



## Transformation Panel Meeting Summary

MEETING TITLE: Transformation Panel: Employment  
DATE/TIME: March 25, 2015

### Panel Members Attendees:

- Kerry A. Delaney, Acting Commissioner, Office for People With Developmental Disabilities
- Charles A. Archer Evelyn Douglin Center for Serving People In Need, Inc. (EDC-SPIN)
- Gerald Archibald, The Bonadio Group
- Nick Cappoletti, Developmental Disabilities Advisory Council Chairperson, Parent
- Donna Colonna, Services for the Underserved
- Susan Constantino, Cerebral Palsy Associations of New York State
- Barbara DeLong, Parent
- Stephen E. Freeman, Freeman and Abelson Consulting
- Ann Hardiman, New York State Association of Community and Residential Agencies
- Steve Holmes, Self-Advocacy Association of New York State, Inc.
- Steven Kroll, NYSARC
- Clint Perrin, Self-Advocate
- Peter Pierri, Interagency Council of Developmental Disabilities Agencies
- Michael Seereiter, New York State Rehabilitation Association
- Seth Stein, Moritt, Hock & Hamroff (via conference call)
- Sheila Carey, Developmental Disabilities Planning Council
- Robin Hickey, Developmental Disabilities Planning Council

### Absent

- Arthur Webb

### OPWDD Staff

- Neil Mitchell, Special Assistant to the Commissioner
- Diane Woodward, Statewide Assessment Coordinator
- Kate Bishop, Director of Health and Community Supports
- Carlene Coons, Developmental Disabilities Program Development Specialist 4
- Helen DeSanto, Deputy Commissioner, Division of Service Delivery
- Kate Marlay, Acting Deputy Commissioner, Division of Person Centered Supports
- Ceylane Meyers-Ruff, Director of Employment and Meaningful Activities
- Don Moffitt, Associate Budgeting Analyst
- Jennifer O'Sullivan, Director of Communications
- Anne Swarthout, Medicaid Service Coordination Statewide Coordinator

### KPMG

- John Druke
- Andrea Cohen

- **WELCOME AND OVERVIEW OF THE MEETING: ACTING COMMISSIONER DELANEY**

- Welcome and thank you for joining us today
- In the coming days we will share information with the Panel on Managed Care, the “givens” and assumptions under which we are operating
- We are completing research on other models of managed care and what different states are doing so that we can learn how other models work and learn from their examples
- We will also share additional information on the DISCO model, including data points and cost data
- At the next meeting we will focus on integrated housing options and opportunities to leverage technology. We ask that the Panel give some thought as to whether there are other models that should be considered related to innovative community housing practices. Please share this information with OPWDD and we will follow up with additional research.
- Today we will focus on answering the question: *What are the obstacles to greater numbers of individuals in our system achieving and retaining employment?*
- For many of us, work is what defines us. We want to be valued for our skills and the contributions that we make – and we don’t want to be underestimated.
- Statistics show that individuals with a developmental disability have an employment rate of only 18 percent, compared to 85 percent of the general population
- The Governor has committed that New York will become an Employment First State. We should presume that people want to be employed, and help them get the skills they require.

- **THE FOLLOWING NOTES PROVIDE A SUMMARY OF THE DISCUSSION THAT TOOK PLACE DURING THE POWER POINT PRESENTATION BY OPWDD**

- There are two known barriers to employment that we need to address: transportation and youth graduating out of high school and transitioning into the labor market.
- Even if we have all of the necessary supports to help individuals with developmental disabilities find and retain employment, access to transportation remains key. We need to look at the current transportation system and decide what can be better utilized and how we can build more practices and initiatives to address the gap.
- We need to start working with youth graduating from high school sooner, potentially in middle school. It is also important to work with families early on to expose them to the adult system and make sure they understand it
- In reviewing definitions, OPWDD points out that competitive employment does not mean employment without supports. It means community integrated work where individuals with a developmental disability are earning at least minimum wage

