



PENNSYLVANIA EMPLOYMENT FIRST Oversight Commission



First Year Report to Governor Wolf and the General Assembly

October 1, 2019

Employment First Oversight Commission Pennsylvania

First Year Report to Governor Wolf and the General Assembly

State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability shall review their respective policies relating to payment of service providers, including supports coordinators, to align payment policies with the requirements of Employment First. Financial incentives, when allowable under Federal funding rules for employment services, shall be granted to providers who support the placement and continued employment of individuals with a disability in competitive integrated employment.

-Act 36 [Public Law 229] Signed into Law June 19, 2018

Working Age Pennsylvanians with Disabilities Working/Utilizing State Services

Currently Employed Using Department of Human Services Program(s)

3% (2489/89,906 enrollees ages 18-64) Employment, Office of Long Term Living -101 individuals receiving employment services, 2018 **NA** Data not yet available Community Health Choices*

24.71% (164,619/666,075 total served) Employment, Office of Mental Health and Substance Abuse Services, 2017: **NA** Data not yet Available Mental Health* Diagnosis; **NA** Data not yet available Substance Use Diagnosis

16% (6775/42,689 enrollees ages 18-64) Employment, Office of Developmental Programs, Point in time data, June 2019

Currently Employed Using Department of Labor and Industry Services

26% (7,885 individuals served) Employment, Office of Vocational Rehabilitation, 2017-18**

Currently Employed School/Recent (within 3 months) Graduates Department of Education, ages 14-21

Only OVR/Education Act 26 Data Currently Available (likely duplicated individuals across quarters) 3956 Summer or Part Time Jobs** and 36 Students Had a Job within 3 Months of Graduation

3.6 % (3992/108000 total students, ages 14-21), 2018-19

*only recently measured and/or supported

**possible duplications

NA-Not Available

Report delivered on October 1, 2019

Table of Contents

- I. Employment First Act (Act 36) - Findings, Purpose and Commonwealth Policy
- II. Commission Members and Organizational Affiliations
- III. Scope of Employment First Oversight Commission Report
- IV. Background and Historical Context - Disability Employment in Pennsylvania
 - A. Coordination of Services and State Agency Collaboration
 - B. Pennsylvania as a Model Employer - The Role of the Office of Administration in State Hiring
 - C. Federal and State Legislative Focus on Competitive Integrated Employment
- V. Measurable Goals and Objectives Governing State and Local Agencies and Entities Providing Publicly Funded Services and the Implementation of the Act
- VI. Employment First Oversight Commission Recommendations for Effective Strategies and Policies Needed to Support Implementation of the Act

Appendix A: Commissioner Biographies

Appendix B: Barriers and Solutions to State Hiring Presented to Pennsylvania Office of Administration by Statewide Coalition of Disability Advocates 2018-19

2019 Pennsylvania Employment First Oversight Commission Report to Governor Wolf and the General Assembly

I. Employment First Act (Act 36) –Purpose and Commonwealth Policy

On June 19, 2018, Governor Wolf signed a unanimous bi-partisan, bi-cameral bill into law, [Act 36, the Employment First Act \[PA Law 229\]](#). The purpose of the Employment First Act (Act) is to “ensure that individuals with a disability be given the opportunity to achieve economic independence through jobs that pay competitive wages in community integrated settings.”

As constructed, key to the success of this legislation was the creation of the Pennsylvania Employment First Oversight Commission (Commission), which is built of executive and legislative appointees, and is charged to “track the measurable progress of public agencies in implementing this Act” with the full cooperation of state agencies and **“...issue an annual report on October 1 of each year, detailing the progress on each of the measurable goals and objectives during the preceding fiscal year... [and] include recommendations to the Governor and the General Assembly for effective strategies and policies needed to support the implementation of this act.”**

The Act addresses several key principles of Employment First regarding access for all Pennsylvanians with disabilities and insists on policy which states that: 1) competitive-integrated employment is the preferred outcome for all Pennsylvanians with disabilities receiving most forms of publicly-funded services; 2) any state and county agency and entities using public funds (education, training and employment related services, long-term services and supports) is required to make sure that Employment First is effectively implemented; and 3) state and county agencies will work together to ensure that resources are managed and allocated efficiently for the support of employment first.

Most appointments to the Commission were made late in calendar year 2018, with some appointments not until spring 2019, one remains. The all-volunteer Commission held its first meeting January 30, 2019 with staff support from the Governor’s Policy Office and later the Departments of Human Services and Labor and Industry. The Employment First Cabinet (also created in the Act) produced its [3-year plan](#) and made it available to the Commission on August 27th. While the Commission provided input into that plan, this report was in final draft and voted on within

weeks its distribution. Pursuant to the Act, measurable goals have been established by the Commission. Some of these goals have existing data sets, while others must be created. In writing its report, the Commission relied heavily on information provided by state agencies that was available as a baseline for future evaluations and reporting.

As written, Act 36 requires:

...state and county agencies and entities providing publicly funded education, training, employment and related services, and long-term services and support for working-age Pennsylvanians with a disability that provide services and support to individuals with a disability who are eligible to work under Federal or State law shall comply with the requirements of Employment First and ensure that the requirements of Employment First are effectively implemented in agency programs and services to the extent practicable.

For the purposes of this first report, the Employment First Oversight Commission has focused upon those State Agencies directly responsible for the provision of employment services to persons with disabilities. These include: The Department of Human Services¹, The Department of Labor & Industry's Office of Vocational Rehabilitation (OVR) and The Department of Education (PDE) as well as the Office of Administration (OA). The Commission recognizes that other State agencies listed in the Act play a significant role in assisting persons with disabilities to achieve competitive integrated employment.

This report is the Commission's first effort to collect data from those agencies responsible for implementation of the Act. It has been an ongoing process and while data is still being collected and analyzed, the Commission has been able to establish various measurable goals and objectives and formulate recommendations to assist state and local agencies to meet their obligations under the Act. The Commission reserves the right to provide an addendum to this report when all the data requested of the state agencies is made available.

This independent Pennsylvania Employment Oversight Commission quorum voted unanimously in favor of the content and recommendations in this report on September 9, 2019.

II. Commissioners who served in 2019 (Biographies in Appendix)

Mary Hartley, Commission Chair, Principal, 446 Bridges

Stephen Surovec, Commission Vice Chair, President and CEO, ACHIEVA

Josie Badger, Principal, J. Badger Consulting

Matthew Campion resigned from Commission before report vote.

Cindy Duch, Director of Parent Advising, PEAL Center

¹ For the purposes of this report, the relevant program offices within the Department of Human Services includes: Office of Development Programs, Office of Mental Health and Substance Abuse Services, and Office of Long-Term Living.

Amiris Dipuglia, Parent Consultant, PaTTAN
Richard S. Edley, PhD; President and CEO, RCPA
Zach Hicks, The Arc of PA Board Member
Vincent Loose, President and CEO, Source America
Rob Oliver, Advocate, Speaker & Author
Donna Partin, Board Chair, D.R.E.A.M Partnership
Stephen S. Pennington, Esquire, Executive Director, PaCAP
Paul Stengle, CEO, The Arc Alliance
Heidi Tuszynski, Past Chair, PA Rehabilitation Council
Koert Wehberg resigned from Commission before report vote.

III. Scope of Employment First Oversight Commission Report

Pennsylvania businesses are looking for good workers. With an extremely low unemployment rate of 3.8 % and over 6 million jobs² to fill, employers could be engaged to make the right connections to the largest untapped labor pool available. It is estimated that as many as 62%³ of working age Pennsylvanians with disabilities are currently not working.

There are several publicly funded services in Pennsylvania designed to support people with disabilities, some of which are specifically geared toward employment, yet Pennsylvania data continues to demonstrate that far too few people with disabilities are working.

Incremental changes have occurred in Pennsylvania in the past 5 years. In some pockets of the state, and between some programs, there have been enhancements at coordination, data sharing and training. But the systems are still not working well enough to materially improve the numbers. The systems are still siloed - each with their own policies/rules, practices, funding and language. When interested in working, people with disabilities often must enter multiple doors and wait long periods of time for the help to get a job.

IV. Background and Historical Context for Act 36

A. Coordination of Services and State Agency Collaboration.

The Federal Workforce Innovation and Opportunity Act of 2014 states:

²PA Department of Labor & Industry webpage: <https://www.workstats.dli.pa.gov/Pages/default.aspx>

³Working age 16-64, American Community Survey Statistics 2017, Erickson, W., Lee, C., von Schrader, S. (2017). Disability Statistics from the American Community Survey (ACS). Ithaca, NY: Cornell University Yang-Tan Institute (YTI). Retrieved from Cornell University Disability Statistics website: www.disabilitystatistics.org

WIOA strengthens the alignment of the public workforce development system's six core programs by compelling unified strategic planning requirements, common performance accountability measures, and requirements governing the one-stop delivery system. In so doing, WIOA placed heightened emphasis on coordination and collaboration at the Federal, State, local, and tribal levels to ensure a streamlined and coordinated service delivery system for job seekers, including those with disabilities, and employers. These regulations lay the foundation, through coordination and collaboration at the Federal level, for implementing the Departments' vision and goals of WIOA.⁴

One Stop. Unified planning requirements, common performance accountability measures. Coordination. These are the solutions that must be met in order to create a more typical experience for employers and everyone seeking a job.

Asking key questions, “Do you have or want a job?” This practice and data collection are brand new in at least two Pennsylvania systems: 1. physical disabilities and aging waivers and 2. mental health/drug and alcohol (collectively, behavioral health) supports. Still, there may not be any services delivered to the person. There is a direct correlation: where these services are offered and resources are allocated, people are getting jobs.

