

**Testimony of Will Stennett, Public Policy Director, Wesley Family Services  
Representing the Rehabilitation and Community Providers Association (RCPA)  
Before the Pennsylvania House of Representatives' Labor and Industry Committee  
On House Bill 1641 – “Employment First”  
G-50 Irvis Office Building – Harrisburg, Pennsylvania  
October 16, 2017**

Good morning Mr. Chairman and members of the committee – I want to thank you for holding this hearing today. My name is Will Stennett and I am the Public Policy Director for Wesley Family Services, which is a multi-discipline human service provider based in western Pennsylvania. Wesley Family Services is the product of a recent merger between Wesley Spectrum and Family Services of Western Pennsylvania. I came from the Family Services side of merger, and before becoming Public Policy Director for the new, merged provider, I was Director of Family Services' IDD Residential and Vocational Services. I did that for nearly 20 years.

Today I am here representing RCPA, a statewide association representing over 330 providers of human services across the Commonwealth. A significant percentage of our membership are providers of services for Pennsylvanians with intellectual and/or developmental disabilities (IDD). RCPA represents both providers of traditional facility-based vocational services, as well as providers of non-facility services, such as supported employment services. I serve as a Co-Chair of RCPA's Intellectual and Developmental Disabilities Committee and so I have a good understanding and appreciation of the issues all of our members are dealing with when it comes to employment services.

I want to start by saying RCPA is a strong advocate of employment for people with disabilities. When people with disabilities hold jobs and earn competitive wages, they can achieve greater independence and inclusion in the community. There is dignity in work, and when a person is able to acquire and hold a job, there are many benefits. Making friends, developing social networks otherwise unavailable, and acquiring personal wealth - which not only gives a person a sense of self-worth but offers them the kind of freedom only money can give a person. The ability to spend one's own money on the things one wants – and not have to be totally dependent on someone else to have certain things – is liberating. It is for these reasons that RCPA unequivocally supports the concept of “Employment First”.

Governor Wolf's Employment First Executive Order 2016-03, signed in March 2016, established executive branch policy, making competitive-integrated employment "the first consideration and preferred outcome" of publicly-funded programs – publicly funded programs like the Medicaid-funded home and community-based service "waivers", public education, and publicly-funded vocational rehabilitation services. Following the executive order, Governor Wolf released a comprehensive set of recommendations in September 2016 that put "meat on bones" of the executive order – recommendations which - for the most part - RCPA supported and continues to support today. A number of those recommendations have been put into motion over the past year. For example:

- Within the Department of Human Services, the Offices of Developmental Programs and Long-Term Living have:
  - Placed a greater emphasis on the role of the Service Coordinator/Support Coordinator with the Home and Community-Based Service "waivers" to promote employment.
  - Started to collect data on how many people are working, or getting employment services, to inform future policy and program changes, and
  - Developed new waiver-funded services to help people get and keep work, services like benefits counseling, discovery services, and customized employment services
  
- In addition, ODP has:
  - Made changes that allow people who live in group homes to access transportation separate from the group home provider so the person can get to and from work when it fits their schedule
  - Raised the Person/Family Directed Support waiver cap by \$15,000 if the person has a job, and
  - Committed to development and provision of training (such as Association of Community Rehabilitation Educators (ACRE) training for providers to serve individuals requiring customized employment, supported employment and advanced supported employment.
  
- Finally, the state's Office of Vocational Rehabilitation is now:
  - Working closely with ODP and the Office of Mental Health and Substance Abuse Services to pool funding to draw down additional federal VR funds to improve employment outcomes for mutual clients, and
  - Carrying-out regional trainings in collaboration with county MH/ID staff, OVR district office staff, and local school district staff, to increase cross-system knowledge, collaboration, and outcomes.

So, RCPA believes the state is already on the right path to promote employment and remove barriers to increasing employment outcomes for people with disabilities.

