Service Transformation

Lisa Pugh, The Arc Wisconsin
David Pinno, Board Member - Wisconsin BPDD
* Learn about the new Employment First law. Next steps in implementation
* Learn about the Partners with Business.
* How to stay engaged on implementation on these pieces of legislation.

* The presentation is located at www.arcwi.org: About/Key Initiatives
* 1. What is the one state agency policy you would change to help people be more successful in Competitive Integrated Employment?

* 2. How can state agencies (DPI, DHS, DVR) work better together to ensure everyone can achieve CIE?

* 3. What questions should we ask in an evaluation about whether Employment First policies are working?
What’s the State of the State?
Paid Job in the Community

Has a paid job in the community

- Yes: 15%
- No: 85%

Of those without a paid job in the community, would like a job in the community

- Yes: 41%
- No: 59%

Of those without a paid job in the community who would like a paid job in the community, has employment as goal in ISP

- Yes: 13%
- No: 87%

2015-16 National Core Indicators Survey of people with disabilities in Family Care and IRIS

* Wisconsin Employment Data
Have a paid job in the community - YES

* WI - 15% (383) (Wisconsin was 11th lowest of the 45 states surveyed)
* MN - 41%
* IL - 9%
* MI - 17%
* IN - 17%
* WA - 41%
* OH - 24%

* Wisconsin has a statewide system, yet lower than average community employment rates
Required annual survey of individuals in sub-minimum wage employment finds:

* nearly one-third reported interest in working in the community (32.1%) and another 12% would consider it.
* nearly half (43%) of respondents had never connected to employment supports through the Division of Vocational Rehabilitation (DVR).
Since 2014:
- Rates of competitive integrated employment for youth with autism have risen nearly 5%
- Rates of competitive integrated employment for youth with I/DD have increased nearly 12%

Department of Workforce Development: Labor Standards Bureau

Trends in sub-minimum wage certificates for youth:

<table>
<thead>
<tr>
<th>License Ends</th>
<th>18-25</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>986</td>
</tr>
<tr>
<td>2018</td>
<td>722</td>
</tr>
<tr>
<td>2020</td>
<td>192</td>
</tr>
</tbody>
</table>
The Employment First Movement Continues to grow nationally
April 2017

* DHS Guiding Principles for Competitive Integrated Employment for People with Disabilities in Long-Term Care

* 1. Everyone can work in a job if it is matched with their skills and interests, and they are provided with the right supports.

* 2. Competitive Integrated Employment is the first and preferred employment outcome for all working age youth and adults.

* First steps toward Employment First in Wisconsin
March 2018

**Employment First Act 178**

* Requires state agencies (DPI, DHS, DVR) to set Competitive Integrated Employment (CIE) as their priority policy

* Protects an individual’s choice of allowable prevocational services.

* Requires that state agencies collaborate to develop a joint plan to improve rates of CIE and establish evaluation methods to ensure that the proposed measures are effective in promoting CIE across the state.

* **Employment First is now the Law in Wisconsin**
“Competitive integrated employment” has the meaning given in 29 USC 705 (5).

* ...work that is performed on a full-time or part-time basis (including self-employment) for which an individual is compensated at a rate that is not less than minimum wage; and
* not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and
* is eligible for the level of benefits provided to other employees;
* that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and
* as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.
* All publicly funded programs that provide services and supports to working age persons with disabilities, when supporting the participation of persons with disabilities in activities outside their homes, shall prioritize the competitive integrated employment of persons with disabilities.

*Key Provisions: CIE is Priority
* Requires the Department of Workforce Development, the Department of Health Services, and the Department of Public Instruction to collaborate and develop a plan

* Required input from stakeholders including the Wisconsin Rehabilitation Council

* State agencies must establish and put into the plan specific performance improvement targets; Describe specific methods used to coordinate efforts to ensure that programs, policies, and procedures support competitive integrated employment.

* The departments shall update the plan at least biennially.