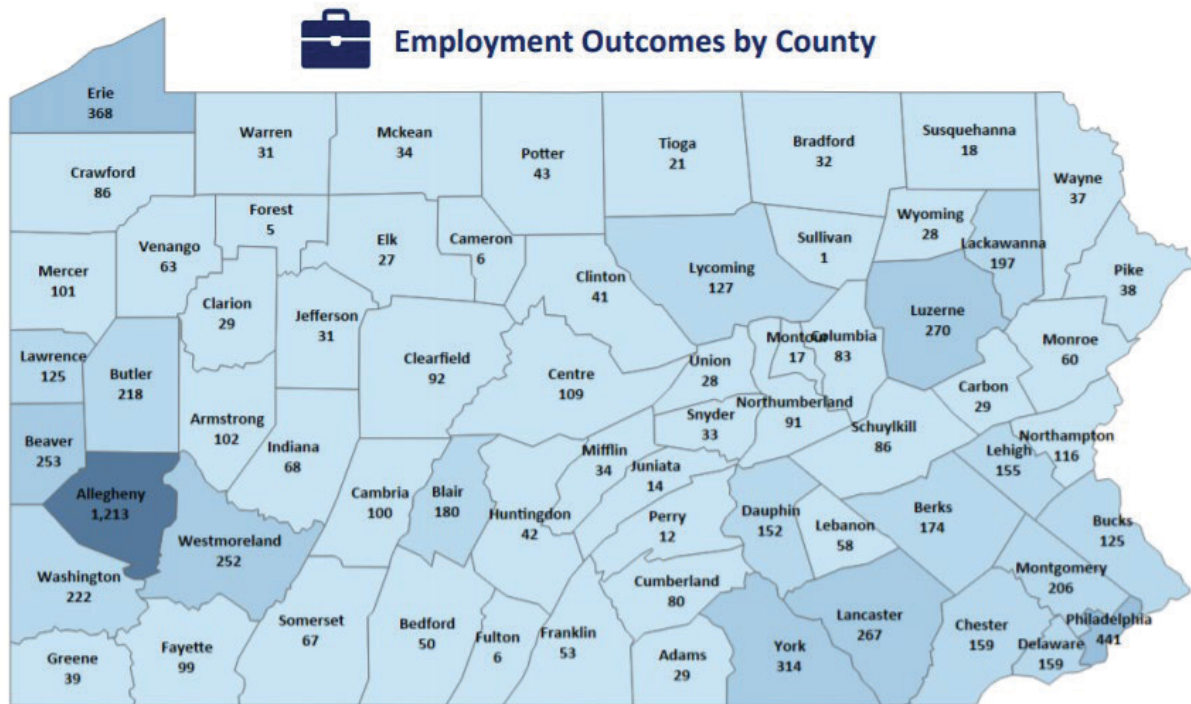
OVR map below from 2017-2018 Annual Report: With such disparate systems, several questions emerge. For example, who is evaluating and coordinating the information to make effective and relevant program decisions as a part of the larger workforce potential of these individuals? How is data being used to connect services, create solutions that are replicable. Looking at this OVR map, Philadelphia County is larger than Allegheny County by at least 300,000 people, yet Allegheny County had 3 times more placements in employment through OVR. In fact, Allegheny had more placements than Philadelphia, Bucks, Montgomery, Chester and Delaware combined.⁵

What is the analysis of this difference? How successful is employment and what are the outcomes of available programs? Are people using one-stops, such as Career Links and not going through disability specific services? How can regular workforce programs be expanded and marketed to people with disabilities in all regions/counties?

⁴ WIOA Act Joint Rule accessed: <https://www.federalregister.gov/documents/2016/08/19/2016-15977/workforce-innovation-and-opportunity-act-joint-rule-for-unified-and-combined-state-plans-performance>

⁵ Department of Labor & Industry, OVR Annual Report, “All figures represent program activities during the 2017-18 Program Year (July 1, 2017 – June 30, 2018).”

OVR MAP: Annual Report 2017-18



Adams 29, Allegheny 1213, Armstrong 102, Beaver 253, Bedford 50, Berks 174, Blair 180, Bradford 50, Bucks 125, Butler 218, Cambria 100, Cameron 6, Carbon 29, Centre 109, Chester 159, Clarion 29, Clearfield 92, Clinton 41, Columbia 83, Crawford 86, Cumberland 80, Dauphin 152, Delaware 159, Elk 27, Erie 368, Fayette 99, Forest 5, Franklin 53, Fulton 6, Greene 39, Huntingdon 42, Indiana 68, Jefferson 31, Juniata 14, Lackawanna 197, Lancaster 267, Lawrence 125, Lebanon 58, Lehigh 155, Luzerne 270, Lycoming 127, McKean 34, Mercer 101, Mifflin 34, Monroe 60, Montgomery 206, Montour 17, Northampton 116, Northumberland 91, Perry 12, Philadelphia 441, Pike 38, Potter 43, Schuylkill 86, Snyder 33, Somerset 67, Sullivan 1, Susquehanna 18, Tioga 21, Union 28, Venango 63, Warren 31, Washington 222, Wayne 37, Westmoreland 252, Wyoming 28, York 314

B. Pennsylvania as a Model Employer-The Role of the Office of Administration

In Pennsylvania, the Commonwealth is the 2nd largest employer⁶ after the federal government. State agencies and state colleges and universities account for approximately 100,000 civil service and non-civil service state jobs.⁷ In the past year, the responsibility for administering the civil service hiring process has been relocated to the Office of Administration (OA). This consolidated all Commonwealth hiring, both merit and non-merit within the OA. At the same time, the Office of Administration overhauled the existing hiring process to coordinate state agency Human Resources

⁶ PA Labor & Industry CWIA 4th Quarter, 2018 accessed: https://www.workstats.dli.pa.gov/Documents/Top%2050/Pennsylvania_Com_Top_50.pdf

⁷ Governor Wolf's Executive Order 2016-03 Recommendations published Sept 2016

and streamline hiring. While these efforts have improved Commonwealth hiring overall, significant issues remain for people with disabilities seeking state jobs.

The Pennsylvania Office of Vocational Rehabilitation (OVR) is the principle state agency responsible for providing services and training to persons with disabilities to help them become integrated into the workplace and community. Between 2014 and 2018, OVR has helped more than 26,000 customers find meaningful competitive integrated employment. The stark reality, however, is that over this period, 1.7% or less of these jobs were either civil service or non-civil service jobs with the Commonwealth.

Calendar Year	Civil Service	Non-Civil Service	Total
2014	2582	1070	3652
2015	3344	1390	4734
2016	3340	1394	4734
2017	2435	1165	3600
2018	3094	1416	4510

Summary of percentage overall of OVR hires comparison:

78 in 2014 (1.2% of all OVR annual hires) **% of all Commonwealth hires = 2.1%** (3652 total)
 83 in 2015 (1.4% of all OVR annual hires) **% of all Commonwealth hires = 1.7%** (4734 total)
 99 in 2016 (1.7% of all OVR annual hires) **% of all Commonwealth hires = 2.0%** (4734 total)
 55 in 2017 (1% of all OVR annual hires) **% of all Commonwealth hires = 1.5%** (3600 total)
 56 in 2018 (1.2% of all OVR annual hires) **% of all Commonwealth hires = 1.2%** (4510 total)

During the past year, a statewide group of disability advocates worked with the Pennsylvania Senate and Office of Administration to identify the barriers within the Commonwealth’s hiring systems and offer solutions. What they confirmed is that significant and fundamental structural barriers exist within these hiring systems, which must be reformed to provide persons with disabilities an equal opportunity to compete for state jobs. The barriers and potential solutions are summarized as follows (the complete listing and solutions are in Appendix B): 1. Job classification/job description; 2. Recruitment – communications/outreach 3. Application process 4. Testing/qualification determination 5. Applicant tracking 6. Interviewing process 7. Hiring & candidate selection 8. Onboarding 9. Continuous support 10. Reasonable accommodations 11. Welcoming and functional workplace 12. Retention

While there is currently an effort within the Office of Administration to provide access to Commonwealth hiring for persons with disabilities, the two systems remain largely closed to people with disabilities.

The Commission recognizes that the success of Employment First depends upon Pennsylvania becoming a model employer. This requires as a first step that the Commonwealth adopt the

blueprint developed by the National Governor’s Association and endorsed by the US Department of Labor⁸. [A Better Bottom Line: Employing People with Disabilities, Blueprint for Governors](#)

The following information is derived from American Network of Community Options and Resources (ANCOR) about the NGA report⁹:

The blueprint is organized into five topic areas designed to guide states in assisting businesses and provide governors examples of actions they can take in each area. The blueprint acknowledges that other policies such as health care, housing, and transportation affect employment for people with disabilities, but does not address those policies in depth. The five topic areas are:

1. Make disability employment part of the state workforce development strategy. For many states, the first step has been to prioritize “employment as the first option” when designing policies, programs and investments to support the employment of people with disabilities. To date, more than 30 states have adopted Employment First strategies, which direct state policies and investments to prioritize employment for people with disabilities. Governors can make Employment First a priority by issuing an executive order or working with the state legislature to enact legislation to support it. Governors can also direct state agencies to align disability programs with workforce and economic development programs, track disability employment outcomes and make sure they are included with current workforce data collection and focus on the business case when meeting with employers.
2. Support businesses in their efforts to employ people with disabilities. Businesses are willing to hire people with disabilities, but they need a long-term partner. Governors can encourage state agencies to find more such businesses by dedicating staff with business expertise to work with employers, working with multiple businesses in a sector and including small businesses. Governors can provide leadership in building long-term partnerships with these business by directing state agencies to assign one point of contact from the state to work with employers over the long term, provide skills assessment and training, and navigate the complexities of benefits related to workers with disabilities.
3. Increase the number of people with disabilities working in state government. Governors have a wide range of options for increasing the number of people with disabilities they employ, such as creating a fast-track hiring process for people with disabilities, focusing on retention of such employees and setting hiring goals. One key action is to set a state goal for hiring people with disabilities through an executive order and hold agencies accountable for achieving that goal.

⁸ <https://www.dol.gov/odep/pdf/EmploymentFirstGovernors.pdf>

⁹ ANCOR.org - ANCOR Applauds Release of NGA Blueprint for Employment of People with Disabilities).

4. Prepare youth with disabilities for careers that use their full potential, providing employers with a pipeline of skilled workers. Governors can send a strong message to state agencies, educators, business, and parents on the importance of starting early to create the expectation that employment and a career is a goal for everyone, including youth with disabilities. The message would ensure that career readiness begins in kindergarten through 12th grade education and is supported at colleges and universities and as students transition to work. Research shows that early career awareness and work experience for youth are indicators of positive employment outcomes, particularly for people with disabilities.
5. Make the best use of limited resources to advance employment opportunities for people with disabilities. Governors can act to secure additional resources and make the best use of them by directing agency heads to continuously review opportunities for federal support and the possibility of partnerships with federal agencies and the private and nonprofit sector.

As the blueprint emphasizes, the success of any employment initiative within state government requires shifting disability employment efforts into a broader workplace strategy.

C. Federal and State Legislative Focus- Competitive Integrated Employment

Competitive-integrated employment (CIE): In plain language, CIE is a “regular job” where a person with a disability works alongside typical workers in the communities where we all live, making the wages that are usual and customary, and at least minimum wage.

For years, people with disabilities served by state and federal funded home and community-based services (HCBS) waiver systems and other programs were limited to what was being offered to them, oftentimes working in subminimum wage, in segregated “sheltered workshops.” This was especially true for people with intellectual disabilities, people who were blind or low vision, those with physical disabilities, and individuals with serious mental health issues. Originally designed as “training centers”, such sheltered workshops often became lifelong placements for these individuals.

