

# MISCC Employment Committee

## Mid-Year Report June 2009

Through legislation and executive action, New York State has established the Most Integrated Setting Coordinating Council (MISCC) to implement the Supreme Court Olmstead Decision, which requires states to provide services to individuals with disabilities in the most integrated community setting appropriate. The formation of the MISCC was the result of Chapter 551 of the laws of 2002.

In January 2008, OMRDD's Commissioner Ritter, at the recommendation of the full MISCC, asked VESID to lead an executive-level interagency committee focused on employment of individuals with disabilities. VESID, in cooperation with Commissioner Ritter and the MISCC, established the MISCC Employment Committee. Former Assistant Commissioner Edward Placke was the designated chair for the Employment Committee. Frank Coco, VESID Manager for VR Policy and Partnerships, is now serving as chair for the Committee.

The MISCC Employment Committee consists of participants from over 25 organizations including State agencies, schools, community rehabilitation programs, independent living centers, advocates, and persons with disabilities. The Committee is focused on facilitating systems change to close the employment gap for individuals with disabilities through executive, legislative and budgetary action. The MISCC Employment Committee adopted the following vision statement in May 2008:

All people can work. New York State, in partnership with the whole community, will exercise leadership to advance prospects for employment and economic self-sufficiency of all individuals with disabilities. Resources will be directed or redirected to realize this vision of integrated competitive employment. Individuals with disabilities will have the opportunity to contribute to and benefit from the economic vitality of the workforce. Employers will view individuals with disabilities as valued employees in their recruitment and hiring efforts.

The Employment Committee developed five objectives to address the MISCC vision statement and formed work groups to act on these objectives:

- Develop a statewide infrastructure for benefits and work incentives planning, including statewide collaboration on implementing the Medicaid Infrastructure Grant obtained by OMH entitled New York Makes Work Pay;
- Communicate to employers through a collaborative marketing campaign for employment of qualified candidates who have disabilities;
- Review data and funding sources to explore how existing funding and reporting structures across agencies can be more effectively integrated to better meet the needs of people with disabilities seeking employment;

- Develop recommendations to significantly improve opportunities for public sector employment for individuals with disabilities; and
- Improve access to employment services for individuals with disabilities across State agencies by developing clear cross-systems partnership policies and procedures.

In December 2008, the MISCC Employment Committee submitted a report to OMRDD with a comprehensive set of recommendations for closing the employment gap in New York State. This report was integrated into the [MISCC 2008 Annual Report](#) to the Governor and Legislature. The MISCC Employment Committee continues to work on implementation of the priority recommendations.

Through the MISCC's leadership, the Employment Committee has brought together a diverse group of stakeholders, including individuals with disabilities, to ask critical questions and challenge New York State to do what is necessary to insure that individuals can have opportunities for employment in integrated settings. The Committee prioritized strategies for supported and customized employment, work incentives planning, employer involvement, public sector options and access to employment supports and services.

Since the inception of the MISCC Employment Committee, New York State has been fortunate, through the leadership of the Office of Mental Health, to have been awarded a substantial Medicaid Infrastructure Grant through the Centers for Medicare and Medicaid Services (CMS). OMH has applied some of the resources from the Grant, in collaboration with the Cornell University Employment and Disability Institute and the Syracuse University Burton Blatt Institute, to provide valuable consultative and technical assistance to each of the work teams formed by the MISCC Employment Committee. This is an opportunity for New York State to build on its history of a progressive employment policy for individuals with disabilities and develop a durable, comprehensive statewide plan for closing the employment gap for individuals with disabilities.

## **Work Incentives Planning**

The Work Incentives Planning Team proposes that New York State increase work incentive utilization by reinforcing and enhancing provision of comprehensive benefits and work incentives planning through the following action steps in 2009:

- Conduct a State agencies needs assessment to determine the extent to which state agencies are engaged in and/or are supporting resources specifically related to benefits counseling and work incentives planning and usage;
- Develop the Work Incentives Information Network (WIIN);
- Train and certify in the core curriculum an additional 100 individuals who have the capacity to spend at least 35 percent of their time on direct benefits counseling and work incentives planning and utilization;
- Train and equip 400 individuals as "work incentives practitioners" who will provide general work incentives information and referral to support beneficiaries in making informed choices regarding work and connect them to credentialed benefits planners when needed;