* **Key provisions: A Plan**
Reports will include each agency’s progress, outcomes, and achievements in increasing participation in competitive integrated employment

* Targets for improvement in CIE
* Steps taken by the departments to achieve the targets
* The number of working age persons with disabilities who received publicly funded services and the number of those persons who are employed in competitive integrated employment
* The percentage change in number of persons employed in CIE
* Average number of hours worked and wages earned
* Identified barriers and policy changes to overcome or mitigate those barriers.
* A statement or analysis detailing the impact that the agency collaboration has had on increasing participation in competitive integrated employment.

Report published publicly annually

* Key Provisions: Reporting
Governor Walker believes government must be efficient, effective and accountable to best serve the citizens of Wisconsin. In 2012, Governor Walker launched OpenBook, a website that allows the public for the first time to search every state expenditure. Now Governor Walker has taken this next step to increase government accountability by requiring each major state agency to report publicly on its performance through dashboards on this website.

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**Economic Development**

<table>
<thead>
<tr>
<th>Metric Definition</th>
<th>Goal Met</th>
<th>Current</th>
<th>Previous</th>
<th>Target</th>
<th>Trend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase the number of successful employment opportunities for serving people with disabilities.</td>
<td>✓</td>
<td>1,007</td>
<td>1,019</td>
<td>993</td>
<td>↑</td>
</tr>
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</table>

**Reporting Cycle:** Quarterly (October 1, 2017 - December 31, 2017)

**Additional Details:** An increase of successful employment opportunities leads to the closure of DWD's Division of Vocational Rehabilitation (DVR) caseloads due to consumers reaching their employment goals. The employment goal is created and agreed upon jointly by the consumer and a DVR counselor to meet the goals to be reached by the consumer. To learn more about DVR services for consumers, visit https://dwd.wisconsin.gov/dvr. Annual targets for employment goals for DVR are established with the U.S. Department of Education Rehabilitation Services Administration (RSA) for each program year. In federal fiscal year 2016, ending 9/30/16, DVR adjusted its employment outcome goal to 3,920 successful placements, relative to new Workforce Innovation and Opportunity Act (WIOA) regulations which changed service outcomes and priorities for DVR. The program surpassed the 2016 goal, achieving a total of 4,616. The new outcome goal for federal fiscal year 2017, beginning 10/1/16, has been established at 3,950 successful placements.

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**Increased participation by employers for Registered Apprenticeship**

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**Key Provisions: Reporting**

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https://performance.wi.gov/
Nothing in this section shall be construed to limit access to or choice of allowable services, including prevocational services provided in accordance with 42 CFR parts 440 and 441, in the family care program under ss. 46.2805 to 46.2895, the Family Care Partnership program, and the self-directed services option, as defined in s. 46.2899 (1).
* DHS is required to submit a 2\textsuperscript{nd} report to the Governor and Legislature at the same time of its first progress report.

* The report will outline the feasibility of a study on the impact that the Employment First initiative on:
  * the expansion or reduction in access to allowable services
  * the quality of life, levels of community integration
  * and overall satisfaction of persons with disabilities in this state.
Unanimous voice vote in both chambers of the Legislature

A Variety of Key Stakeholders, including advocates and providers

- The Arc Wisconsin
- Special Olympics Wisconsin
- Goodwill Industries of SE Wisconsin
- Easterseals of Southeast Wisconsin
- Wisconsin Down Syndrome Advocacy Coalition
- Rehabilitation for Wisconsin in Action; Disability Service Provider Network

**Broad Support for Employment First**
Required Stakeholder Input: develop your feedback on these questions:

* What should performance improvement targets be?
* What are known barriers?
* What policies need to change?
* What should state agencies include in their plans to improve collaboration and coordination?