Pennsylvania is believed to be the first state in the nation to have policy that prioritized community employment for individuals with intellectual/developmental disabilities (I/DD). This was instituted by ODP in the early 90s. However, there were not a lot of incentives to change the support mechanisms built into policy and waiver systems that would ensure that employment was a priority. Significant re-thinking of employment for people with disabilities began to take shape after the federal Workforce Innovational Opportunity Act (WIOA) passed in 2014. At the same time, the federal Centers for Medicare and Medicaid Services (CMS) had published new rules governing its state administered (HCBS) “waivers.” These new rules built in more community-inclusive programming for people, especially people with intellectual disabilities and autism, using the waivers, including the

promotion of CIE over sheltered workshop programming. In 2016, Governor Wolf issued Executive Order 2016-03, which promoted Employment First policy in state agencies under the Governor's jurisdiction. A comprehensive set of [recommendations was published in response to the directive and was published in September 2016](#), and [Governor Wolf signed bi-partisan legislation, Act 26, Work Experience for Students with Disabilities](#), which required the state Office of Vocational Rehabilitation (OVR) to provide Pre-Employment Transition Services to high school students with disabilities and publish detailed data on such programs. Changes began to take shape across systems that deliver services to people with disabilities, focused on new ways to support regular jobs. Act 36 of 2018 took additional steps to promote CIE and codified the importance of the belief that "Pennsylvanians with a disability are valued members of society, and all members of society deserve to have the opportunity to work."

There is no law in Pennsylvania against sheltered workshops. However, there is public policy that engages people to understand CIE and to ensure they are given opportunities to develop individualized plans that will support their abilities and to try jobs and training in typical environments.

In recent years, the Office of Developmental Programs has made several changes to its HCBS waiver programs that remove barriers to CIE. New service definitions and changes to existing services have been put into place. The Office of Long-Term Living has added new employment services to its waivers programs as well as new service and data requirements to its Community HealthChoices (CHC) program. OVR has implemented WIOA-required Pre-Employment Transition Services with some level of coordination with the Department of Education for students and has attempted to work with the Department of Human Services to coordinate its services available to those adults being served by both agencies.

Things have not gone as smoothly as hoped. Federal CMS rules require federal vocational rehabilitation funding be used before Medicaid funding to help people with disabilities get CIE. To comply, Pennsylvania has instituted requirements that force all waiver and CHC participants who want to work to be referred to OVR before the waiver or CHC can assist. This was designed to ensure that people are given real opportunities to work with OVR's professional Rehabilitation Counselors to try CIE before placements into a sheltered workshop are even considered.

However, during the past 12 months, financial challenges have plagued OVR, resulting in OVR establishing for the first time a waiting list for its services. Changes in waiver rules have been proposed to CMS so that people who want to work in CIE can receive assistance immediately without having to languish on an OVR waiting list.

As the Commission continues to evaluate progress, reviewing the numbers by county is critical. Counties are delivering services and understand the agencies and businesses in their regions. They are a gatekeeper to identifying opportunities for CIE.

V. Measurable Goals and Objectives Governing State and Local Agencies and Entities Providing Publicly Funded Services in the Implementation of the Act

The Commission has created the following measurable goals to mark progress in the Administration's efforts to ensure that public resources are committed to Employment First.

The data collected will be considered baseline. Throughout the next year, the Commission will learn more about this data. We encourage the Administration to also learn from and react to this year's report so that progress and program adjustments can be made to further support Employment First. In the next annual report, there will be analysis based on these numbers and interpretation of ongoing efforts.

The original footnoted data came from publicly available information. The measurable goals and objectives were presented to the Governor's Cabinet on Employment First on June 19, 2019.

Measurable Goals

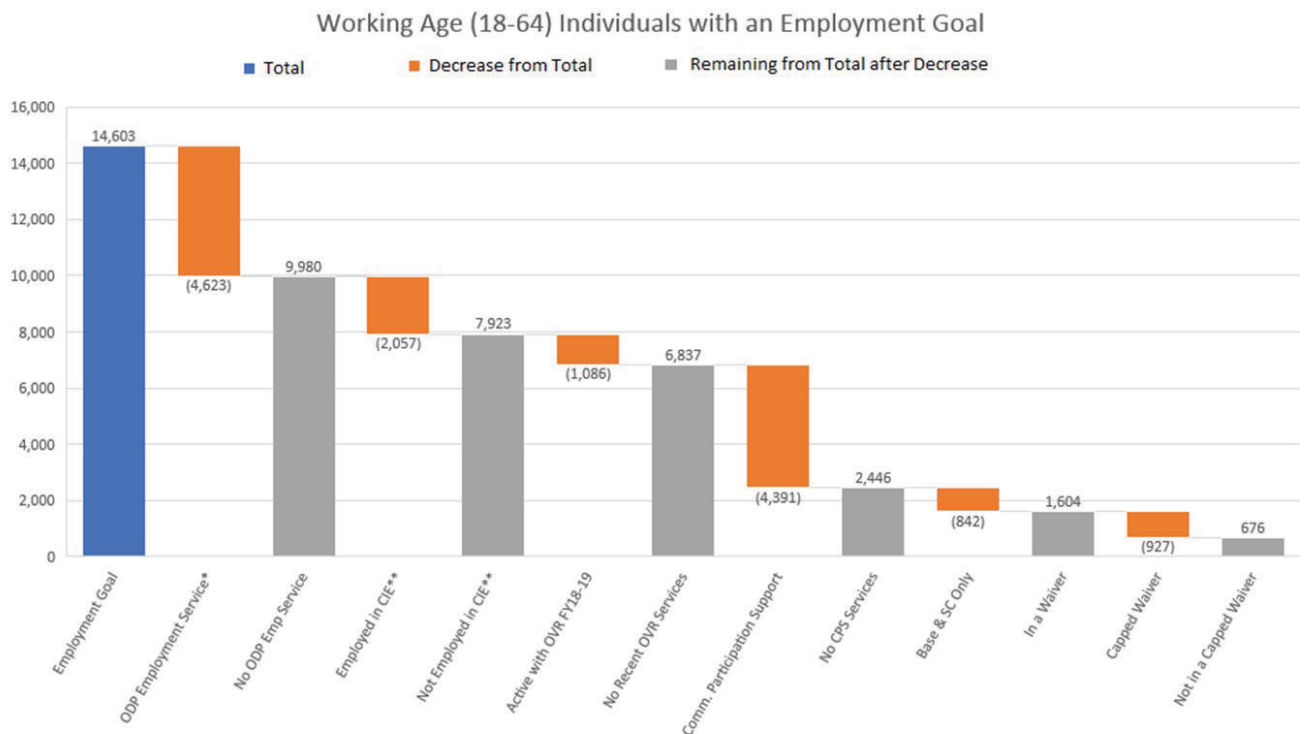
1. By 2022, 30% of working age individuals (18-64) who are on an ID/Autism waiver will have Competitive Integrated Employment (14% was recorded by ODP in 2018 Comprehensive Employment Report)¹⁰

Data below provided by ODP to the Commission is point-in-time data (June 2019)

Sixteen percent (16%) of all working age (18-64) individuals in the ID/Autism Waivers are working in competitive integrated employment.

2. By 2022, 3000 more individuals (ID/Autism) who have an employment goal in their ODP ISP will be receiving employment services.

¹⁰ ODP Comprehensive Employment Report, August 2018, page 3 & 6, Timeframe: Calendar Year 2017
Source: Individual Monitoring Employment Question #1 – "Is the individual working in a competitive-integrated job?"
All counts are duplicated to capture changes in employment status over time. Accessed: https://s3-us-west-2.amazonaws.com/palms-awss3-repository/MyODP_Content/Course+Content/Employment/Publications/Final+-+Office+of+Developmental+Programs+Comprehensive+Employment+Report+-+CY+2017.pdf



With ODP provided chart: Question asked: Does this consumer have employment goals? Y/NGoals could be whether the individual would like to: explore competitive integrated employment, increase or decrease hours of current employment, change jobs, career advancement, etc. OVR data is as of 3/31/2019. The number of individuals that have an employment goal and all other information is as of 4/30/2019 and includes individuals ages 18-64. The number of individuals with an employment goal is obtained from the ISP. Supports Coordinators have been instructed to use the below guidance: Reading the chart from left to right, each “decrease” (orange) is a unique set of individuals that are taken from the subset of individuals directly to the left. For example, out of 14,603 individuals with an employment goal, 4,623 of them are receiving an ODP employment service leaving 9,980 individuals with an employment goal that are not receiving an ODP employment service. Of those 9,980 individuals, 2,057 of them are employed, leaving 7,923 individuals that are not employed out of that subset. Individuals receiving prevocational services through the use of Community Participation Support must have a competitive integrated employment outcome included in their service plan. ODP Employment Services include Advanced Supported Employment, Supported Employment, Career Planning, Transitional Work and Small Group Employment. “In a waiver” means receiving services through the Consolidated, Community Living, Person/Family Directed Support (P/FDS), or Adult Autism Waivers. “Capped waivers” are the Community Living and P/FDS waivers.

Currently 4623 individuals that have an employment goal in their ISP are receiving ODP Employment Services.

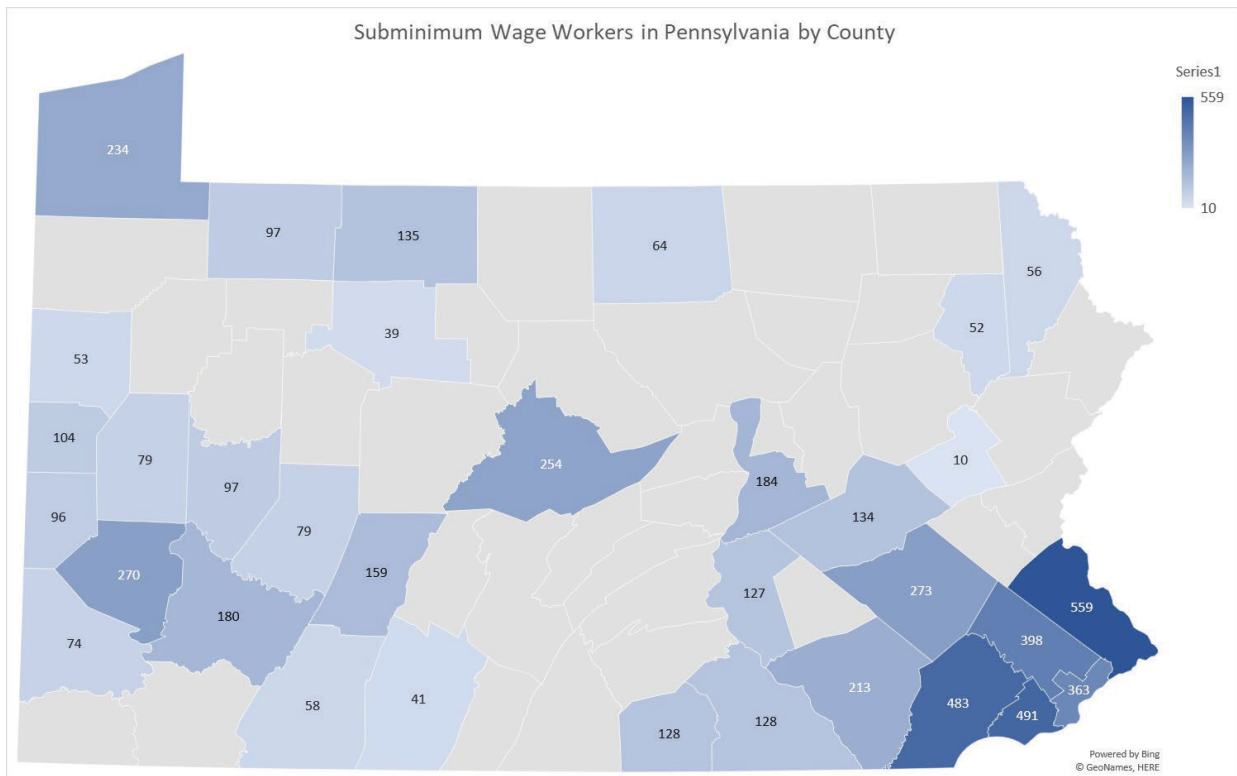
- 100% of all referrals to OVR through Pennsylvania’s 511 efforts (persons requesting to leave sheltered workshops) will achieve Competitive Integrated Employment within 1 year. High Priority

OVR has indicated they could not produce the baseline data in time for this report.

