DOJ Listening Session on ADA Title II Policy Priorities Features LEAD Center

The Civil Rights Division of the U.S. Department of Justice (DOJ) has actively played a leadership role in the interpretation and enforcement of the Americans with Disabilities Act (ADA) during the first term of President Obama’s administration. Building on the precedent of the Supreme Court’s *Olmstead* decision, declaring government-funded services and programs should not unnecessarily segregate persons with disabilities and should support community living and integrated employment options, the Civil Rights Division continues to put pressure on states to rebalance funding to support greater participation in community life.

On April 24th, Michael Morris, National Disability Institute Executive Director and LEAD Center Public Policy Team Co-leader, joined more than 100 leaders in the disability community to share priority issues with the leadership of the U.S. Department of Justice Civil Rights Division. Morris shared concerns about more the Justice Department can do to examine Title II ADA discrimination claims against states that are unnecessarily segregating individuals with disabilities in sheltered workshops when they could be supported in more integrated competitive employment settings. “There is nothing more disempowering to people with disabilities than poverty,” stated Morris. “States must rebalance their public spending to advance competitive
integrated employment outcomes with necessary long-term services and supports. Employment and income production is a first step toward saving and asset building.”

On March 27th of this year the Justice Department filed a motion to intervene in a pending class action lawsuit against the State of Oregon regarding Title II ADA and Section 504 violations for unnecessarily segregating individuals with intellectual and developmental disabilities in sheltered workshops when they could be served in integrated employment settings. The motion to intervene explains that Oregon failed to provide or make available supported employment services that would allow for their integration into the community.

Oregon is not alone in the segregating of individuals with intellectual and developmental disabilities in sheltered workshops and limiting choices and public funding support for employment options and needed supports in competitive integrated employment settings. In a policy research brief authored by the Research and Training Center on Community Living at the University of Minnesota titled “A Review of Commonly-Used State Employment Measures in Intellectual and Developmental Disability Services” (December 2012) four major data sources (government and non-government organizations) are reviewed and states are ranked on employment outcomes and integrated employment service delivery for the target audience. Large states such as California, New York, Texas and Illinois are ranked in the bottom third in the availability of integrated employment services.

For working age adults with disabilities, employment services in integrated settings are the only pathway out of poverty. Title II ADA and Section 504 inquiries should expand the lens to also scrutinize local education agency practices that limit work experience for youth in transition to segregated settings and examine equal opportunity and full and effective participation by youth and adults with disabilities in the workforce investment system and America’s Job Centers.

During the second term of President Obama’s administration will the Oregon litigation be a high priority for Justice with additional states targeted for further action? Will this interpretation of Title II of the ADA be expanded to cover individuals with other types of disabilities facing similar limited choices and discrimination?

The LEAD Center will report in future issues of this newsletter on updates with the Oregon litigation and further related developments as the Justice Department expands the scope of inquiry.

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**LEAD Center Featured in Federal Reserve Bank of Atlanta Podcast on Employment & Workforce for People with Disabilities**
The LEAD Center, the Office of Disability Employment Policy (ODEP) and the U.S. Department of Labor (DOL) were all highlighted in a recent podcast from the Federal Reserve Bank of Atlanta when Michael Morris, Executive Director of National Disability Institute and LEAD Center policy team co-lead, was interviewed about innovative programs and policies for people with disabilities and how the workforce development system can better respond to jobseekers with disabilities. Kathy Krepcio of Rutgers’ Heldrich Center for Workforce Development was also interviewed.

Morris focused on the importance of employment not being the end-game for people with disabilities, but the beginning of economic advancement and stability. He noted barriers to employment, including the disincentive of a $2,000 asset limit for more than 11 million people on SSI (Supplemental Security Income) and SSDI (Social Security Disability Income) in encouraging people with disabilities to seeking to work at their full potential.

Morris highlighted the LEAD Center’s work with a number of states in bringing a different approach to assessing and identifying jobseekers with disabilities - such as customized employment and group discovery - to help individuals better market themselves and find a match to the jobs being identified by employers. Morris also noted National Disability Institute’s work with the Disability Employment Initiative through the U.S. DOL’s Employment and Training Administration and Disability Resource Coordinators in 23 states to help people with disabilities navigate through core intensive and training services offered by America’s Job Centers (AJCs).

Visit the Federal Reserve Bank of Atlanta’s website for a transcript as well as an audio MP3 file of the podcast “People-Centered Practices: Improving the Workforce Potential for Those with Disabilities.”