- Develop a statewide standard for benefits and work incentives planning and assistance and quality assurance indicators;
- Offer supplemental distance learning events to WIIN practitioners, allowing the practitioner to remain current and become acquainted with new and various topics (e.g. the Medicaid Buy-In for Working People with Disabilities) important to a return-to-work effort from the comfort of their office or home;
- A toll free technical assistance line is currently available to all WIIN practitioners who may have questions when working with beneficiaries who are interested in work; and
- Organizations providing the comprehensive array of benefits and work incentives planning and assistance services and supports will have access to an online organizational assessment tool to assess the quality and fidelity of services and supports offered—leading to development of a strategic work plan to enhance services.

Most of the above action steps will be carried out by the Cornell Employment and Disability Institute with resources made available from the OMH Medicaid Infrastructure Grant. The MISCC Employment Committee will explore how the WIIN can be sustained once the NY Makes Work Pay Project funds are no longer available.

## **Employer Focused Strategies**

The Employer Focused Strategies Work Team proposes that New York State conduct a Public Awareness Campaign aimed at promoting employment of individuals with disabilities through the following action steps in 2009:

- Review all existing employer-focused marketing and public awareness efforts;>
- Develop public service announcements – assess potential cost to develop and look for in-house development capability; and
- Investigate the strategies utilized in other states that have been successful in reaching employers.

While the Employer Focused Strategies Work Team can review existing efforts, resources are necessary to create public service announcements.

The Employer Focused Strategies Work Team also proposes that the MISCC Employment Committee further explore and evaluate the Payroll Tax Incentive Concept developed by NISH Institute:

- Explore payroll tax concept and make recommendations back to the MISCC Employment Committee about possibly participating as a “pilot state”; and
- Evaluate the cost savings potential to New York State by creating a “payroll tax” type incentive that could work within New York State.

## **Data and Funding Integration**

The Data and Funding Integration Team will examine the degree to which funds are allocated for segregated and integrated programs. This information will be used to recommend how finance may be better allocated for programs in integrated settings. The Team will identify other states that have made reallocations of funding from segregated to integrated settings and the data related to those actions. Ideally, the Data and Funding Integration Team wants this information in time to make recommendations to the MISCC Employment Committee and the overall MISCC for the next budget cycle.

The Data and Funding Integration Work Team proposes that New York State gain a better understanding of the degree to which individuals are receiving services in segregated or integrated settings data through the following action steps in 2009:

- Develop a survey instrument of MISCC members to be used as a tool to identify current differences and lead to the development of a consensus on the definitions of the range and limits of what is considered to be an integrated setting;
- Distribute the survey through the members of the MISCC agencies and others who might have relevant information to share;
- Conduct the survey and collate the data through the Cornell Employment and Disability Institute and distribute back to the Data and Funding Integration Work Team for review and interpretation; and
- Gather information through the survey that can be used by the MISCC Employment Committee to interpret and develop into consensus definitions related to the range of integrated settings.

In addition to administering the survey, Cornell University Employment and Disability Institute staff are conducting informational conference calls with State agencies including OMH, DOL and OMRDD to learn more about how they are collecting data. OMH manages the New York Interagency Supported Employment Report (NYISER) database which gathers information on individuals participating in supported employment through OMH, OMRDD, CBVH and VESID funds.

For 2010, the Team would like to develop a Data and Funding Integration Plan proposal as a key goal.

## **Public Sector Employment**

The Public Sector Employment Work Team is currently reviewing the NYS DOL 2008 Report of the Commissioner on Return to Work and considering options with the Department of Civil Service and other relevant State agencies, including capacity needs, to implement a program to rehire workers with disabilities into the State workforce.

## **Action Steps**

- Cornell Employment and Disability Institute staff will review the report and provide an overview to the Work Team;

- NYS DOL staff familiar with the report (Colleen Gardner) will be asked to participate in the Work Team's conference call when the report overview is conducted; and
- VESID and Worker's Compensation Board representatives will revisit a joint initiative, previously in existence, to include expedited referral from Workers' Comp to vocational rehabilitation of people who were already deemed to be eligible, and as such, could be fast tracked to jobs or retraining.