- Continue trend to annually decrease segregated employment by a minimum of 10%.¹¹ Map by county, the total number of individuals served by state and local dollars in competitive integrated employment services versus number of people in facilities services (14c) segregated settings.

Currently 5712 Individuals in ODP Services are in (14c) segregated settings receiving subminimum wages.

Below is a snapshot of counties in Pennsylvania and the number of individuals who are working in a 14c subminimum wage sheltered workshop derived the US Department of Labor April 2019.¹² Total is 5,712. The Commission has not received confirmation that this data has been correlated with ODP data to ensure this is the total number funded in segregated employment. Accessible data by counties below the map picture.



¹¹ LEAD Center, DRIVE Report Pennsylvania -

¹² <https://www.dol.gov/whd/specialemloyment/crplist.htm>

The darkest blue counties represent the highest numbers of people in segregated settings. Surprisingly, the highest numbers appear closest to larger city regions where opportunities to partner with larger employers are arguably more available. Accessible numbers: Adams 128, Allegheny 270, Armstrong 97, Beaver 96, Bedford 41, Berks 273, Bucks 559, Butler 79, Cambria 159, Carbon 10, Centre 254, Chester 483, Dauphin 127, Delaware 491, Elk 39, Erie 234, Indiana 79, Lackawanna 52, Lancaster 213, Lawrence 104, McKean 135, Mercer 53, Montgomery 398, Northumberland 184, Philadelphia 363, Schuylkill 134, Somerset 58, Tioga 64, Warren 97, Washington 74, Wayne 56, Westmoreland 180, York 128

**Service locations licensed under 55 Pa. Code Chapter 2390
(relating to Vocational Facilities) Statewide = 152**

Central Region	
Adams	1
Blair	1
Cambria	2
Centre	1
Columbia	1
Cumberland	2
Dauphin	2
Franklin	2
Huntingdon	1
Juniata	1
Lancaster	7
Lebanon	2
Mifflin	2
Northumberland	1
York	2
Total	28

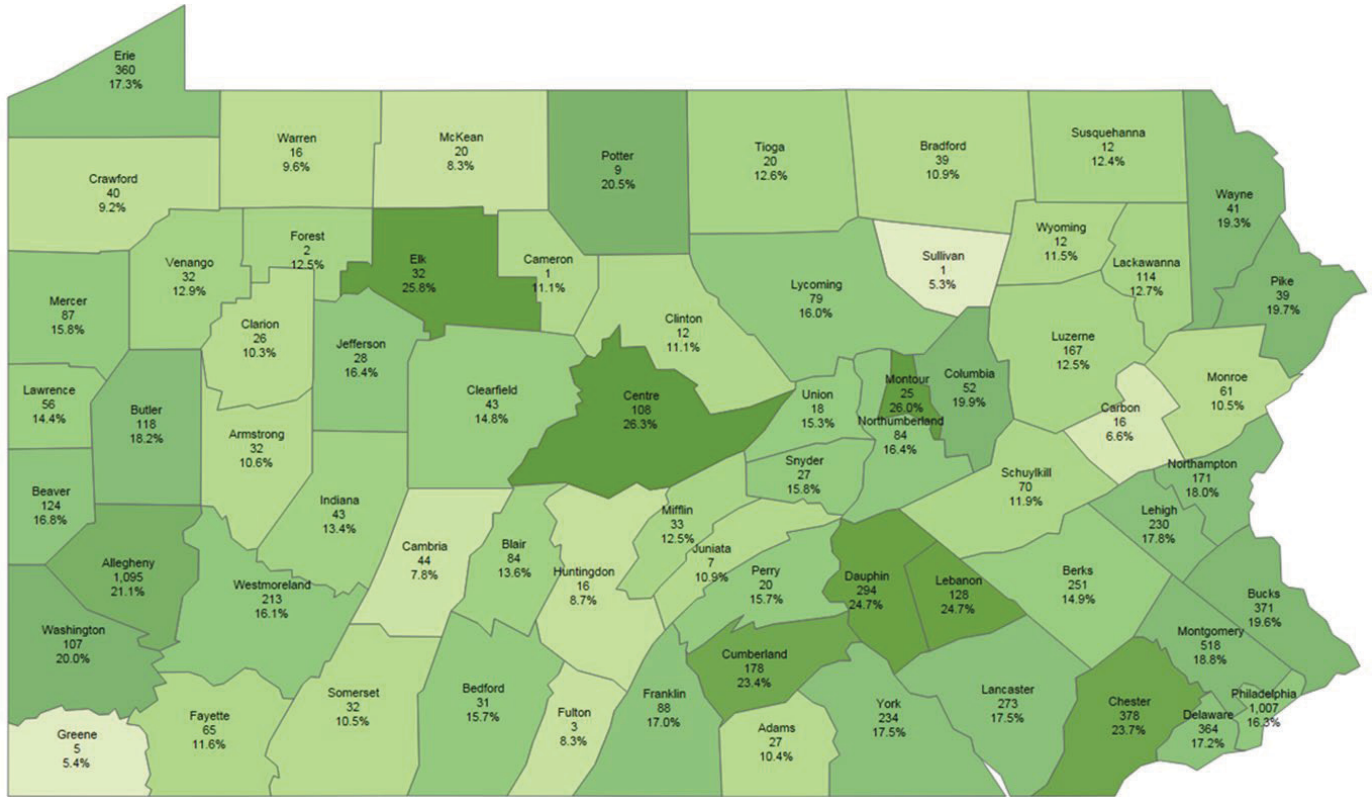
Northeast Region	
Berks	3
Lackawanna	2
Lehigh	3
Luzerne	5
Monroe	1
Northampton	2
Pike	1
Schuylkill	6
Tioga	2
Wayne	1
Wyoming	1
Total	27

Southeast Region	
Bucks	9
Chester	13
Delaware	8
Montgomery	13
Philadelphia	11
Total	54

Western Region	
Allegheny	14
Armstrong	2
Beaver	1
Butler	1
Clearfield	1
Crawford	1
Elk	3
Greene	2
Indiana	1
Jefferson	1
Lawrence	3
McKean	1
Mercer	2
Venango	1
Warren	1
Westmoreland	8
Total	43

Likewise, below is the ODP information, by county, with its percentage of individuals who have competitive integrated jobs. Outcomes are mixed, with standout counties that have proven successful performance. Better information is needed to understand what is making those counties successful and to replicate those rural, suburban and urban solutions statewide.

Competitive Integrated Employment by County



Adams 27 (10.4%), Allegheny 1095 (21.1%), Armstrong 32 (10.6%), Beaver 124 (16.8%), Bedford 31 (15.7%), Berks 251 (14.9%), Blair 84 (13.6%), Bradford 39 (10.9%), Bucks 371 (19.6%), Butler 118 (18.2%), Cambria 44 (7.8%), Cameron 1 (11.1%), Carbon 16 (6.6%), Centre 108 (26.3%), Chester 378 (23.7%), Clarion 26 (10.3%), Clearfield 43 (14.8%), Clinton 12 (11.1%), Columbia 52 (19.9%), Crawford 40 (9.2%), Cumberland 178 (23.4%), Dauphin 294 (24.7%), Delaware 364 (17.2%), Erie 360 (17.3%), Elk 32 (25.8%), Fayette 65 (11.6%), Forest 2 (12.5%), Franklin 88 (17%), Fulton 3 (8.3%), Greene 5 (5.4%), Huntingdon 16 (8.7%), Indiana 43 (13.4%), Jefferson 28 (16.4%), Juniata 7 (10.9%), Lackawanna 114 (12.7%), Lancaster 273 (17.5%), Lawrence 56 (14.4%), Lebanon 128 (24.7%), Lehigh 230 (17.8%), Luzerne 162 (12.5%), Lycoming 79 (16%), McKean 20 (8.3%), Mercer 87 (15.8%), Mifflin 33 (12.5%), Monroe 61 (10.5%), Montgomery 518 (18.8%), Montour 25 (26%), Northampton 171 (18%), Northumberland 84 (16.4%), Perry 20 (15.7%), Philadelphia 1007 (16.3%), Pike 39 (19.7%), Potter 9 (20.5%), Schuylkill 70 (11.9%), Snyder 27 (15.8%), Somerset 32 (10.5%), Sullivan 1 (5.3%), Susquehanna 12 (12.4%), Tioga 20 (12.6%), Union 18 (15.3%), Venango 32 (12.9%), Warren 16 (9.6%), Washington 107 (20%), Wayne 41 (19.3%), Westmoreland 213 (16.1%), Wyoming 12 (11.5%), York 234 (17.5%)

Supported Employment

Number of unique individuals authorized to receive Supported Employment services, statewide:
4,128

Cost of Supported Employment services, statewide: \$30,927,535.71

- Cost from base funding: \$1,554,438.44
- Cost from Waiver funding: \$29,373,097.27
 - Federal costs: \$15,221,139.01
 - State costs: \$14,151,958.26

Total state and county funding expended on Supported Employment: \$15,706,396.70

Funding County	Individuals authorized to receive Supported Employment	FY 18/19 Expenditure (Federal, State and County) as of 6/30/19*
Allegheny	422	\$1,853,226.61
Armstrong/Indiana	28	\$209,876.00
Beaver	63	\$619,722.90
Bedford/Somerset	27	\$519,878.50
Berks	52	\$121,126.00
Blair	43	\$198,161.00
Bradford/Sullivan	**	\$50,600.41
Bucks	188	\$809,604.28
Butler	26	\$225,537.45
Cambria	21	\$422,024.00
Cameron/Elk	16	\$307,596.50
Carbon/Monroe/Pike	41	\$347,014.09
Centre	57	\$247,790.00
Chester	221	\$1,037,958.13
Clarion	**	\$109,854.05
Clearfield/Jefferson	**	\$4,384.25
Columbia/Montour/Snyder/Union	53	\$331,410.25
Crawford	14	\$119,049.25
Cumberland/Perry	104	\$696,171.83
Dauphin	166	\$1,628,269.25
Delaware	169	\$1,410,979.22
Erie	72	\$692,605.00
Fayette	39	\$527,422.45
Forest/Warren	11	\$125,134.17
Franklin/Fulton	48	\$165,962.50
Greene	**	\$102,027.00
Huntingdon/Mifflin/Juniata	32	\$252,032.25
Lackawanna/Susquehanna	35	\$223,845.25
Lancaster	111	\$256,734.55

Lawrence	67	\$285,375.30
Lebanon	59	\$367,061.06
Lehigh	84	\$561,780.02
Luzerne/Wyoming	32	\$212,131.79
Lycoming/Clinton	39	\$287,479.00
McKean	**	\$23,785.00
Mercer	63	\$802,803.77
Montgomery	287	\$1,747,497.82
Northampton	73	\$520,291.91
Northumberland	66	\$1,253,083.59
Philadelphia	921	\$8,571,071.16
Potter	**	\$75,206.75
Schuylkill	16	\$90,010.25
Tioga	11	\$62,125.00
Venango	**	\$87,146.25
Washington	41	\$543,545.10
Wayne	11	\$256,558.50
Westmoreland	105	\$1,153,224.13
York/Adams	156	\$411,362.17

*Expenditures are as of 6/30/19 for Fiscal Year 18/19. Due to a lag in billing, this does not represent a complete expenditure for FY18/19. Under 55 Pa. Code Chapter 1101.68, providers have up to 180 days from the date of service to submit billing invoices.

