



**emp<sup>1</sup>ST** employment



*America Works Best When All Americans Work*

**RISING TO THE OCCASION:  
*ADA, Olmstead and State Efforts to  
Promote Integrated Employment of  
Individuals with Significant  
Disabilities***

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# AGENDA

- Welcome: Chris Button & Serena Lowe, ODEP
- Introductory Comments: Ari Ne'eman
- ADA & Olmstead: The Intersect between Civil Rights and the Promotion of Integrated Employment & Community Services
  - Eve Hill, US Department of Justice
- What is Positively Possible: Small State, Big Job
  - Michelle Brophy & Andrew McQuaide, State of Rhode Island
- Olmstead and Employment of People with Psychiatric Disabilities
  - Jennifer Mathis, Bazelon Center for Mental Health Law
- Common Denominators in States: Hurdles, Strategies & Fundamental Systems Change Realities
  - Lisa Mills, Moving to a Different Drum
- Q&A and Discussion

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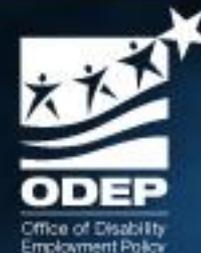
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# Welcome



Chris Button & Serena Lowe  
Office of Disability Employment Policy  
U.S. Department of Labor

# Webinar Facilitator



## Ari Ne'eman

Executive Director, Autistic Self Advocacy Network

Vice-Chair, National Council on Disability

Co-Chair, National LEAD Center Policy Team

# ***ADA & Olmstead:***

***The Intersect between Civil Rights and the Promotion of  
Integrated Employment & Community Services***



**Eve Hill**

**Deputy Assistant Attorney General**

**Civil Rights Division**

**U.S. Department of Justice**

# *What is Positively Possible: Small State, Big Job*



## Michelle Brophy

Director of Policy Implementation  
Department of Behavioral  
Healthcare, Developmental  
Disabilities & Hospitals  
State of Rhode Island

## Andrew McQuaide

Consent Decree & Settlement  
Agreement Coordinator  
State of Rhode Island

# *Olmstead and Employment of People with Psychiatric Disabilities*



Jennifer Mathis

Deputy Legal Director & Director of Programs  
Bazelon Center for Mental Health Law

# Olmstead and Employment of People with Psychiatric Disabilities

20% of people with serious mental illnesses are employed

12% are employed full-time

The vast majority of people with serious mental illnesses spend their days in segregated day treatment programs

# Supported Employment

Proven success with people with psychiatric disabilities, including those with most significant disabilities

Several decades of research; positive outcomes

People with psychiatric disabilities want to work

Employment is a critical part of recovery

## Supported Employment/IPS

- Identifying people's skills, interests, career goals
- Helping with individualized job search
- Providing on the job help
- Identifying needed accommodations
- Job development
- Job carving
- Benefits counseling

# Individual Placement and Support (IPS)

“No reject” policy: everyone qualifies

Competitive integrated employment

Rapid job placement

Individual preferences are key

## **Financing through Medicaid**

State plan rehabilitation option

1915(i) option (state plan HCBS)

1115 waivers

Managed care waivers

## **Day Treatment Remains the Default**

Rehabilitative services, social and recreational activities

Many day treatment programs are conducted primarily in a segregated setting

Participants often spend most of day with other people with disabilities

# Supported Employment is Less Costly

Supported employment typically costs less than day treatment

Supported employment also reduces hospital and other service costs

# Application of Olmstead

People with psychiatric disabilities want to work

People with psychiatric disabilities are qualified for supported employment services

Supported employment occurs in integrated settings

Supported employment is less costly

Reallocate!

# ***Common Denominators in States: Hurdles, Strategies & Fundamental Systems Change Realities***



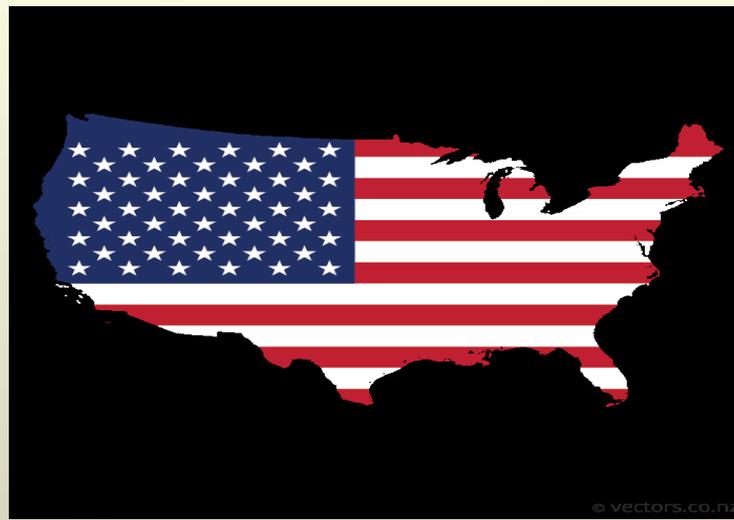
**Lisa Mills**

Subject Matter Expert

ODEP's Employment First State Leadership Mentoring Program

National LEAD Center

Olmstead Employment Resources Rebalancing Initiative



# Common Denominators in States

Hurdles, Strategies and  
Fundamental Systems Change Realities

# Divesting of Segregated Services: Common Hurdles Faced by States



- Sheer numbers due to extent of present over-investment
- Limited federal policy options that may not offer sufficient time to ensure truly better outcomes result for those transitioning out of segregated settings

# Divesting of Segregated Services: Common Hurdles Faced by States, *2 of 4*



- State Legislatures and Administrations not aligned
- Other state programs that reinforce segregation (e.g. State Use)
- Local control
  - Inconsistent buy-in

# Divesting of Segregated Services: Common Hurdles Faced by States, *3 of 4*



- Lack of capacity and expertise within state agencies to execute and manage scope of change required
- Typical annual integrated employment placements far below what is needed to achieve systems change

# Divesting of Segregated Services: Common Hurdles Faced by States, *4 of 4*



- Low expectations by so many parties
- Doubt clouds commitment to change and resolute actions that can make change happen.
- Compromises being made before the horse is even out of the gate.

# Integrated Employment

- Will expanding participation in integrated employment ever be a top priority?
- Will over-reliance on segregated employment and day services ever be a crisis?



# Have We Reached A Tipping Point?



- Nibbling around the edges will not create the change that must happen.
- Employment First is a like a new religion – determination to succeed must be strong and sustained

# Strategies States Are Using

- Leadership from the Top
- Legislation
- Governor's Executive Orders
- Governor's Task Forces



# Strategies States Are Using, *2 of 3*

- Tying the policy goal to many other public priorities & initiatives
- Focusing new investments on integrated employment
- Leaving no one out
- Rebalancing investments to ensure systems change



# Strategies States Are Using, <sup>3 of 3</sup>

- The effort needs to be bigger than one or two agencies
- A plan of action with timelines, commitments and accountability
- A comprehensive understanding of what must change



# A State Self-Assessment Tool

- Olmstead Plan, Statutes, Rules, Executive Orders, and Litigation
- 6 state agencies and programs
- 5 different disability sub-groups
- Employer incentives and supports

## “MOST INTEGRATED EMPLOYMENT AND DAY SERVICE SETTINGS”

State Self-Assessment

*To Facilitate Voluntary Compliance with Federal Law,  
Regulation and Guidance Designed to Prevent the  
Unnecessary Segregation of Persons with Disabilities  
by Entities Administering Public Funds*

# Questions?



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