LEAD Center Presents on Workplace Flexibility at NAWDP Annual Conference

“You can’t aspire to be or do something that you don’t know exists.” This comment from the National Association of Workforce Development Professionals’ (NAWDP) 2013 Annual Conference super session encapsulated the purpose of this May conference in Minneapolis, Minn. to
introduce workforce professionals to best practices and innovations that build their capacity to serve job seekers with and without disabilities.

LEAD Center Assistant Director Elizabeth Jennings and LEAD Center Subject Matter Expert (SME) Barbara Wleklinski attended the conference to present on “The Business Case for Workplace Flexibility,” an ODEP-identified best practice focusing on three pillars – flexibility of time, place and task – as a basic business strategy with proven impacts on turnover and employee productivity.

Workplace Flexibility offers employers recruitment and retention strategies to meet the needs of employees of all ages, professions, and income levels, including Veterans, mature workers, and individuals with disabilities. Practical Workplace Flexibility strategies identify changes to the manner in which an employee works while mutually ensuring that the needs of both employer and employee are met. Workplace Flexibility has been proven to increase productivity, loyalty and retention, while reducing costs and creating a more inclusive work environment.

In the workshop, participants reviewed the positive impact workplace flexibility options have for both employee and employer and how workforce professionals can use relevant resources to facilitate workplace flexibility strategies. The workshop aimed to increase participants’ understanding of the business case for and value of workplace flexibility and offer tools and resources to provide effective workplace flexibility strategies to employers and employees.

Flexibility proved to be a common thread throughout the sessions in the discussion of best practices and innovations for workers with or without disabilities. Workforce professionals were encouraged to increase their flexibility in relation to how they approach services. Stephanie James and Jenna Wachtmann of the Mary Rigg Neighborhood Center in Indianapolis, Ind., during the “Center for Working Families Model: Coaching Participants for Long-term Success” session noted: “Integrating employment and financial capability is an effective model with a measurable advantage – increasing long-term job retention while increasing net income and net worth.” One of the sessions presented by the Kansas Workforce Partnership encouraged attendees to improve their flexibility in relation to their thoughts about mature workers: “Mature workers bring extensive skills and experience to the table. They are tech savvy, eager to work, and ready to be part of a team.” A panel of employers noted: “We need talent pipelines that produce the qualified, skilled workers we seek. Talk to us. Ask us what we need and how we can jointly create the workforce we need today and in the future.”

The NAWDP conference closed with a presentation from Tyrone Flowers, a lawyer, nonprofit leader, and individual with a disability who founded Higher-M-Pact, an organization dedicated to reshaping and guiding the lives of high-risk urban youth while offering them hope and opportunity for a brighter future. Flowers challenged attendees to be flexible with individuals who have not had the opportunity to create a picture of who they can be or to identify their purpose. According to Flowers, trust, mentorship, and access to opportunity create a path for all individuals to define for themselves their dreams, their futures and to deliver on their promise.
Upcoming LEAD Webinars Spotlight Discovery in Employment

Register today for the LEAD Center's two upcoming webinars focusing on Group Discovery and Discovery as processes to promote employment outcomes for people with disabilities. Upcoming offerings include:

**June 26, 2013 - 3 p.m.**
**Promoting Employment - Group Discovery: An Alternative Assessment Tool for Workforce Centers and Community-Based Providers**

This webinar will provide information on Group Discovery - an alternative assessment tool proven to identify the strengths of job seekers with and without disabilities; particularly those with multiple barriers to employment. Participants will gain an understanding of the Group Discovery process and potential outcomes.

**Target Audience:** Workforce Development Professionals and related stakeholders

**REGISTER NOW for "Promoting Employment - Group Discovery: An Alternative Assessment Tool for Workforce Centers and Community-Based Providers"**

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**July 31, 2013 - 3 p.m.**
**Promoting Employment – Discovering Your Potential: Using Discovery to Identify Your Employment Goals**

The webinar will provide information on how to use Discovery - an alternative assessment tool proven to identify the strengths of job seekers with and without disabilities - to help jobseekers identity personal employment goals. Participants will gain an understanding of discovery, how to use discovery components individually or in preparation for Group Discovery, and the potential outcomes.

**Target Audience:** Individuals with Disabilities, Workforce Development Professionals and related stakeholders

**REGISTER NOW for "Promoting Employment – Discovering Your Potential: Using Discovery to Identify Your Employment Goals"**

Since launching in January 2013, the LEAD Center's national webinar series has helped educate more than 1,125 workforce professionals, people with disabilities, researchers, policymakers and other interested individuals and organizations on employment, policy and economic advancement issues impacting people with disabilities.