**Numbers less than 11 have been suppressed to protect the confidentiality of the individuals served.

5. By 2022, no student who is being educated in an inclusive setting will transition to a more segregated setting (i.e. from pre-school to school age; school age to middle school; middle school to high school).

Current success in an inclusive setting should indicate opportunity for future success in an inclusive setting, with the right educational program supports. There is a marked increase currently in education placements (numbers double -- especially certain disabilities) to Approved Private Schools as students transition to middle and high school.¹³ Inclusion in school is a key indicator of employment inclusion.

The Commission is requesting More Detailed Data for 2020 Report Baseline.

¹³ Penn Data, Educational Environments IDEA 2017

https://penndata.hbg.psu.edu/Portals/66/documents/ADR/educationalenvironmentspartb_2017_4-4-2017.pdf

6. By 2022, 20% of all high school graduates (senior year up to age 21) receiving transition services from PDE, OVR and/or ODP will be competitively employed in an integrated setting within 3 months of graduation.¹⁴

Better coordination and planning would support students with and without post-secondary education/training options to be 'set up' in a first job before or immediately after graduation.

According to OVR/Education Act 26 Data, a total of 36 Students (out of approximately 18,425 graduates¹⁵) were competitively employed before graduation in the last 4 quarters. Act 26 Report ¹⁶- SFY 18-19 Q1 -Q4

7. 100% of graduating students with an IEP either have CIE and/or post-secondary placement or have a plan in place with OVR and ODP or OLTL-funded program that guarantees access to appropriate and continuous services for CIE and/or post-secondary placement.

This needs to be measured & monitored.

8. Each year, the Commonwealth will steadily increase access to competitive-integrated public and private employment for high school students with disabilities with funding and/or support from either OVR or PDE. This can be in the form of a Work-Based Learning Experience or a job with job coaching and/or other supports. First year goal 2000 students; Second year goal 2500 students; 3rd year goal 3000 students.¹⁷

It is unclear how many "unique" student participants were served by OVR because quarterly data contains duplications. It is unlikely OVR served 3956 students with part time or summer jobs and 766 individuals received job coaching. The Commission requests that the total number of unduplicated students be reported annually in addition to quarterly data in sections iv and v of Act 26 Report.¹⁸

9. At least one year before graduation, 50% of all students with an IEP will lead their own IEP meeting; and, 100% of students will self-advocate in their own IEP meeting, and if they

¹⁴ ACT 26 Data <https://www.dli.pa.gov/Individuals/Disability-Services/Documents/SFY17-18%20Q4%20Report.pdf>
2017-18 Only 58 students were competitively employed.

¹⁵ Most recent publicly available data, page 6, Table 8, Exiting Special Education: Basis for Exit Graduation, Student Age 14-21 School Year 2017-2018
https://penndata.hbg.psu.edu/Portals/66/documents/PennDataBooks/Statistical_Summary_2017-2018.pdf

¹⁶ Most Recent Act 26 Data <https://www.dli.pa.gov/Individuals/Disability-Services/Pages/Act-26-Information.aspx>

¹⁷ Act 26 IBID.

¹⁸ ACT 26 Most Recent Data (sections iv and v): <https://www.dli.pa.gov/Individuals/Disability-Services/Documents/Act%2026%20SFY18-19%20Q4%20Report.pdf>

choose, disclose their disability, and identify (if necessary) what types of accommodations they need to be successful in a job.¹⁹

This needs to be implemented, measured & monitored.

10. Annually each of the Community HealthChoices (CHC- AmeriHealth Caritas, PA Health and Wellness, Keystone First, UPMC) OLTL managed care organizations will ensure that at least 200 additional CHC participants are competitively employed.

CHC data from the providers is required by contract to be collected and reported to OLTL. To date, it is the Commission's understanding that no such data has ever been produced. The Commission has been told that OLTL is working with the CHC MCOs to develop and implement reports which will be available April 1, 2020.

The number [200 additional] was derived from an approximation of an increase in the numbers that have been stated in public meetings by MCOs about how many people currently are working. Once the Commission has the correct numbers, there may be a revision of this goal.

OLTL-Working age 18-64 total number of people in waiver 89,906 with 2,489 people employed²⁰ Just 3% of the total population in OLTL waivers (mostly people with physical disabilities) are working.²¹ Previously no data was collected, and OLTL did not offer employment supports.

Source: PA OLTL

Number and Percent of individuals enrolled in an Office of Long-Term Living (OLTL) waiver in a competitive-integrated job			
Enrollees with a Competitive-integrated job	2016	2017	2018
# in competitive-integrated Job	1,545	1,977	2,489
as a % of Total Waiver enrollment	2%	3%	3%
Annual Waiver Enrollment	69,460	78,274	89,906
Annual Enrollment of Individuals Receiving Employment Services while in an Office of Long-Term Living (OLTL) waiver			
Employment Services	2016	2017	2018
Annual Total	172	132	101
Number of Individuals in an Office of Long-Term Living (OLTL) waiver with an employment goal in their service plan			
Employment Goal in Service Plan	2016	2017	2018

¹⁹ According to Special Education Statistical Summary, 2017-2018, there are approximately 108,000 students 14-21.

²⁰ 2018 OLTL data Pennsylvania

²¹ This reflects all ages; data for working-age participants would be more relevant and is pending.

Yes	286	319	359
------------	-----	-----	-----

1. OMHSAS (Office of Mental Health and Substance Abuse Services) will annually report and transition at least 600 additional mental health consumers to employment.¹

Current Numbers: Approximately 24-27% Working

Behavioral Health MCOs-Individuals Working 164,609

County Based Behavioral Health-Individuals Working 164,619

There is currently no in-service plan required to provide employment in BHMCOs and while some or most counties provide some level of employment services with base funds, it is currently not required.

*This data does not currently break out people with behavioral health and substance abuse issues separately. When the Commission determined the goal for this population, was based on limited publicly available data *national sources—see LEAD Center footnote said PA consumers employed 4,034. OMHSAS is just getting started collecting more robust data. The Commission will consider substantially increasing this goal in October 2019.

¹ LEAD Center, DRIVE Report Pennsylvania-od of Mental Health Consumers employed 4,034
http://drivedisabilityemployment.org/pennsylvania#quicktabs-states_big_screen=1

Source: PA OMHSAS

BH-MCO	Unduplicated Count of Individuals	# of individuals employed	# of individuals unemployed	% of individuals employed
Community Behavioral Health (CBH)	128,285	22,898	105,436	17.85%
CBHNP	68,555	18,472	50,161	26.94%
Community Care Behavioral Health Organization (CCBHO)	271,028	71,121	200,143	26.24%
Magellan Behavioral Health of Pennsylvania (MBH)	103,177	26,105	77,171	25.30%
Value Behavioral Health	95,030	26,013	69,116	27.37%
TOTAL	666,075	164,609	502,027	24.71%

Source: OMHSAS by County

County	CY 2016		CY 2017	
	Employed with a BH diagnosis*	% Employed with a BH Diagnosis	Employed with a BH diagnosis	% Employed with a BH Diagnosis
Adams	1,067	29%	1,136	29%
Allegheny	16,375	26%	15,596	25%
Armstrong	1,464	32%	1,478	32%
Beaver	2,819	28%	2,718	26%
Bedford	773	31%	701	29%
Berks	5,264	23%	5,310	23%
Blair	3,207	30%	3,046	29%
Bradford	762	26%	720	24%
Bucks	5,444	29%	5,380	28%
Butler	2,094	30%	2,143	29%
Cambria	2,471	27%	2,383	25%
Cameron	123	36%	137	39%
Carbon	746	25%	822	26%
Centre	1,556	37%	1,485	36%
Chester	3,080	29%	2,899	27%
Clarion	759	33%	739	31%
Clearfield	1,729	31%	1,595	29%
Clinton	602	29%	625	29%
Columbia	850	29%	868	30%
Crawford	1,527	27%	1,561	26%
Cumberland	2,239	31%	2,341	30%
Dauphin	3,844	27%	3,744	25%
Delaware	5,155	24%	4,834	23%
Elk	734	39%	735	38%
Erie	5,334	26%	5,079	25%
Fayette	2,829	25%	2,754	24%
Forest	55	19%	68	22%
Franklin	1,879	29%	1,886	27%
Fulton	181	25%	183	24%
Greene	705	26%	661	24%
Huntingdon	708	30%	697	28%

Indiana	1,411	31%	1,339	30%
Jefferson	887	29%	941	29%
Juniata	247	24%	249	26%
Lackawanna	3,867	27%	3,880	26%
Lancaster	6,360	28%	6,174	27%
Lawrence	1,604	26%	1,574	25%
Lebanon	1,966	29%	1,941	27%
Lehigh	4,584	25%	4,618	24%
Luzerne	4,818	25%	4,876	24%
Lycoming	2,179	33%	2,197	32%
McKean	865	26%	846	25%
Mercer	2,022	28%	2,000	27%
Mifflin	1,024	30%	1,005	29%
Monroe	2,030	29%	2,015	28%
Montgomery	5,750	27%	5,613	26%
Montour	278	32%	261	31%
Northampton	3,195	26%	3,277	26%
Northumberland	1,382	26%	1,310	24%
Not Found	14	20%	10	13%
Perry	429	25%	440	25%
Philadelphia	23,068	18%	22,898	18%
Pike	578	27%	544	26%
Potter	230	25%	260	26%
Schuylkill	1,904	23%	1,822	21%
Snyder	397	29%	364	28%
Somerset	1,091	28%	1,062	26%
Sullivan	39	15%	44	16%
Susquehanna	464	25%	418	23%
Tioga	618	30%	672	30%
Union	348	29%	347	30%
Venango	935	27%	986	27%
Warren	712	30%	732	28%
Washington	3,280	30%	3,181	28%
Wayne	632	27%	615	26%
Westmoreland	5,786	30%	5,618	29%
Wyoming	380	27%	424	28%
York	5,862	29%	5,742	27%

Total	167,611		164,619	
* includes those that had an employment status at some point during the year				

2. By 2022, the Pennsylvania state workforce [includes state agencies and state colleges/universities] will exceed a 7% hiring goal.

