

Georgia Employment First Council

October 2019 Report

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Council Creation, Duties, and Focus

Georgia’s Employment First Council was created pursuant to the passage of House Bill 831, “Georgia’s Employment First Act”, during the 2017 Legislative Session. Georgia’s Employment First Act was signed into law by Governor Nathan Deal on May 8, 2018, declaring Georgia a state in which competitive, integrated employment is the first and preferred option for citizens with disabilities, regardless of the severity of the disability. To promote and implement this mission, Georgia’s Employment First Council was created and charged to:

“Advise the Governor, General Assembly, and state agencies as to the adoption and integration of a policy that recognizes that competitive integrated employment, including self-employment, is the first and preferred option of all state funded services provided to working age individuals with disabilities...known as the ‘Employment First Policy’.” (49-4-52)

The Council is tasked with the following actions:

1. Developing an Employment First training plan for providers;
2. Coordinating and conducting educational activities with other agencies to increase awareness of Employment First;
3. Evaluating the funding mechanism for inclusive post-secondary education (IPSE) programs in the state; and
4. Reviewing and making recommendations in a biannual report to the Governor and the General Assembly

Figure 1. Responsibilities of the Council

Background

As discussed in the Georgia Employment First Council March 2019 report, Employment First is a growing national initiative to ensure that people with disabilities, regardless of severity, are afforded the opportunity for competitive integrated employment. Historically, people with disabilities have not received the necessary supports and services to assist them in gaining and maintaining meaningful employment, although people with disabilities are able and willing to work. People with disabilities often attend facility-based nonwork settings, also known as day habilitation programs or “adult daycare”. These programs provide a space for people with disabilities to attend during the day where they can engage in a variety of activities; however, the participants are not considered employed, and if they are completing work tasks, they are often paid subminimum wage, considered facility-based work and allowed under 14(c) certificates.¹

Efforts within the state to develop and improve employment supports and services for people with disabilities have included partnerships among numerous organizations, including state agencies, university systems, and nonprofits. In fact, the Institute on Human Development and Disability (IHDD) at the University of Georgia (UGA), in partnership with the Georgia Council

¹ Note: The 14(c) Section of the Fair Labor Standards Act (FLSA) is known as the Subminimum Wage Certificate Program (14(c) certificates) and allows organizations to pay people with disabilities subminimum wage. Although the US Department of Labor’s Wage and Hour Division have released guidance stating the 14(c) program should not be the first or only choice of employment for people with disabilities, the program continues to be overused.

on Developmental Disabilities (GCDD), have assisted programs utilizing 14(c) certificates in transitioning their services to competitive integrated employment through an innovative technical assistance program.² In addition, the Department of Behavioral Health and Developmental Disabilities (DBHDD) has developed a working group, the Callaway Gardens Supported Employment Leadership Group, tasked with addressing employment of Georgians with developmental disabilities, and DBHDD has committed to increasing the employment of Georgians with *developmental disabilities to 3 times the current rate by 2025, from 16.3% to 48.9%*.

Although Georgia has made great strides in developing employment supports and services for people with disabilities, the employment rate for Georgians with disabilities is approximately 34%, well below the 73% employment rate for Georgians without disabilities. The majority of Georgians with disabilities (86.3%) are served in facility-based nonwork settings (i.e., day habilitation programs), which is well above the national average of 37%. In addition, when Georgians with disabilities are considered employed, only 20% are employed in integrated employment settings, while 24% are considered employed in facility-based work and receiving subminimum wage (well above the 16% national average).³

Council Outcomes to Date

The Council has held 6 meetings to date: one on December 5, 2018, one on February 19, 2019, one on June 4, 2019, one on August 27, 2019, November 19th 2019, and one on February 4th 2020. All meetings took place in Atlanta, Georgia and were facilitated by Georgia Vocational Rehabilitation Agency.

While distinct from the responsibilities outlined by HB 831 (refer to Figure 1), the Council created the following actions to be completed in its first year during the aforementioned meetings:

1. Compile a database of all the funding attached to Employment First related matters.
2. Determine all programs, agencies, and other organizations that play a part in Employment First matters.
3. Document the experience of people with disabilities who apply for services or assist agencies with the goal of ultimately creating a more effective system for the provider and consumer.
4. Explore all agreements, memorandums of understanding, and other engagements of the represented state agencies.

In order to maximize productivity and innovation, the following working groups were created:

1. Communication
 - a. The Communications Committee is charged with disseminating information regarding the initiatives of the Employment First Council to community partners.

