

## **AUCD Testimony to the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities Regarding the Interim Report**

**October 2, 2015**

Thank for the opportunity to comment on the Interim Report of the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities. The Association of University Centers on Disabilities (AUCD) promotes and supports a national network of interdisciplinary centers on disabilities whose members represent every U.S. state and territory. AUCD and its members work to advance policy and practice through research, education, leadership, and services for and with individuals with developmental and other disabilities, their families, and communities.

AUCD applauds the Advisory Committee on its draft Interim Report. This report offers a plethora of ideas for successful implementation of WIOA, and for nationwide investment and expansion of competitive integrated employment for people with intellectual, developmental disabilities, or other individuals with significant disabilities.

AUCD strongly agrees with the Advisory Committee's Subcommittee on Subminimum Wage proposal for the Secretary of Labor, in consultation with the Rehabilitation Services Administration (RSA) and the Centers for Medicare and Medicaid Services (CMS) to propose a time frame for phasing out the Section 14(c) certificate program along with other recommendations to reduce the use of these certificates and steer youth with disabilities into competitive integrated employment.

As the Report states, almost all (95%) of all workers with disabilities being paid subminimum wage are employed by non-integrated "sheltered" workshops. Most non-integrated work settings do not help people move into competitive jobs. A substantial majority of individuals served by CMS funded programs are served in non-integrated work settings at subminimum wages.

The Committee recognizes and AUCD agrees that it will take time and careful planning, including determining the role of State Vocational Rehabilitation agencies in effecting change, to transform the services system in a way that does not inadvertently harm individuals currently served by these programs. We support the elimination of 14(c) under conditions of a carefully planned phase out over 10 years and that is accompanied by many of the recommendations provided by the Capacity Building Subcommittee.

AUCD also agrees with the Minimum Wage Subcommittee's additional recommendations related to providing significant technical assistance to states in their efforts to implement the ADA and the Supreme Court *Olmstead* decision as well as intensive technical assistance on how

to apply the new Rule governing Medicaid funded Home and Community-Based waiver services. All of these efforts are complementary and will need additional resources.

As stated above, in order to transition away from non-integrated subminimum wage settings, states will need to build capacity to create competitive integrated employment opportunities.

AUCD agrees with many of the preliminary recommendations put forth by the Capacity Building Subcommittee, including the need to train professional who are responsible for supporting individuals to pursue competitive integrated employment, including how to recruit and negotiate with employers. As the committee points out, for these professionals, there are few postsecondary education offerings that emphasize the development of disability employment professionals and there are no universally applied standards regarding the hiring and training of staff.

We have also found a significant difference between employment specialists (who can do it all) and Direct Support Professionals who often job coach, but don't evaluate or job develop. Both need standards and mandated training. Increased rates are significant. Providers in many states have experienced deep cuts and, thus, have reverted to pure safety-level staffing patterns. Increased funding is needed to establish employment professionals who have been effective in implementing comprehensive supports that lead to integrated employment.

Additionally, to increase competitive integrated employment opportunities, there must be new ways to pay for services and ways to incentivize states and employment organizations to use them. To that end, AUCD strongly endorses the Capacity Building Subcommittee's recommendation that Congress "direct CMS to expand the use of the HCBS Waiver program funds, now used for facility-based services, for CIE services by changing the state match rate to be the same as that for the state VR program, thus providing an incentive for states to prioritize CIE outcomes," among the other complimentary recommendations.

Thank you for the opportunity to provide these comments. AUCD believes these proposals put forth in the interim report will help with the goal to increase competitive integrated employment and will significantly reduce segregated work and non-work programs and the use of sub-minimum wage certificates.

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