



Employment First and the Americans with Disabilities Act

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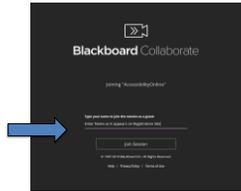
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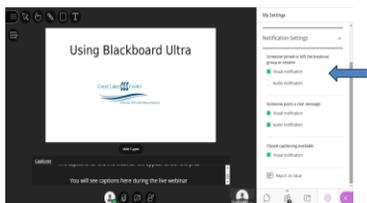
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Employment First and the ADA:

Aligning policy to improve outcomes

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About the ADA

The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

The ADA is built upon four pillars:

1. Full participation
2. Independent living
3. Equality of opportunity
4. Economic self-sufficiency



Celebrate ADA Anniversary

Signed into law on July 26, 1990 by George H.W. Bush, the ADA is considered the "emancipation proclamation" for people with disabilities.



This year we celebrate the 30th anniversary of the ADA!



The ADA and Employment

- The ADA is the policy foundation and the platform.

- Employment First (E1) is the movement to deliver meaningful employment, fair wages, and career advancement for people with disabilities.



APSE and Employment First

- APSE is the ONLY national organization devoted to Employment First.

- We promote E1 through:
 - Policy & Advocacy
 - Professional development
 - Sharing best practices and tools



Employment First Works

APSE's Employment First Statement

Employment in the general workforce is the first and preferred outcome in the provision of publicly funded services for all working age citizens with disabilities, regardless of level of disability.

<https://apse.org/we-believe/employment-first/employment-first-statement/>



Increasing the rate of employment

The current low participation rate of citizens with disabilities in the workforce is unacceptable.



Decreasing poverty and isolation

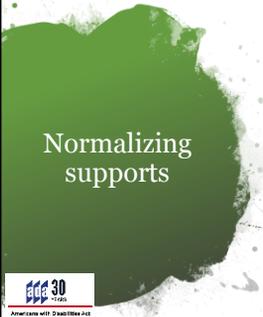
Access to “real jobs with real wages” is essential if citizens with disabilities are to avoid lives of poverty, dependence, and isolation.



Presuming ability

It is presumed that all working age adults and youths with disabilities can work in jobs fully integrated within the general workforce, working side-by-side with co-workers without disabilities, earning minimum wage or higher.

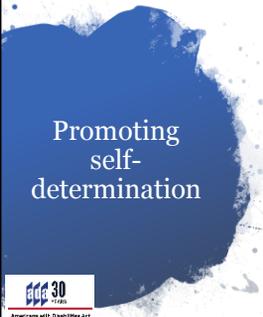




Normalizing supports

As with all other individuals, employees with disabilities require assistance and support to ensure job success and should have access to those supports necessary to succeed in the workplace.



Promoting self-determination

All citizens, regardless of disability, have the right to pursue the full range of available employment opportunities, and to earn a living wage in a job of their choosing, based on their talents, skills, and interests.






Ensuring policy alignment

Implementation of Employment First principles must be based on clear public policies and practices that ensure employment of citizens with disabilities within the general workforce is the priority for public funding and service delivery.




Achieving CIE

Inclusion or exclusion of the specific term "Employment First" does not determine whether a public system or agency has adopted Employment First principles. Such a determination can only be made in examining whether the underlying policies, procedures and infrastructure are designed for and ultimately result in increased integrated employment in the general workforce for citizens with disabilities.

30 Americans with Disabilities Act

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Employment First Across the Country

Map showing Employment First implementation across the United States. Legend includes: Green (Adopted), Yellow (Adopted with conditions), Blue (Adopted with conditions), and Grey (Not adopted).

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The E1 Policy Context

- Fair Labor Standards Act (1938)
- Rehabilitation Act (1973)
- Individuals with Disabilities Education Act (IDEA, 1975/2008)
- Americans with Disabilities Act (ADA, 1990)
- Workforce Investment Act (WIA, 1998)
- The Olmstead decision by the Supreme Court (1999)
- Home and Community Based Services (HCBS) Setting Final Rule (2014)
- Two landmark Department of Justice (DOJ) court cases (Rhode Island, 2014 and Oregon, 2015)
- Workforce Innovation and Opportunity Act (WIOA, 2014)

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The Workforce Innovation and Opportunity Act (WIOA) and E1

- In July 2014 President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law.
- WIOA increases individuals with disabilities' access to high quality workforce services and prepares them for competitive integrated employment.
- WIOA defines **competitive, integrated employment (CIE)** as the preferred outcome



Status of Competitive, Integrated Employment (slide 1 of 3)

Competitive

Paid at least minimum wage and comparable to coworkers

- # 14(c) certificates: 1,298
- # individuals earning sub-minimum wage: 99,905

Data sources:

- <https://www.statedata.info> (2016 outcome data, published 2018);
- <https://www.dol.gov/whd/specialemloyment/crplist.htm> (4/1/19)

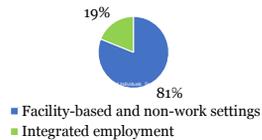


Status of Competitive, Integrated Employment (slide 2 of 3)

Integrated

In a setting that is both inclusive of people with and without disabilities and is in the community.