The Office of Administration estimates that 4.81% of Commonwealth Employees have a disability.

In 2019, approximately 77,000 employees were surveyed via email and hardcopy (for those with limited email access). There were 10,736 responses – a 13.94 percent response rate. 3,708 respondents indicated they have a disability: 34.54 percent of the respondents, or 4.81 percent for the Commonwealth overall.

3. Within one year, DHS [or another department within the Commonwealth] will hire 10 people under a newly created customized employment job classification that the Pennsylvania Office of Administration will create or allow state agencies to develop.

Will Review Data 2020. No program established.

4. Within one year [began May 2019], all counties will have (or be part of) at least one Local [Cross Disability] Employment Coalition.

Will Review Data 2020.

5. Beginning in 2020, Pennsylvania will annually increase the number of employers who hire people with disabilities by 25 percent.

Will Review Data 2020.

6. By 2022, all individuals with disabilities who want a job, can access transportation to a job if they secured a job.

Waiting for Data 2020. To be monitored.

Objectives

In addition to developing measurable goals and an opportunity for input into a draft of the three-year plan², the Commissioners requested that Pennsylvania work on 5 objectives to better regularly

² Act 36, Section 4(i) Commonwealth 3-year plan was released on August 19, 2019. At that time, there were approximately 5,712 people in subminimum wage jobs in Pennsylvania.

and systemically assess the efficacy of employment systems, services and delivery. None of these systems were known to be in place at the time of this report. They are as follows:

1. **Establish a Customer Feedback System (Across Systems)** It is imperative for Pennsylvania to establish a cross-department, customer response system and/or surveys for all publicly funded services regarding Employment First. Pennsylvanians with disabilities understand what issues exist and which systems or services are working and where.
2. **Survey (individual and families) Plans for the Future** Establish an annual statewide survey for individuals using system supports to determine expectations and outcomes for employment (starting in Early Intervention). Understand misperceptions and real barriers that exist for people using services and their families to better plan and for training.
3. **Create Real Cross Agency Collaboration and Coordination** As part of the federal Workforce Innovation and Opportunity Act and Act 36, barriers between agencies are to be removed between service systems to support employment success. The total workforce system in Pennsylvania is to support all people, including people with disabilities. Demonstrate that those collaborations and systems' changes are working. Act 36 requires "a review and alignment of service definitions, policies and payment structures within and across State agencies." It is essential as a first step for agencies to develop a specific *cross agency collaboration system*—to focus on employment.
4. **Data Reporting -Publicly Available Dashboard** Pennsylvania does not have a comprehensive data system across systems. De-Identified case number records should be established to understand how, when and how often people with disabilities are using employment systems and what is working. Look to states with existing employment first dashboards. Make de-identified aggregated data available to the public.
5. **On-Time Delivery Measurement** People who have signed up or requested employment services in any department will be served within 3 months. Multiple measures to include outcomes by department and create an individual's case number (across all departments) to track time, use of services and employment outcomes/retention.

I. Employment First Oversight Commission Recommendations for Effective Strategies and Polices

While there has been a lot of activity throughout state and local government to increase access to competitive-integrated employment, significant challenges remain. In order to focus the efforts into manageable solutions requiring governmental action, the Commission makes the following recommendations as part of its first-year report:

1. **That the Legislative Budget and Finance Committee of either the House or Senate conduct a study and report on the return on investment (compared to traditional customer services delivered by OVR) for Pennsylvania Office of Vocational Rehabilitation's Hiram G. Andrews**

Center (HGAC). There are presently only 7 facility-based programs like HGAC nationally³. The Commission believes it is timely and appropriate to conduct a meaningful review of this program and its return on investment (ROI). Approximately \$23 million is currently being directed from OVR's budget to fund this 24/7 campus operation. The per-customer cost for HGAC is significantly higher than non-HGAC customers, yet it is unclear what value graduates of HGAC are getting as compared to non-HGAC customers or those OVR customers who attend traditional post-secondary vocational programs. The review should consider whether these resources could be effectively re-directed to traditional OVR services and/or regional or county career technical programs and/or community colleges where individuals with disabilities can learn alongside other students, which will enhance their skills to work and stay in the communities where they live.

2. **That state and county administrators should continue to increase and align, wherever possible, financial incentives for agencies/providers and Supports Coordinators to increase CIE outcomes.** County-funded services under the jurisdiction of the state should have Memorandums of Understanding, agreements, or contracts in place requiring CIE policy be encouraged and followed.
3. **That state systems support employees and businesses. Make Employment First a funding and policy priority for job retention and customers ready with employer.** Identify the cost and staffing issues for people who are waiting on the OVR Order of Selection and serve them with additional state funding. Provide support in OVR or identify other resource funding/programs for the individuals who need support for retention in an existing job (so they aren't at risk for losing their job) and people who come to OVR with a job lined-up and only need basic supports to begin working. No business will wait for these employees and valuable effort will be lost.
4. **That employment supports need to be added as an in-plan service in Behavioral HealthChoices for Behavioral Health Managed Care Organizations (BHMCOs).** Data should be collected and submitted by BHMCOs to DHS for publication similar to what is collected by ODP and OLTL. In-plan services such as those offered by ODP and OLTL should be included. Currently, only about one-quarter of people served in the system are working. The only employment services offered currently are those offered at the county level on a voluntary basis. Some innovative employment supports are being offered, yet the types of services and their availability are not consistent statewide. Having a job can positively impact a person with behavioral health issues and adding employment supports as an in-plan service may provide the Commonwealth a net positive return on investment.
5. **That OLTL develop a greater sense of urgency - holding Community HealthChoices MCOs accountable for employment-related requirements in their contracts.** Employment services are currently in-plan services in the CHC program, yet is the Commissions understanding there are few CHC participants with CIE. Very few CHC participants have employment as a goal in their ISP and very few participants have employment services in their ISPs. OLTL

³ Data provided by OVR

must hold MCOs accountable for these requirements and be transparent about the employment-related data MCOs are supposed to be providing OLTL.

6. **That Workforce Development allocate funding for innovation statewide/regional for Employment First efforts –support promising practices that increase employment for people with disabilities within businesses.** People with disabilities represent the largest untapped labor pool. Workforce Development dollars in each region should be prioritized to provide businesses and organization support mechanisms to develop and grow successful employment integration programs.
7. **That state government remove “fear of working” for those who need benefits. Develop consistent education and information systems that encourage employment and upward mobility. Support changes to the MAWD program.** Barriers to work often begin with fear. *If I work or work too much or at all-- I will lose these life-sustaining benefits.* Compass is a system each Medicaid beneficiary enters annually to renew benefits. This portal should know the person has a disability, if they are working, and how much they are earning. The Compass program could provide information to participants to increase their earnings with Medical Assistance for Workers with Disabilities (MAWD) and connect individuals to either waiver-funded Benefits Counselors or those available under Social Security’s Work Incentives Planning Assistance (WIPA). Other regular trainings, education, web pages and social media should be developed to support all individuals to know they can in fact work and/or work and make more money, including those in a HCBS waiver program. Current legislation in the General Assembly would increase the income limits currently imposed on MAWD so that people can continue to earn to their potential. The Commission supports this legislation.⁴
8. **That the Administration and General Assembly advocate for federal changes to Social Security so that the amount a person can earn is raised before their work is considered “substantial gainful activity”.** Currently, people with lifelong disabilities have a disincentive to work, and this is an opportunity cost that adversely impacts state and federal tax bases. If SGA cannot be raised, then the Administration and General Assembly ought to advocate for federal changes to the ABLE Act so that a person eligible for ABLE can direct their first \$5000 in monthly earnings into an ABLE Account and not have it count toward SGA. Because their lives depend on it, people with disabilities will almost always prioritize health care and independent living support (HCBS waiver) over a job. But if a person can direct the first \$X in earnings (up to a reasonable limit) into an ABLE account and those earnings are not counted toward SGA, then the disincentive to work will be lifted, and their ABLE account will grow, the funds in which can be used on things to help that person live independently and not rely so much on other government benefits, i.e. SNAP, LIHEAP, etc.
9. **That state government fund certification and credentialing across systems. Build in College of Direct Supports.** Ensure that agencies, organizations and schools have the proper Employment First training. Currently, ODP and OLTL require employment service

⁴ Disclosure. The Chair of the Commission and one of its members are involved directly with United Way’s #IWantToWork the lead organization working toward changes in the MAWD system.

professionals to have either ACRE training or CESP certification. The Commission supports having highly qualified professionals, but the investment made by providers can be significant in terms of the training itself, paid time away from the job to attend training, and then the cost of doing it all over again due to the high turnover rate of direct support professionals. DHS should either provide separate funding to providers for these training requirements, or they develop a no-cost or low-cost version of this training that can be done online, for example through the College of Direct Supports.

10. **That the General Assembly and Administration devise tax breaks to employ/retain people with significant disabilities.** According to AskEarn.Org, tax credits have been established in multiple states: 6 states provide 'new hire' credits, 4 states support barrier removal and 7 states fund return to work.
11. **That the General Assembly mandate the Pennsylvania Department of Education to require all school districts provide consistent funding for transition-age students, so they are supported in regular jobs that meet the CIE definition as part of transition IEP.** In addition, Payment rates and qualifications for employment supports should be equal across all systems. It is the Commission's understanding that school districts who want to hire job coaches can't compete because of the low fees associated with those programs.
12. **That the General Assembly mandates the Pennsylvania Department of Education to require each school district to have a full-time dedicated and highly qualified and/or credentialed Transition Coordinator to support employment.**
13. **That the Governor's Policy office in collaboration with OA and OVR convene a workgroup that includes external disability experts in the employment of people with disabilities and accessibility to review with a 6-month deadline OA's existing:** job classifications and job descriptions, recruitment communications/outreach, application process, testing/qualification determination process, applicant tracking, interview process, hiring/candidate selection, short-term onboarding, continuous support, reasonable accommodations, welcoming and functional workplace, and retention. After a comprehensive review, the panel of experts should develop recommendations on how to improve these processes and procedures to honor goals and objectives outlined in the ACT 36 Employment First statute.
14. **That the Administration develops a strategy to increase the labor participation rate for people with disabilities in Pennsylvania. And, that the PA Department of Labor and Industry track and publish the labor participation rate for Pennsylvanians with disabilities along with employment data for other Pennsylvania cohorts.**

Appendix A: Commissioner Biographies

Chair Mary Hartley has been a professional advocate for 12 years and a consultant working with multiple organizations. Since 2012 she has led policy change and projects supporting transition to adulthood and employment with the United Way of Southwestern Pennsylvania's 21 and Able Initiative—most notably, the self-advocate managed social media #IWantToWork campaign. With United Way and county leadership, she initiated and launched a successful new model of employment collaboration (now in multiple businesses) the Career Transition Project. Mary is a parent advocate who got her start volunteering with the Local Task Force on the Right to Education. She serves on the Boards of Disability Rights Pennsylvania and The PEAL Center, is on the Consumer Advisory Committee for the Institute on Disabilities at Temple University and is Chair of UPMC's Disability Resource Center. She lives with her husband and two children in Pittsburgh; her son Jack is advocating on his own behalf through transition.