² For more information visit: <https://www.fcs.uga.edu/ihdd/technical-assistance>

³ Winsor, J., Timmons, J., Butterworth, J., Migliore, A., Domin, D., Zalewska, A., & Shepard, J. (2018). StateData: The national report on employment services and outcomes. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.

- b. Members:
 - i. Conrado Marion-Landais (Chair)
 - ii. Brandt White
 - iii. Felita Williams
 - iv. Todd Youngblood
- 2. Data
 - a. The Data Committee is charged with collecting all relevant data within the community.
 - b. Members:
 - i. Eric Jacobson (Chair)
 - ii. Paula Poulicek
 - iii. Amy Riedesel
 - iv. James Stinchcomb
- 3. Training
 - a. The Employment First Council will be creating a training for our statewide partners regarding the process of changing the employment outlook with the community and assisting organizations to transition into competitive integrated employment.
 - b. Members:
 - i. David Ward (Chair)
 - ii. Parker Glick
 - iii. Rossany Rios
 - iv. John Wells

Through completion of the above actions, the Council intends to develop a comprehensive picture of where Georgia currently stands in terms of Employment First and thoughtfully develop recommendations for Georgia to consider in order to achieve competitive integrated employment for all Georgians with disabilities.

Council Recommendations to Date

Upon review of the information presented and discussed, the Employment First Council recommends the following:

Communication

1. Develop a marketing plan for Employment First consumers, employers, and providers. The plan should emphasize why Employment First practices, including competitive integrated employment, are important to Georgia through stories of supported employment experiences and outcomes.
2. Develop unique Employment First branding that will ensure uniform branding and consistent messaging. Consider partnering with other Georgia employment initiatives to adopt a coordinated branding approach.

Data

1. Develop a coordinated website or information delivery system to provide potential and current clients with “one-stop shopping” of available agencies and services (both private

and public). The website would house all employment initiatives in Georgia. A possible website option that currently exists is the “Advancing Employment” website.

2. Develop and maintain a comprehensive data collection and reporting system that incorporates consistent, standardized data points across all relevant agencies.

Training

1. Form a group represented by GVRA/DOE/DBHDD to work on identifying, organizing, and streamlining communication, services, and training resources, with a focus on assisting organizations to phase out their use of subminimum wage certificates.
 - a. Create certification standards and training programs that are uniform across agencies and inclusive of organizations of all sizes.
 - b. Include review of disability etiquette and appropriate terminology.
2. *Support training and other efforts to create a network of providers who are dually eligible to serve individuals who receive services through GVRA and DBHDD.*
3. Incorporate a Business Consultant role within DOE and DBHDD whose role would be to provide support and services directly to business’ engaged in disability hiring initiatives. GVRA currently employs multiple individuals in this role.

Policy

1. *State agencies responsible for providing support to individuals with disabilities should coordinate policies in order to create a more efficient and effective system of services.*
2. *Because the United States Center for Medicaid and Medicare Services (CMS) has adopted the Home and Community Based Settings Rule that all states must be in compliance with by March 2022, the State of Georgia should pass legislation that phases out 14(c) certificates that currently allow people with disabilities to be paid subminimum wage.⁴*
3. Ensure alignment regarding the definition of “disability” across agencies and providers, particularly as it relates to appropriate application of training, services, and employment opportunities

Budget

1. Recommend an *equalization in funding between Supported Employment Services, Community Access Groups, and Pre-Vocational Services* to assist the organization in increasing the hourly rate of Georgia’s supported employment services to national averages so that providers can cover costs for supported employment.
2. *DBHDD currently pays through its Medicaid Waivers \$17,856 a year for facility based non-employment services (community access group) and the rate for most people served in supported employment services is capped at \$7,069. These rates are based on an hourly rate of \$29.64 which is below documented provider costs, so these higher caps are*

⁴ Note: The 14(c) Section of the Fair Labor Standards Act (FLSA) is known as the Subminimum Wage Certificate Program (14(c) certificates) and allows organizations to pay people with disabilities subminimum wage. Although the US Department of Labor’s Wage and Hour Division have released guidance stating the 14(c) program should not be the first or only choice of employment for people with disabilities, the program continues to be overused.

almost never reached⁵. A cost-saving solution would be to revise the rates to indicate that employment is a priority.

3. *Assistive technology is an opportunity to support people with disabilities to be more independent and economically self-sufficient. Recommend that DBHDD fund assistive technology through the Medicaid Waivers or state funded services.*
4. Assistive technology is any device, software, or equipment that helps people work around their challenges. Some examples of assistive technology are text-to-speech and word prediction. Assistive technology includes low-tech tools and is more commonly found in work places thus reducing the stigma of having a disability and being able to work in a competitive, integrated job setting in the community with people without disabilities. It is often more cost effective long term than on the job, in-person support.