* Timeline: Must submit first report by March 28, 2019

* Key Next Steps: How to Stay Engaged
Ask Questions!
Items that state agencies should review, update and activate:

Interagency Agreement:

DVR State Plan - Coordination with Education Officials:

Data Sharing Agreements

*Key Next Steps: How to Stay Engaged
Advocate for a quality study:
* Will likely be a public Request for Information process
* Influence what is included in the study and how data is gathered and analyzed
* Advocate for the study to be funded

* Timeline: DHS Must submit report by March 28, 2019

*Key Next Steps: How to Stay Engaged*
Partners with Business Law - Act 323

Creates a Partners with Business pilot. The PWB model supports an employer to enhance the responsibility (and sometimes even the wage) of an existing employee who then becomes a job coach to a co-worker with a disability. Provides a small amount of time-limited funding ($75,000/year for 2 years) to help businesses statewide learn how to implement PWB.

<table>
<thead>
<tr>
<th>Traditional Agency or School Supports</th>
<th>Partners with Business Plus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of job coaching hours per week (4x1 hour plus 30 minutes for transportation per visit)</td>
<td>6 hours</td>
</tr>
<tr>
<td>Cost for job coach per hour</td>
<td>$15 per hour plus benefits</td>
</tr>
<tr>
<td>Total weekly costs for job support</td>
<td>$90 per week plus benefits</td>
</tr>
<tr>
<td>Total annual support costs (37 weeks of employment) *</td>
<td>$3,330 + benefits</td>
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</table>

*July 31, 2017 to June 8, 2018

Savings to the Public System with Partners with Business Plus = over $1100 per year

* Still Waiting to be signed...
“Coaching” means providing specific, targeted supports to a business, school district, or vocational agency that demonstrates how coworkers can provide internal support to a coworker with a disability, eliminating the need for a job coach or other individual from outside of the employer.

“Internal support” means primary employment support for an individual with disabilities provided by an employer or employees of the employer and not by a job coach or other individual from outside the employer.

Key Provisions: New Definitions
Eligible Grantees:

* Public schools
* Family Care Managed Care Organizations
* IRIS Consultant agencies
* Employment services providers
* Private businesses

*Key Provisions: BPDD puts out Grants
Partners with Business (PWB) Grantees must report:

* The number of individuals with disabilities hired and using PWB.
* The wages and hours worked of employees with disabilities using PWB.
* The number of businesses receiving coaching in PWB.
* Any increase in the number of businesses hiring and employing individuals with disabilities using PWB.
* A reduction in public spending on employment supports for individuals with disabilities by a minimum of 25 percent compared to previous costs or cost estimates.

*Key Provisions: Grantee Reporting*
*Toolkit:*

*Learn More about PWB*
Applications are due June 1st, 2018


Only 5 sites

- Each site will receive $4,999
- Covers cost of staff time
- Grant funds will be provided upon the successful implementation of the model with three to five (3-5) people with intellectual/developmental disabilities.
- Each grant recipient will receive assistance and training on how to hire and support people with disabilities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
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<tbody>
<tr>
<td>Application released</td>
<td>05/09/18</td>
</tr>
<tr>
<td>Applications due</td>
<td>06/01/18</td>
</tr>
<tr>
<td>Notice of Award/Start date of contract</td>
<td>06/11/18 – 06/22/18</td>
</tr>
<tr>
<td>End date of contract</td>
<td>06/30/19</td>
</tr>
</tbody>
</table>
* Lets older adults and people with disabilities keep control over their life decisions, and have trusted people provide support.

* Supported Decision-Making does not replace Wisconsin’s existing guardianship system, but is another option for people and families.

* Will give individuals more autonomy and allow them to grow in their decision-making skills. Including making decisions about employment and where they want to work.
Supported Decision Making agreements allow a person to formally identify Supporter(s) to help them gather information, understand and evaluate options, and communicate their decisions to others.

The Supported Decision-Making agreement lets teachers, doctors, bankers, and other professionals know that the Person has given the Supporter consent to hear, receive, and discuss information with them, and/or it is ok to release records to the Supporter (provided applicable releases are signed).

The law will include an agreement form posted by DHS.
*Stay up to Date!

* Sign up for The Arc Wisconsin list: [www.arcwi.org](http://www.arcwi.org)
* Lisa Pugh, [Pugh@thearc.org](mailto:Pugh@thearc.org); 608-422-4250

Join The Arc Wisconsin mailing list!

Just send your email address by text message:

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to 22828 to get started.