The legislation under consideration, House Bill 1641, would take another step in that direction, placing into law that Employment First is the policy of the commonwealth – this, as opposed to relying on an executive order that could be changed by a future administration.

In addition to establishing policy, it's our understanding that the bill would require the Office of the Governor to develop a 3-year plan to advance Employment First, place into law the existence of the Governor's Cabinet for People with Disabilities (something that's been around for about 10 years via executive order), and create a new state oversight commission responsible for developing measures that would assess progress on Employment First.

RCPA is supportive of the goals of the legislation - if passed, it would complement and reinforce the aforementioned efforts already underway in Pennsylvania.

To the extent we believe the legislation could be improved, we offer the following thoughts:

1. While the bill includes good language articulating the philosophical direction the commonwealth ought to go, it does not give any of the state agencies new authority to make real and lasting change. For example, it does not give the Office of Administration any new authority or directive to increase the hiring of people with disabilities in state government. Rather, it simply says state agencies "shall make an effort" to hire people with disabilities, with a hiring goal of 7%. In addition, the bill only directs the Civil Service Commission to "review and consider changes" in support of Employment First goals but does not give it any new authority or direction to remove barriers in state recruiting, interviewing, and hiring rules and practices to make any real and lasting progress.
2. The legislation refers multiple times to "any entity providing publicly funded education, training, employment and related services, and long-term services and support for individuals with a disability". We think the intent may be to refer to government entities, but as written it could mean non-profit human service providers delivering services paid for with public funds. In the legislation, this phrase is used many times and is usually tied to new requirements and mandates. For example, the bill says such entities, "shall comply with the requirements of Employment First" (without defining what those requirements are), "shall coordinate efforts and collaborate" (without knowing with whom or how compliance will be determined), "shall develop clear outcome

expectations” (without knowing what “clear” means or without knowing what expectations are acceptable), and “shall complete an assessment of its progress” (without knowing what kind of assessment or how progress is defined). We would ask that this language be changed to make it clear that the bill is referring to public agencies, not publicly-funded agencies.

3. The legislation introduces the term “employment champions”, yet the term is not defined.
4. Finally, the bill not only requires the Governor’s office to develop a 3-year plan but it also requires it to issue an annual report. The bill creates into law the Governor’s Cabinet for People with Disabilities, as well as creating a new Employment First Oversight Commission, which will issue an annual report. RCPA cautions this committee that the creation of new Cabinets, Commissions, and Annual Reports can give an impression that all this bill is simply creating more meetings to attend and more reports to write without actually achieving the desired results.

We think this legislation could be stronger if it helped state government lead by example. For example, the Office of Administration could be directed to do things that are being done at the federal level and in other states, such as:

- Establish a 7% Person with a Disability hiring target for commonwealth employees (not just “make an effort”).
- Add a requirement in all state contracts that contractors must either demonstrate that a minimum percentage of its workforce are people with disabilities, or in the alternative the contractor must have a plan that demonstrates how it will recruit, hire, onboard, train and retain people with disabilities.
- Promote customized employment within state government – this could easily be done by creating a job classification specifically for people with significant disabilities. Customized employment matches the needs of the employer with the strengths of the applicant – this, as opposed to the status quo, which relies on off-the-shelf, inflexible job classifications that present significant barriers to many people with disabilities who may be very good at certain tasks but may not be able to do everything listed in the job specifications as written. Under a customized employment job classification, eligibility could be limited to only those the state’s OVR determines are eligible. Further, given OVR’s expertise and resources, it could provide the supports necessary to help such an employee succeed.
- And finally, become a model employer for people with disabilities by consulting with people with disability and human resource experts in the field to identify what works best when it comes to

applying for a job, interviewing for a job, and performing a job. This includes understanding structural, information technology, and communication accessibility.