⁵ Note: This comes from the DBHDD Employment Leadership Committee, Funding Committee document “Barriers and Initial Actions” 11.22.2019

Employment First Council Contact Information

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Callaway Leadership – Funding Workgroup
Supported Employment Express Funding PRELIMINARY Recommendations
November 22, 2019

Goal:

To increase employment for individuals with IDD in Georgia from 16.3% to 48.9% by 2025

Employment Definition for SE Express:

Employment is defined as: Individual is working or having typical work schedule of 10 hours per week or more.

Transition:

Transition is defined as interval between school or other services to work.

Maintenance:

Maintenance is defined as services that support an individual's ability to maintain, increase or advance in employment on-going.

Philosophy:

To provide for CONSISTENT and FLEXIBLE supports for individuals who desire employment. For youth leaving school Supported Employment Express provides a vehicle whereby transition from school is supported through an "employment first" initiative.

Recommendation:

This preliminary recommendation is presented to provide insight as to potential billing methodologies and is NOT an opinion of what the rate should be.

Methodologies from other states have been studied and considered in making this recommendation.

Rates used in this presentation are those that are currently being used within Georgia's NOW and COMP waivers in comparison to rates used in the FY14-15 Georgia SE Pilot.

This recommendation does NOT consider the actual funding source within the phases Transition to include Discovery, Job Development and Job Coaching.

This recommendation does not include specific work planning, reporting or billing details.

This recommendation is based on the utilization of state funds. It is highly recommended that upon adoption of any NEW rate structure that the NOW and COMP waivers be amended to align with the new rates and methodologies.

Strategies:

The funding workgroup intends to carry forward these preliminary recommendations to a targeted and qualified group of stakeholders for feedback and additional input. Final recommendations will include more details regarding billing strategies, documentation and reporting.

Transition Supports Allocation

Transition Outcomes: To secure employment within 1 year

Requirement: Development of Work Plan updated monthly. Plan should reflect objectives to ensure progress including noted barriers and needed level of support.

Transition Support Activities:

- Discovery – Evaluation of preferences, skills, and other factors to enhance employment experience. Pre-employment training if needed. Resume/portfolio development.
- Job Development – Research of potential work sites, outreach and negotiation to prospective employers
- On-Site Job Coaching – 1:1 with individual including orientation, on the job training, natural support development, and employer support

Stabilization is when the individual is substantially meeting the duties of the job as required by the employer, and as outlined in the work plan for 90 days. When the individual, employer and support team determine the stabilization is complete, the work plan is transitioned to “Maintenance” for long term support.

CURRENT RATE

Individual employment support rate: \$29.64 per hour

Current Annual Allocation: \$17,856 602 hours

Hours to be billed according to actual time spent in all transition categories – not to exceed **50** hours per month in all combined categories

FY14-15 GEORGIA SE PILOT RATE

Individual employment support rate: \$43.92

Current Annual Allocation: \$17,856 406 hours

Hours to be billed according to actual time spent in all transition categories – not to exceed **34** hours per month in all combined categories

Maintenance Supports Allocation

Maintenance Outcomes: To maintain, increase or advance in employment – on going

Requirement minimum 2 times per month follow up. Additional follow along support as needed.

Maintenance Supports Activities: Follow-up to include communication with employer, work strategies, intermittent job coaching, and other employment related supports needed.

TIER Monthly Caps: **Cap rate to be billed in whole**, not based on actual hours of supports provided. The noted hours in each tier are estimates of the number of hours of typical support. TIER Funding Based on Support needs as determined at the end of transition.

*Note: TIER support criteria TBD

CURRENT RATE

Individual employment support rate: \$29.64 per hour

Allocation CAP per TIER:

TIER 1 Annual CAP \$7069

\$589 / month

Estimated supports up to **20 hours** per month follow along support

TIER 2 Annual CAP \$10,760

\$897 / month

Estimated supports **21 to 30 hours** per month follow along support

TIER 3 Annual CAP \$17,856

\$1488 / month

Estimated supports **31 to 50 hours** per month follow along support

FY14-15 GEORGIA SE PILOT RATE

Individual employment support rate: \$43.92

Allocation CAP per TIER:

TIER 1 Annual CAP \$7069

\$589 / month

Estimated supports up to **13 hours** per month follow along support

TIER 2 Annual CAP \$10,760

\$897 / month

Estimated supports **14 to 20 hours** per month follow along support

TIER 3 Annual CAP \$17,856

\$1488 / month

Estimated supports **21 to 34** per month follow along support