The Public Sector Employment Work Team proposes that the MISCC encourage the Governor to issue a policy memorandum reaffirming the State's commitment to the provisions of Executive Order No. 6 to require State agency human resources offices to review their agencies' recruiting, hiring, retention and promotional practices and procedures related to people with disabilities, and to modify them, as necessary, to ensure that they optimize opportunities for people with disabilities to enter the State workforce and sustain productive careers with advancement opportunities. It is also proposed that State agencies designate a point of contact in each agency's Human Resources department to serve as a liaison with Civil Service's Recruitment Services Section.

## **Action Steps**

- Contact the NYS Personnel Council and arrange to make a presentation encouraging agencies to designate a point person in Human Resources to recruit, help retain and promote people with disabilities; the point person must know about the agency's vacant items so he/she can do appropriate recruitment and placement.
- Contact the NYS Affirmative Action Advisory Council to conduct the same presentation for this body;
- Compile the list of agency "point people" and have it available at Civil Service's Recruitment Services Unit; and
- Follow-up with the NYS Commission on National and Community Service regarding the AmeriCorps Program and mentoring and options to increase it due to Stimulus funding. Specific Stimulus funds were allocated to AmeriCorps and an RFP process which has been completed will determine their distribution. Though there was not a specific focus on mentoring, there is an increased emphasis on recruitment of AmeriCorps members with disabilities through the regular AmeriCorps appropriation as well as the Stimulus Money allocation.

The Public Sector Employment Work Team proposes that the MISCC Employment Committee, based on utilization data, evaluate the creation of a legislative proposal to expand the 55b and 55c Programs over the next several years. It is suggested that positions be added incrementally each year over a five-year period to increase the overall total of 55b to 2,500 positions and for 55c to 2,000 positions. It is further suggested that these new positions be exempt from any hiring freezes and from agencies' personnel ceiling limits, particularly when non-state dollars are available to fund the positions.

Since the 55b and 55c positions do count against the agency's personnel ceiling, consider a program that enables the Governor to release an undetermined number of items statewide that

would not count against the agencies' fill levels. Consideration should be given to rewarding those agencies that have been utilizing the 55b and 55c Programs, with a higher percentage of new items that do not count toward the agencies fill levels.

## **Increasing Access to Employment Services**

The Access to Employment Services Work Team proposes that New York State agencies streamline and simplify the eligibility process for individuals, their families and services providers. The Access to Employment Services Work Team will begin to address this objective by working on the following action steps during 2009.

### **Action Steps**

- Develop a matrix that outlines the eligibility criteria for employment services for each of the major State agencies that provide employment services to individuals with disabilities, including: OMH, OMRDD, VESID, CBVH, DOL, OTDA (Office of Temporary and Disability Assistance) and WCB.
- Explore connection points across agencies' criteria and what types of documentation or substantiation are necessary to document existence of disability, functional impairments and capacities and any other "gatekeeper" criteria to specific services (e.g. economic need). Identify touch points where requirements can be closely aligned or are interchangeable to streamline the process.
- Explore "presumed" and "interim" eligibility concepts and processes in theory and practice.
- Identify additional proposed systems' goals by evaluating our respective assumptions about the eligibility process and identifying the desired outcomes.
- Engage in a process of mapping how success is defined. Through this mapping process, explore the feasibility of a unified eligibility and plan process that allows for integrated services through braiding of funding sources.
- Pilot processes that shift the control of the decision-process toward the individuals who need services.
- Consider the concept of developing an interactive website for individuals with disabilities to gather information about program requirements and submit information that can be used by the respective State agencies to simplify the eligibility process across agencies. Implementation would require additional dedicated resources.

### **Conclusion**

The MISCC Employment Committee will:

- Evaluate the work of each of the work teams based on the SMART Criteria (as recommended by Doug Hovey): Specific, Measurable, Aligned with Olmstead and the primary purpose of the MISCC, Realistic, Timetable (timeframe for action).
- Affirm and assess that each of the work teams of the MISCC Employment Committee are aligning their activities with primary purpose of the MISCC Employment Committee.

- Evaluate where the purposes and direction of the OMH Medicaid Infrastructure Grant align with the purposes and direction of the MISCC Employment Committee.
- Ask the MISCC to review this mid-year report and provide feedback on priority recommendations, particularly with regard to having the human and fiscal resources for implementation.