Percentage of Individuals Served in Integrated Employment (IDD pop., N=638,568)



Data sources:

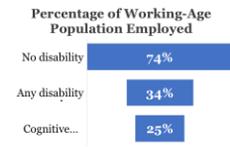
- <https://www.statedata.info> (2016 outcome data, published 2018);
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Status of Competitive, Integrated Employment (slide 3 of 3)

Employment

A person with a disability applies for and is hired to fill an open position.



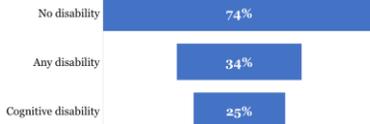
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Addressing the Employment Gap

Percentage of Working-Age Population Employed



So, how do we get there?

APSE's works to advance CIE through policy and advocacy



Policy Priorities in the 116th Congress

- Advancing competitive, integrated employment
 - Phase out 14c and subminimum wage
 - Supporting implementation of WIOA
 - Compliance with Medicaid MCBS Settings rule
 - Opposing Medicaid work requirements
 - Promoting ABLA Expansion
 - Preventing cuts to Medicaid and Social Security
 - Preserving protections under the ADA

<https://apse.org/public-policy-priorities/>




The ADA's Four Pillars and Employment First

1. Full Participation
2. Independent Living
3. Equality of Opportunity
4. Economic Self-Sufficiency




Full Participation (slide 1 of 4)

- Removing barriers
 - Physical
 - Communication
 - Unconscious biases

In both policies and practices so people with disabilities have equal and full participation in all aspects of society




Full Participation
(slide 2 of 4)

Is it Employment First?

- Are the underlying policies, procedures and infrastructure designed for, and ultimately result in, increased integrated employment in the general workforce for citizens with disabilities?

30 YEARS
Americans with Disabilities Act

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Full Participation
(slide 3 of 4)

Is it Employment First?

- Do all working age adults and youths with disabilities work in jobs fully integrated within the general workforce, working side-by-side with co-workers without disabilities, earning minimum wage or higher?

30 YEARS
Americans with Disabilities Act

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Full Participation
(slide 4 of 4)

- The employment-population ratio for people with disabilities is 19.1%
- The rate is 65.9% for people who do not identify as having a disability.
- 31% of workers with a disability were employed part time as opposed to 17% of people without a disability
- People with disabilities across all levels of education are less likely to be employed than people who do not have a disability.

30 YEARS
Americans with Disabilities Act

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Independent Living
(slide 1 of 2)

No one should be denied

- Dignity
- Choice
- Equality of opportunities in all aspects of daily life.

People who live with disabilities must be considered the overall expert on what they need to lead a full life.

30 Years
Americans with Disabilities Act

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Independent Living
(slide 2 of 2)

Is it Employment First?

- It is presumed that all working age adults and youths with disabilities can work in jobs fully integrated jobs within the general workforce, working side-by-side with co-workers without disabilities,
- Access to supports necessary to succeed in the workplace
- Opportunities for self-employment and microenterprise.
- The right to pursue the full range of available employment opportunities

30 Years
Americans with Disabilities Act

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Equality of Opportunity
(slide 1 of 3)

The ADA ensures that people who have disabilities have equality in public life, work, schools, transportation, commercial establishments.

"Let the shameful wall of exclusion finally come tumbling down."
- George H.W. Bush, July 26, 1990

30 Years
Americans with Disabilities Act

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Equality of Opportunity
(slide 2 of 3)

- Equal opportunity to
 - Work at a job you want to do
 - A fair wage
 - Career advancement
 - Access to goods and services (physical and virtual)
 - Banking and financial security
 - Enjoy leisure and recreation of your choice
 - Affordable health care

30 Years
Americans with Disabilities Act

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Equality of Opportunity
(slide 3 of 3)

Is it Employment First?

- Young people with disabilities have work experiences that are typical of other teenagers and young adults.
- Citizens with disabilities have greater opportunities to advance in their careers, by taking full advantage of their individual strengths and talents.

30 Years
Americans with Disabilities Act

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Economic Self-Sufficiency
(slide 1 of 2)

Economic self-sufficiency is the ability of individuals and families to maintain sufficient income to meet basic needs with minimal reliance on public subsidies

- Food
- Housing
- Utilities
- Wellness
- Transportation
- Dependent care
- Clothing

30 Years
Americans with Disabilities Act

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Employment 2025
Employment for All



Economic Self-Sufficiency
(slide 2 of 2)

Is it Employment First?

- Earning minimum wage or higher
- Earn a living wage in a job of their choosing, based on their talents, skills, and interests
- Individuals with disabilities have increased incomes, financial assets, and economic wealth




Questions?

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