RCPA would also like to raise a perception that our education system is largely being ignored in this legislation. The primary and secondary education system must embrace their role and responsibility to prepare students with disabilities for competitive work when they transition to adult life. Studies show that the best predictor of whether a student with a disability gets a competitive job as an adult is if they get at least one paid work experience before leaving high school. More leadership is needed by the state education department to prepare students with disabilities for competitive employment and make sure they leave school with at least one paid work experience.

Parental expectations need to change as well. This must start at the earliest time in a child's life. Studies have shown that if parents of children with significant disabilities expect that their children will work as an adult, then it is more likely that their son or daughter will indeed have a competitive job as an adult. There is nothing in the legislation that addresses this important issue.

Finally, the legislation should recognize that there are many providers of services for people with disabilities that currently operate "sheltered workshops" and legally compensate their workers at subminimum wage levels. Decades and decades of state funding and federal law have encouraged and sustained these types of jobs and services for thousands of people with disabilities. Part of my message today is to caution public policy makers not to move too fast in their effort to shift the paradigm. Yes, competitive employment is a good thing. We agree with encouraging it, promoting it, and removing barriers to it. Yet, things will not change overnight. Attention must be paid, and resources directed, to the providers of sheltered workshops to enable them to develop the new service capacity the state and feds now want. Yes, new service definitions have been developed within ODP and OLTL to pay for employment-related services, but rates paid for those services must be enough to encourage providers to offer such services, and the rates must be enough to enable providers to deliver high-quality services. Otherwise, providers will fail, and in turn individuals will fail. And that's not what we want, and it's not fair to the individuals we're serving.

There are significant challenges for existing vocational providers as the pendulum swings to more competitive employment and less facility-based services.

1. Transportation – public transportation is usually not robust enough to meet the needs of someone who must get to and from work, especially in rural areas and during non-traditional times (i.e., someone working the "graveyard shift 11:00 PM to 7:00 AM).

2. Availability of jobs – many rural areas do not have a lot of open jobs that are within reasonable proximity to where a person lives. And, some employers do not want to deal with the perceived additional complication of having job coaches or attendants on a shift with a person with a disability who might need such support. Also, due to the Affordable Care Act, many employers are wary of hiring workers who they perceive may increase their health insurance costs due to pre-existing conditions.
3. Finding and keeping good staff – the rates being offered by ODP and OVR are not sufficient for service providers to hire and retain qualified staff. Vacancy rates and turnover rates are unacceptably high in the IDD service system, and it is directly attributable to the low wages providers must pay given the low rates paid by public funders. Many of the individuals we serve will require extensive support to find and keep a job. Staff should be master’s level in many instances, but the rates will not support hiring master’s level staff. And, given that most jobs for the individuals we support will be part-time, there is the additional challenge of having to find staff who are willing to work a non-traditional schedule (working weekends, evenings, holidays, etc.).

As I close, I want to remind members of the committee that Employment First philosophy is about competitive-integrated employment being “the first consideration and preferred outcome” for people with disabilities. First consideration and preferred outcome. It’s not supposed to be the “only consideration” or “only outcome”. At RCPA, our members support Employment First philosophy that HB 1641 would encourage. RCPA agrees that we must continue to support and promote competitive-integrated employment. At the same time, RCPA believes in allowing people to have access to information, be given a chance to try new things, be encouraged and supported, yet be allowed to make their own decisions about their life. They should be given the dignity to evolve at their own pace. If, after being exposed to information, resources, and new kinds of services, the person decides they aren’t ready to pursue competitive-integrated employment, RCPA believes the person’s decision must be honored. No two people are the same. And no two people will embrace such a change in their life – from traditional facility-based services to typical competitive employment - at the same pace. RCPA believes strongly in respecting the decisions of individuals with disabilities and honoring their wishes, giving them a chance to embrace change but to evolve at their own speed - ultimately making their own informed decisions about their own life.

In conclusion, RCPA stands ready to work with this committee to do what is in the best interest of everyone involved to advance Employment First. Thank you for allowing us to testify today.