#### Overview of the ACCES-VR and OPWDD Employment Supports

- ACCES-VR provides employment supports as NYS’ vocational rehabilitation (VR) agency
- ACCES-VR was formerly known as VESID
- Located within the State Education Department
- Every state has a vocational rehabilitation agency federally funded by the federal Rehabilitative Services Administration-this is not Medicaid funding
- OPWDD and ACCES-VR work in partnership and fund many of the same provider agencies.
- We want to create other avenues for people to access employment
- The funding sources for Access VR comes from RSA (not Medicaid)
- Every state has a VR agency. The expectation is that people with a developmental disability all go to VR to receive funding. RSA dollars are supposed to be the first source of funding. Medicaid funding is the last resort
- Access VR’s funding is based on how many cases they close a year

- OPWDDs Enhanced Supported Employment (ESEMP) pilot ran from 2009-2014. If an individual was in ESEMP or is in Employee Training Program they do not have to go to ACCES-VR. They are able to go right into OPWDD SEMP. Approximately 80% of the people in OPWDD SEMP received ACCES-VR services to get their job.
- Usually, OPWDD funding is used to restart job development
- Pathway to Employment has been created to address this job retention issue.
- The Panel discussed that there is a need to think of employment services as a menu of options that help a person to begin to explore the options of how to gain employment
- There are a number of options that were defined and discussed:
- Pre Voc: make less than minimum wage, an individual can also do un-paid work to help them explore and develop generic job skills
- Pathway to Employment: focus on discovery. People with a developmental disability go through the processes but don't have the expectation to get a job. Pathway to Employment is to help fill the gap to give people opportunities to explore jobs in the community and learn about what they want to do. This is a 12 month service to help with discovery
- SEMP: focus on job development and coaching
- ETP: for a limited amount of time OPWDD pays the wage. OPWDD negotiates up front with the business
- Job retention is an important aspect. People do not need stay in the same job forever. It is just about staying employed
- OPWDD presentation has outlined four goals to employment
  1. Increase the number of people with DD who are competitively employed
  2. Improve job retention for people who are employed
  3. Transition workshop participants to competitive employment or other meaningful community activities
  4. Transition students from high school to employment
- The Panel noted the importance of looking at Self-Direction options as it relates to employment opportunities
- In discussing the barriers to employment, the Panel raised the question about the ongoing safety net for individuals and families. It is understood that there is a concern about moving into employment, in case it does not work out, people are not clear on what happens to their benefits and supports
- For example, if a person with a developmental disability takes on a job what will the impact be on their food stamps? Medicaid? There are mechanisms with the Work Incentive Initiatives, to help individuals work and earn an income and still maintain their social security benefits.
- There is a need for more information about how this works
- The more the public sees the successful employment of people with a developmental disability, the better!

#### Employment Data Overview and Discussion:

- Challenges collecting data (not available in NYESS)
- OPWDD Began collecting monthly data from providers
- We need to use existing data to understand the challenges, barriers, and success. We also need to recognize the data does not tell the entire story
- OPWDD is working on getting more integrated data with the Department of Labor and OMH
- To qualify as being employed, an individual does not have to work a certain amount of hours. Most people are working part time.
- People are most successful when we value the work they do and provide flexibility on hours and schedules
- Having a mix of employment, volunteerism, and spending time with peers is also viewed as successful

- The Panel discussed that having a program with a number of components can be confusing and make things harder on families. There is a need for streamlined and simplified system
- There are a number of questions about how training and coaching can be billed under the program and what qualifies as support within OPWDD. There is some confusion as to whether or not a person can receive support under Community Hab. More information is required
- There are a number of people who are not counted as competitively employed. This may be because:
  - Individuals might not be working in an integrated setting
  - Individual might not be making minimum wage
  - Individual might have lost his or her job
  - Individual is working without supports.
- There is less data on people who are working without supports, and as a result there is not a full picture of the employment landscape
- The Panel noted that we are underestimating the number of people who are being supported and understanding the types of support people need and what programs individuals need access to.
- For example, there are supports people need that aren't always related to employment, such as supports related to residential, respite, etc. These services and supports have an impact on an individual's employability
- The Panel discussed the need for more data to better understand what interventions, work, job coaching, training, environmental support, etc. is needed
- The Panel also noted there is a need to understand why people are not able to maintain their jobs. This could be related to child care, moving, training, financial disincentives related to benefits. All of these factors need to be considered
- People need assistance in determining which supports match their needs
- More data is required related to retirement. At this point retirement has not been defined. There is a need to better understand and define what the options are and what can be done to support people with a developmental disability when they are ready to retire.
- In planning for successful employment, there is a need to consider the role of the employer. How much planning is done? How is down time structured? What supports are available? The Panel discussed the need to support the employer as well.
- The Panel noted the need to look at employment fields that will be the most successful. People can get stuck at entry level jobs. We need more diverse employment options and to look at additional industries