Presented on the last Wednesday of every month from 3 – 4:30 p.m. Eastern, the LEAD webinar series is produced in three mini-series: Economic Advancement (February – April), Employment (May – July) and Leadership (August – October). Miss a webinar? A webinar archive is available for access at your convenience. Check the LEAD Center webinar page for the latest updates and
offerings in this informative webinar series.

**LEAD Center Launches Website; Blog to Launch by June 30**

To enhance the collaboration and connection that is a core value of the LEAD Center’s drive for systems change, the LEAD Center launched its official website on March 31, 2013. Designed as “information central” for the LEAD Center, the website features LEAD Center news, overviews on LEAD Center initiatives in the areas of employment economic advancement and policy for people with disabilities, a robust resource center with featuring information and resources in the LEAD Center’s key focus areas, a calendar featuring key events and training opportunities from around the country, and links to the LEAD Center’s social media properties on a site that exceeds 508 compliance.

By June 30, the LEAD Center will launch a tool to submit calendar items for consideration, a newsfeed that will feature key general news articles focusing on employment, economic advancement and policy issues for people with disabilities, and the LEAD Center blog, a center point for important LEAD Center information featuring guest blogs from national thought leaders spotlight innovations in our core issue areas. Users can subscribe to the LEAD Center blog and also submit blog submissions for consideration. The LEAD Center looks forward to launching this new blog designed to share knowledge and innovation, spur conversation and propel systems change.

**LEAD PEOPLE Kelly Buckland, Executive Director, National Council on Independent Living (NCIL), LEAD Center Executive Committee**

Kelly Buckland is the Executive Director of the National Council on Independent Living (NCIL). NCIL is a LEAD Center national partner, helping to conduct a pilot project with five Centers for Independent Living (CILs) in urban and rural communities across the country to work with individuals with diverse disabilities as they access their local American Job Center. Buckland also represents NCIL on the LEAD Center’s Executive Steering Committee.

Buckland, who is a person with a disability, has been actively involved in disability issues since 1979. Buckland started his career as an employee for Idaho’s Protection and Advocacy system. He served for more than 20 years as the Executive Director of the Boise CIL, Living
Independence Network Corp. and the Idaho State Independent Living Council. He has served on the Idaho Developmental Disabilities Council, the State Employment and Training Council, and the State Help America Vote Act Steering Committee. Buckland has worked on issues affecting people with disabilities, including passage of the Personal Assistance Services Act and the Fathers and Mothers Independently Living with their Youth (FAMILY) Child Custody Laws.

Buckland graduated from Boise State University with a B.A. in Social Work and Summa Cum Laude from Drake University with a Masters in Rehabilitation Counseling. Buckland has been honored with numerous state and national awards, including the University of Idaho President’s Medallion, the United Vision for Idaho Lifetime Achievement Award, the Hewlett-Packard Distinguished Achievement in Human Rights Award as well as induction into the National Spinal Cord Injury Hall of Fame.

Buckland has testified before Congress several times on issues such as universal health care, fair housing and appropriations for centers for independent living. He has been closely involved with the direct-service and systemic change aspects of the Independent Living movement.

Buckland has a long history with the National Council on Independent Living (NCIL). He has served on numerous NCIL Legislative and Advocacy Subcommittees and other standing NCIL committees, the NCIL Governing Board since 1998, as NCIL Vice-President from 2001-2005, and as NCIL President from 2005 to 2009, including his current role as national Executive Director of NCIL.

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**LEAD PARTNERS National Association of Workforce Development Professionals (NAWDP)**

The National Association of Workforce Development Professionals, Inc. (NAWDP) is a professional association for individuals working in the public workforce system and related employment and training programs. NAWDP is a national partner of the LEAD Center with Bridget Brown, NAWDP’s executive director, serving on the Center’s Executive Steering Committee.

Established in 1989, NAWDP is dedicated to elevating the professionalism of the workforce development field through enhancing the skills of its practitioners. NAWDP’s 4,000 members are drawn from over 500 Workforce Investment Boards, 2,500 career centers, 1,200 community and career colleges, 72 Army Bases and the thousands of faith- and community-based organizations.

As a membership organization, NAWDP stays abreast of trends in the field, with the Association constantly adding, refining, and improving its portfolio of professional development and technical assistance resources. Among NAWDP’s existing professional development resources services are an annual conference, an annual Youth Symposium, a variety of NAWDP-offered
online learning opportunities, and published information of interest to workforce development professionals in *The NAWDP Advantage and E-vantage* newsletters. NAWDP prides itself on its ability to communicate to the workforce field but, more importantly, the association’s ability to listen to the professionals that comprise the workforce system in a continuing effort to meet their needs.

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