Co-Chair Steve Suroviec is President and Chief Executive Officer of ACHIEVA, one of the largest disability service and advocacy organizations in southwestern Pennsylvania. Before joining ACHIEVA in January 2018, Steve held several disability-related positions in both the public and non-profit sectors, including Chief Operating Officer and Intellectual/Developmental Disabilities Division Director for the Rehabilitation and Community Providers Association, Special Advisor to the PA Secretary of Human Services (for "Employment First" policy), Deputy Secretary for Developmental Programs, Executive Director for the PA Office of Vocational Rehabilitation, Executive Director of The Arc of PA, and Director of the Erie County Department of Human Services. He was also a Legislative Assistant for then-Congressman Tom Ridge from 1991 through 1994 and served on the President's Committee for People with Intellectual Disabilities from 2006 to 2008. Steve is a veteran of the U.S. Air Force and holds a Master's Degree in Public and International Affairs from the University of Pittsburgh.

Dr. Josie Badger received her Bachelor's degree from Geneva College in Disability Law and Advocacy, a Master's from the University of Pittsburgh in Rehabilitation Counseling, and a Doctorate from Duquesne University in Healthcare Ethics. In 2014 Josie founded J Badger Consulting Inc. where she provides youth development and disability consulting services for organizations, on transition and leadership development. She is the Co-Director of the national RSA-Parent Training and Information Center technical assistance center (RAISE). She is also the Campaign Manager of the #IWantToWork Campaign, working to improve the employment of people with disabilities and is a Field Organizer for Denny Civic Solutions for a bill to support paid family leave. She serves as a board member of the United Way of Southwestern Pennsylvania, The Woodlands Foundation, and FISA. In 2012, Dr. Badger was crowned Ms. Wheelchair America.

Cindy Duch is the Director of Parent Advising for the PEAL Center, where she has been for 14 years. Cindy lives in Hampton Township with her husband Jim and their two sons, Andrew and Alex. Her career in advocacy began when her older son was diagnosed on the Autism Spectrum. In addition to her work at the PEAL Center, Cindy is a member of the PA Rehabilitation Council and chairs the IDEA/Transition Committee. She is the former chairperson for the Local Task Force (LTF) for the Rights of Education in Allegheny County, IU 3, and a current member. She believes that the LTF is one of the greatest hidden resources for parents of children with disabilities in the public school system. Cindy also served the disability community as the co-chairperson of the Western PA Coalition of Education Advocates and as a peer monitor assisting the PA Department of Education in monitoring the Special Education Departments of School Districts in Pennsylvania. She has a B.S.B.A. in Economics from Robert Morris University.

Amiris Dipuglia obtained her degree as a medical doctor in 1991 from the Pontifical Catholic University Mother and Master in the Dominican Republic. When her eldest son Alexander was diagnosed with autism, she abandoned her medical career and pursued her certification as a behavior analyst. Amiris has dedicated the past twenty years to serving children with autism and other developmental delays by providing training and consultation to staff members in educational programs as well as homebound service providers on the implementation of evidence based-interventions derived from the field of applied behavior analysis. She also provides training to family members in order to promote and facilitate collaboration as well as optimize outcomes. She is currently one of the lead consultants for the Pennsylvania Training and Technical Assistant Network (PaTTAN) Autism Initiative and serves as a parent consultant.

Richard S. Edley, PhD is the lead executive for the Rehabilitation and Community Providers Association (RCPA) in Pennsylvania, one of the largest state trade associations in the country representing mental health, drug and alcohol, intellectual and developmental disabilities, children services, criminal justice, brain injury, medical rehabilitation, and physical disabilities and aging providers. His professional career began in 1988 and most recently he was president and CEO of PerformCare/ Community Behavioral HealthCare Network of Pennsylvania (CBHNP), a national, full-service, behavioral health managed care organization. In 2015 Dr. Edley led RCPA to create a new managed care entity on behalf of its members to address IDD and MLTSS programs. Dr. Edley's baccalaureate degree is from Boston University and he holds master's and doctorate degrees in clinical psychology from Emory University. He was an intern and post-doctoral fellow at McLean Hospital, where he held a faculty appointment at Harvard Medical School, Department of Psychiatry. Dr. Edley is a national presenter and is published in a broad variety of healthcare areas.

Zach Hicks became a member of the Arc of PA Board of Directors in March 2019. He is a self-advocate from the Harrisburg Area who enjoys telling his story so that he can help others in the disability community. He works part time at Hershey's Chocolate World and has been seeking additional employment thru the disability system. Zach has been active in Special Olympics for many years and has been trained to be a Global Messenger spokesperson for Special Olympics. He has also been trained to be an Athlete Representative and is currently the Athlete Representative for his local Area M program which services over 2000 athletes.

Rob Oliver is a speaker, advocate and author. At age 21, he acquired a disability (quadriplegia) while body surfing. The skills developed in self advocacy provided a foundation for advocating for others. His 20 years of state-level advocacy includes the Community Living Advisory Committee, the Developmental Disabilities Council and the Statewide Independent Living Council. Rob writes and speaks about his experiences from the perspective that disabilities are a naturally occurring part of the human condition and the lessons learned from living with limitations are universally applicable to all humanity. He has written 4 best-selling books and has twice received the annual "Best Of..." Award as the top rated speaker in Western Pennsylvania. He has a Bachelors from Pitt and a Masters from Duquesne, both in psychology. Rob's favorite roles are being a father of 17-year-old triplets (Josh, Lauren and Chloe) and husband to Becky (December 2019 is their 25th anniversary!)

Donna Partin Donna Partin has been the President and owner of Merry Maids operations in Mechanicsburg, York, Lancaster and Reading since 1989. The enterprise is one of the top 20 in the U.S. and has won numerous awards for sales and customer service. Originally from South Jersey, Donna moved to central PA in 1987 as a golf professional playing on the women's pro tour. Donna is the Founder and Chair of D.R.E.A.M. Partnership. The non-profit was inspired by her daughter, Demi to develop college programs and employment opportunities for students with intellectual disabilities. Also, she serves on the NFIB PA Leadership Council and as the Board Chair of Cumberland Valley Eagle Foundation. She holds a Bachelor of Science in Health and Physical Education from West Chester University and Master of Science in Sports Management from University of Massachusetts. Donna is married to Dwayne Keller, Keller Financial Group and has a son working in Washington DC.

Stephen S. Pennington, Esquire was appointed to the Employment Oversight Commission in January 2019. He is the C.E.O. and President of the Center for Disability Law & Policy, which administers the Pennsylvania Client Assistance Program or CAP. CAP is the federally designated statewide advocate for persons with disabilities seeking or receiving services from the Office of Vocational Rehabilitation. It also is the advocate for persons seeking services from Centers for Independent Living and all other programs funded under Title I of the Rehabilitation Act of 1973. Mr. Pennington is also an appointed member of the Pennsylvania Rehabilitation Council. He previously served on the Governor's Advisory

Committee for Persons with Disabilities and Pennsylvania Statewide Independent Living Council.

Paul Stengle is a happily married man of 28 years to his wife Linda and a proud father of two sons Brendan and Harrison. Paul Stengle has worked as the CEO of The Arc Alliance for the last 33 years. Before that, he was the Director of residential services for The Arc of Cumberland/Perry counties. Paul Stengle is a certified guardian, a certified rehab counselor, and a court-qualified mediator. He has a bachelor’s degree in mathematics and psychology. His Master’s degree is in education as a Rehab Counselor from the University of Pittsburgh. He has served many nonprofit boards and councils including: Employment First Oversight Commission of PA ; the Pennsylvania Guardianship Association; Boyertown School Board; The Pennsylvania Conference of Executive Directors of The Arc of Pennsylvania; Pennsylvania State Interagency Coordinating Council; Pennsylvania Protection and Advocacy, Inc.; Pennsylvania Waiting List Campaign; Pennsylvania Coalition of Citizens with Disabilities; and many other organizations.

Heidi Tuszynski MS, NCC, LPC is a person with a visual disability and resides in Erie, Pa. with her husband and daughter. She is a Nationally Certified Counselor and a Licensed Professional Counselor and holds a Bachelor’s degree in Social Work and Masters in Counseling. She has over 25 years of experience working for nonprofits in the Erie community working with grieving children, individuals who are visually impaired and blind, individuals with mental health issues, and advocating for parents and children with disabilities in the educational system. Heidi is the former Chair of the Pennsylvania Rehabilitation Council and a member of The Governor’s Advisory Committee for Persons with Disabilities.