#### Overview of New SEMP Design and Rate Structure

- Pathway to Employment is a wraparound services and can be used by people leaving sheltered workshops
- Fees- \$12,000
- January 2015- 48 agency providing services to 289 individuals
- In addition to job discovery, there is a focus on soft skills. The first 12 months are really important. Pathway to Employment supports are therefore a year long.
- If you only see a person twice a month is that enough to know if a person is getting the support and help they need?
- It is important to develop customized supports for an individual based on their own needs and the specific job. Flexibility around training and requirements is key to success
- A Letter of Agreement was signed, so that a provider does not need to go to ACCES-VR. The letter of agreement is for individuals enrolling in Pathway to Employment, Community Prevocational and the Employment Training Program (ETP). For SEMP, you still need to go to ACCES-VR
- We do not have data on the impact of new ACCES-VR funding changes on our providers.
- Providers have shared their concerns about working with ACCES-VR
- CMS is clear that Medicaid is the funding of last resort, as such Access-VR remains an important partner
- ACCES-VR uses a performance based payment system.

- There are a lot of factors and variables related to employment, and at this time it is not clear how to account for all of them in a pay-for-performance model. Factors that need to be considered include, transportation, hours worked, community supports, etc.
- There are also a number of valid reasons people leave their jobs, and this would have to be considered in a pay-for-performance model as well
- **OVER THE COURSE OF DISCUSSION THE PANEL IDENTIFIED A NUMBER OF AREAS THAT CAN BE IMPROVED:**
  - **Transportation:** Transportation options within the current infrastructure need to be discussed. It would also be beneficial to discuss costs related to transportation and if these should continue to be paid for the same way other support services are paid for.
  - ***A subcommittee on transportation will be established***
  - **Safety Net:** There is a need for more information related to benefits and employment – what happens to a person’s benefits when they become employed, and if the employment is terminated? This is a concern for individuals and families.
  - **Data:** There is a need for more data related to individuals who are employed, individuals who are accessing employment outside of Access-VR, individuals not obtaining SEMP services, etc. There is also a need for data related to why people leave jobs and retirement, as well as success factors. There is a need to look at the data to see what we can learn about people who are successful in retaining employment.
  - **Community:** There is a need to educate the community on employment of people with developmental disabilities. People find jobs using their local networks. This should also be encouraged and create greater comfort with the idea. The more the community understands the program, the more successful it can be. Increased connections between businesses and individuals can lead to success. We need to make work and employment an assumption.
  - **Employers:** There is a need to engage employers so they understand their role and requirements in helping to achieve successful employment
  - **Process:** There was discussion about having a Memorandum of Understanding with the State Education Department around youth transitioning from high school.
  - **Payment:** There is an opportunity to explore pay-for-performance models and discuss the various factors related to this model
  - **Transition:** We need to start working with youth graduating from high school sooner, potentially in middle school. It is also important to work with families early on to expose them to the adult system and make sure they understand it
  - **Volunteering:** There is an opportunity to investigate volunteering as a pathway to skilled employment. There are a number of National Service projects that should be explored.
  - **Flexible Support:** Most jobs are not 9-5 or during the typical work week hours. We need to look into flexible support for evenings and weekends so that shift work can be easily accommodate.
  - **Sheltered Workshops:** There is a need for further discussion on the role of workshops, and the transition related to them being shut down. There was a suggestion to reconvene the Panel after the May 8<sup>th</sup> conference.
  - **Alternative Employment Avenues:** There is an opportunity to discuss employment requirements within Medicaid providers as it is related to individuals with developmental disabilities. There is an opportunity to discuss self-employment, and other micro-enterprises. What is the role of Affirmative Action? Should this be considered?

The Panel is invited to attend a session on May 8<sup>th</sup> session to further discuss issues related Workshop titled the Integrated Employment Conference.