Appendix B: Barriers and Solutions to State Hiring Presented to Pennsylvania Office of Administration by Statewide Coalition of Disability Advocates 2018-19

Typical hiring process step	Potential barriers for PWD	Potential solutions
-----------------------------	----------------------------	---------------------

<p>1. Job classification development and job description</p>	<ul style="list-style-type: none"> • Job descriptions are not clear about what the essential functions of the job are, which inadvertently may lead a potential candidate to not apply. (E.g., “Must be able to lift 50 pounds” – are these kinds of things essential?) • Are they needlessly rigid, leading to some candidates to be excluded, or who could do 80% of the job but may physically (or otherwise) not be able to do the other 20% of the job? Could that 20% be done by another worker through a “customized job” description? Does our current system allow for customized job classifications or job descriptions? 	<ul style="list-style-type: none"> • Review and rewrite classifications and descriptions to use language to focus on an outcome rather than a process; or, it should be written that inserts more than one way of accomplishing the task (e.g., a customer service rep – instead of “must be able to talk on the phone”, it could read “must be able to communicate with customers at least one of the following methods – verbal, online, voice technology, written, etc.) • And/or, allow the use of customized job descriptions based on the competencies of a candidate (with a disability).
<p>2. Recruitment - Communicating, Posting, Outreach (How to reach potential candidates, which groups to target; which technology is used; which job websites are used and who typically uses those sites, etc.)</p>	<ul style="list-style-type: none"> • If PWD aren’t aware of a job, or cannot access them, then they will never apply for the job. • If a PWD isn’t aware of a website or does not typically use a particular website because it’s not accessible. • If the state is not sending job postings to disability organizations, OVR, veteran groups for disabled 	<ul style="list-style-type: none"> • The state needs to cultivate relationships with organizations and networks where PWD are likely to be members or signed up for newsletters/job boards. • The state should use IT networks/listservs that attract or serve PWD. • Consult with disability experts/stakeholders to brainstorm on how to better reach potential candidates with

	<p>vets, etc., then PWD are not gaining access to the postings.</p> <ul style="list-style-type: none"> • If the state emphasizes college and universities in its recruitment efforts, then people with certain disabilities who have not historically attended post-secondary schools are being excluded. • The state has no larger, broader communication (messaging) plan to reach the general public to advertise the availability of state jobs including an emphasis on hiring people with disabilities. • PA CareerLink website fails to enable a typical user to easily find PA state government jobs. • PA CareerLink website fails to target PWD as a group of potential applicants; e.g., it places an emphasis on veterans but not PWD. For PWD, it merely redirects the person to OVR’s website, which may or may not be a resource the PWD needs. • PA CareerLink website is inaccessible to people who are blind and has major navigational flaws. 	<p>disabilities to broaden the candidate pool.</p> <ul style="list-style-type: none"> • Make sure government websites that post jobs are accessible and user friendly for PWD. Such accessibility specs need to be baked into to the IT contract and not layered on later after problems are identified. • Develop a broad communication plan that includes a target audience of PWD and make sure the messaging of the plan is inclusive of PWD and welcoming to PWD. • PA CareerLink website should have on its home screen a link or highlight under career services that emphasizes PWD. It could include information about self-disclosure of disability, a welcoming message from the governor, and accommodation resources within state government. • Lessen confusion about which website a user must use (OVR or PA CareerLink?) • Career outreach event notices should mention the event will have accommodations or accessibility components, such as interpreters, accessible locations, etc. • Recruitment materials should reference alternate formats.
--	---	---

	<ul style="list-style-type: none"> • PA CareerLink asks if the person needs “OVR benefits”. But most PWD have no clue what OVR is. 	<ul style="list-style-type: none"> • Disability-related training and materials should be offered for agency recruiters, support staff and managers • Revise job descriptions to remove extraneous core (essential) functions of the job that truly are not essential but have the effect of weeding out otherwise qualified PWD. • Use style guides associated with creating marketing materials and website content (color contrast, etc.) • Conduct assessment accessibility of CareerLink sites and/or testing sites for applicants with disabilities.
<p>3. Application process</p>	<ul style="list-style-type: none"> • Paper or online application; can often be user unfriendly and/or inaccessible. • No place or information about the ability to, or advantages of, self-disclosing a disability. • Lack of staff assistance for PWD to complete process. 	<ul style="list-style-type: none"> • Work with disability expert and/or stakeholders to identify solutions to increase accessibility and user friendliness of application process. • OR • Maintain staff or contract professional expert(s) within OA. • Add information to all state job web sites and forms about the ability of an applicant’s ability to self-disclose a disability. • Offer disability-related training and materials for OA support staff and managers. • (Add accommodations statement to home page and CareerLink page, help desk,

		<p>manual process instructions, reporting, follow-up, etc.)</p> <ul style="list-style-type: none"> • Any manual processes associated with applicant data entry into the applicant tracking system should be included so that PWD data is not assumed to not exist. • Make information available for recruiters and managers who have questions about accommodations related to applicants with disabilities • Website references to alternate methods of applying for a job; be sure processes associated with alternate methods of applying for a job are user friendly and accessible. • Collect and report data on accommodations requested, accommodations provided, and associated timeframes. • Collect and report data on processes for follow-up with applicants with disabilities associated with alternate application processes. • Accommodations data that is captured and reported on to support the applicant tracking functions
<p>4. Testing or qualification determination</p>	<ul style="list-style-type: none"> • Accessible testing sites are not close or accessible. E.g., an Elk County resident must arrange travel to get to Erie to test. Once in Erie, 	<ul style="list-style-type: none"> • Work with disability expert and/or stakeholder to identify solutions to increase accessibility and user friendliness of testing. All sites should have readily

	<p>the JAWS system is not available and/or the computer site is not accessible to the applicant; so, a computer has to be shipped to Erie that has a working JAWS system or alternative screen reader – the applicant may not even know their test is not accessible until they show up. After arranging travel and waiting for the accessible system to be available, if this happens, it is demoralizing and frustrating.</p> <ul style="list-style-type: none"> • Significant break downs reported for people who report the necessity for accommodations. • If a person has autism and/or intellectual disability, they may not be able to show off their competencies or skills because they are not good test takers. No alternative testing to ascertain skills and competencies • Making people with disabilities travel long distance to test when arranging transportation and/or finding accessible transition is a barrier. • Traditional tests may exclude people with 	<p>achievable access to common and contemporary accommodations.</p> <ul style="list-style-type: none"> • Provide disability-related training and materials for testing professionals, support staff and managers. All staff should be trained in the use of accommodations. • Relay back (to the test taker) exactly which accommodations will be available. Consider all materials must be in the same format, i.e. the test-taking book as well as the answer form, lighting, preferred (and contemporary forms of) communication, etc. • Local testing with proctors could be an option for travel barriers. • Alternative testing considerations for people who are capable but are poor test takers.
--	---	---

	<p>certain mental health or cognitive issues</p> <ul style="list-style-type: none"> • Having been disadvantaged due to their disability their entire life, the lack of training and/or real world experience limits some PWD from meeting minimum qualifications or taking advantage of the state's "experience and training exams". 	
5. Applicant tracking	<ul style="list-style-type: none"> • The state has no idea how many applicants have disabilities; how many applied, how many tested, how testing went, how many interviewed or the outcome of the interviews, how many were hired, etc. 	<ul style="list-style-type: none"> • Develop a better tracking system that tracks applicants with disabilities; • Develop a self-disclosure policy and encourage applicants to self-disclose so they can access resources and information for candidates with disabilities.
6. Interviews – the interview; bringing candidates into town, etc.	<ul style="list-style-type: none"> • Making people with disabilities travel long distance to test when arranging transportation and/or finding accessible transition is a barrier. • Some disabilities lend themselves to biases of the interviewer in terms of appearance, speaking, eye contact, etc. which may not be relevant for the job but disadvantage candidates during the interview scoring process. 	<ul style="list-style-type: none"> • To address travel barriers, Skype interviews could suffice, or phone interviews • Better disability training for all state staff, some of whom will serve on interview panels, are recruiters, or are involved in the accommodation process. • Make sure site is accessible. • Interviewing and disability "etiquette" training for recruiters and hiring managers. (e.g., do not ask medical questions, etc.) • Put into place processes associated with the agency

		<p>“owning” and handling accommodations requests</p> <ul style="list-style-type: none"> • Put into place processes associated with pre-employment assessment tests (alternate formats, additional time, etc.) • Put into place a process that leads/encourages the interviewee to seek an accommodation for the interview, if needed. • Collect and report on accommodations data captured and reported on to support the interviewing functions so that improvements can be made.
7. Hiring & candidate selection	<ul style="list-style-type: none"> • The civil-service “rule of three”- i.e., even if a person with a disability is the top candidate, the rule of three allows a bias to enter into the process thwarting the selection of the person with a disability. 	<ul style="list-style-type: none"> • Require a written explanation from the person who selects from the rule of 3 when the candidate with a disability is not selected. Make part of the permanent record. OA collects and reviews all such decisions to inform future policies.
8. Onboarding – short term	<ul style="list-style-type: none"> • General business processes associated with this activity (before first day, on first day, day three) may look different for a person with a disability 	<ul style="list-style-type: none"> • Assess and make changes based on the results associated with the accessibility of on-boarding forms/website applications • Assess and make changes based on accommodation requests at this stage in the process • Provide disability etiquette training for individuals delivering new employee orientation • Develop and use disability self-identification form so that staff providing onboarding support

		<p>know in advance how to make the onboarding process as effective for the PWD as possible.</p> <ul style="list-style-type: none"> • Be sure emergency evacuation procedures are reviewed in the context of how PWD will fare. • Collect and assess accommodations data so onboarding functions can be continuously strengthened.
9. Continuous support	<ul style="list-style-type: none"> • The new worker with a disability faces unique challenges due to disability – worker may feel isolated; performance may weaken over time. 	<ul style="list-style-type: none"> • Maintain staff or contract professional expert(s) in Human Resources (either in the agency or OA). • Create affinity groups for workers with disabilities • Be sure the PWD and their supervisor are aware that OVR exists as a resource when a worker with a disability is at risk of losing their job because of their disability. An OVR counselor can come in and offer help and technical assistance so that the state’s investment in the worker is protected.
10. Reasonable accommodations	<ul style="list-style-type: none"> • There is no in-house agency expertise. • There is no agency budget – agencies pass the buck or say, “that’s not our responsibility”. • Workers with disabilities may be afraid to ask for an accommodation because there is no obvious person 	<ul style="list-style-type: none"> • Create line item in each agency specifically for anticipated accommodation costs; or, create a single line item and/or centralized fund within OA that each agency knows can tap into for staff accommodations. • Maintain staff or contract professional expert(s) in Human Resources on accommodations in

	to ask or they have asked, and they've received no response or a negative response.	either the agency or centrally in OA. • Use JAN-Job Accommodations Network https://askjan.org/
11. Welcoming and functional workplace – physical space, IT, general assistive technology resources, disability etiquette for other staff	<ul style="list-style-type: none"> • Lack of welcoming culture or constant need to request something “special” because common sense accessibility features for physical space, IT equipment or software, etc., were not baked into specifications from the start. • Other staff stumble over disability related issues, becoming uncomfortable – can adversely impact the performance of workers with disabilities. 	<ul style="list-style-type: none"> • Maintain staff or contract professional expert(s) in accessible physical plant/IT/HR at the agency or in OA. • Ensure that available information is contemporary, consistent, and available on employee portals. • Consult with experts in the field, and then develop and implement structured planning process (dates/budgets/responsibilities) in all state agencies to identify barriers, remove barriers, develop universal design, and create a disability-friendly workplace.
12. Retention	<ul style="list-style-type: none"> • If a person acquires/develops a disability after having joined the workforce without a disability, they may be afraid to ask for help because they fear they will be terminated or reassigned. • Or, if the disability of a worker (who was hired with the disability) worsens or manifests in a new way that makes the worker’s job more challenging, the lack of assistance and resources for that worker may lead to poor 	<ul style="list-style-type: none"> • Have professional(s) on staff or via contract to support retention strategies. • Ensure all processes include opportunity for remediation. • Ensure measurement of successful retention to track success, understand ongoing barriers, and types of remediation • Make sure all workers are aware that resources are available for remediation (even a referral to OVR at no cost to either the employer or employee), new accommodations, or reassignment

	performance and eventual termination (this wastes the state's investment in the worker).	into jobs for comparable compensation.
--	--	--

