



# **PENNSYLVANIA EMPLOYMENT FIRST Oversight Commission**



**2020 Report to Governor Wolf and the General Assembly**

**October 1, 2020**

## Employment First Oversight Commission Pennsylvania

### 2020 Report to Governor Wolf and the General Assembly

*State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability shall review their respective policies relating to payment of service providers, including supports coordinators, to align payment policies with the requirements of Employment First. Financial incentives, when allowable under Federal funding rules for employment services, shall be granted to providers who support the placement and continued employment of individuals with a disability in competitive integrated employment.*

-Act 36 [Public Law 229] Signed into Law June 19, 2018

#### **Working Age<sup>1</sup> Pennsylvanians with Disabilities Working/Utilizing State Services**

##### Individuals Employed & Using Department of Human Services Programs

**3%** (3007/102214), Office of Long Term Living Waivers (OLTL includes CHC)\*<sup>2</sup>

**40.1%** (364674 total/896190 Office of Mental Health and Substance Abuse Services (OMHSAS)<sup>3</sup>

**16.6%** (7136/43113 enrollees) Office of Developmental Programs Waivers<sup>4</sup>

##### Individuals Employed as a Result of Department of Labor and Industry Services<sup>5</sup>

**24.2%** (7485/30937<sup>6</sup> number of people who were employed in plan status through the Office of Vocational Rehabilitation (OVR).

##### Students Employed using Department of Education and Office of Vocational Rehabilitation Services

**2.8 %** (3065<sup>7</sup>/109228 total students<sup>8</sup>, summer/part-time jobs and graduates with job.<sup>9</sup>

<sup>1</sup> Working Age is defined by program age. Although many people work past 64, the Commission uses 64 as Census defines this as the top of 'working age'.

<sup>2</sup> 2019 Report Data was enrollees ages 18-64) Office of Long Term Living

<sup>3</sup> OMHSAS Data 2019 Calendar Year, Percentage of individuals 21- 64 that received: a Medicaid Behavioral Health service and employed during the calendar year 41%; Medicaid Mental Health service employed 41%; Substance Use Disorder (SUD) service employed 40%; Mental Health & SUD combined 37%

<sup>4</sup>ODP Point in time data, December 2019, ages 18-64

<sup>5</sup> Details about all L&I program data for employment of people with disabilities appears on page 17.

<sup>6</sup> OVR Program Year, 2018-19, ending June 2019 total closures in statuses 08, 26, 28, 30 [Plan Status 26 for RSA]

<sup>7</sup> Table 8: SFY18-19 and SFY 19-20 (Year to Date) Act 26 (Student) Reporting Items

<sup>8</sup> Estimate of just special education student population from Federal Child Count Data ages 14-21 2018-19: [https://penndata.hbg.psu.edu/Portals/66/documents/ADR/childcountpartb\\_SEA\\_2019\\_3-29-2019.pdf](https://penndata.hbg.psu.edu/Portals/66/documents/ADR/childcountpartb_SEA_2019_3-29-2019.pdf)

<sup>9</sup> Act 26 Data Currently Available (some duplication of individuals across quarters) 2967 Summer or Part Time Jobs\*\* and 98 Students Had a Job within 3 Months of Graduation, ages 14-21

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## 2020 Pennsylvania Employment First Oversight Commission Report to Governor Wolf and the General Assembly

### I. Employment First Act (Act 36) –Purpose and Policy, Responsibilities

In 2018 Governor Wolf signed a unanimous bi-partisan, bi-cameral bill into law, Act 36, the Employment First Act [PA Law 229]. The purpose of the Employment First Act (Act) is to “ensure that individuals with a disability be given the opportunity to achieve economic independence through jobs that pay competitive wages in community integrated settings.”

As constructed, key to the success of this legislation was the creation of the Pennsylvania Employment First Oversight Commission (Commission), which is built of executive and legislative appointees, and is charged to “track the measurable progress of public agencies in implementing this Act” with the full cooperation of state agencies and “**...issue an annual report on October 1 of each year, detailing the progress on each of the measurable goals and objectives during the preceding fiscal year... [and] include recommendations to the Governor and the General Assembly for effective strategies and policies needed to support the implementation of this act.**”<sup>10</sup>

The Act addresses several key principles of Employment First regarding access for all Pennsylvanians with disabilities and insists on policy that states: 1) competitive-integrated employment is the preferred outcome for all Pennsylvanians with disabilities receiving most forms of publicly-funded services; 2) any state and county agency and entities using public funds (education, training and employment related services, long-term services and supports) is required to make sure that Employment First is effectively implemented; and 3) state and county agencies will work together to ensure that resources are managed and allocated efficiently for the support of Employment First.

Most appointments to the Commission have been made. There are two vacancies in both the Senate Majority and Minority seats and the Commission is waiting for final letter from the Governor’s Office for an appointment already made by the Pennsylvania Statewide Independent Living Council.

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<sup>10</sup> Bold Text added for emphasis throughout.

## Roles & Responsibilities Under the Law

Initially, the Employment First Act of 2018 (Act 36) required the Office of the Governor to submit **an initial three-year plan to the General Assembly, outlining specific policies and strategies Commonwealth state agencies will adopt to implement the Employment First Act and ensure individuals with disabilities have the opportunity to achieve economic independence through competitive integrated employment.** This was published in 2019 and included in the initial *Interagency Priorities and Recommendations for Employment First Act Implementation*.

To follow up on its three-year plan, the Office of the Governor is required to submit a report to the General Assembly every year by January 30. **The first such annual report, published January 2020, built on the initial three-year plan to include specific, measurable performance indicators and the implementation status of each policy recommendation. These indicators were informed by the feedback and priorities of the Employment First Oversight Commission and the measurable goals and objectives the commission published in its first annual report October 1, 2019.**

In addition to the three-year plan, Act 36 also requires State agencies to (1) implement the Act, (2) coordinate and collaborate to support the hiring of people with disabilities, (3) review their policies, (4) designate employment champions, (5) assess and develop clear outcome expectations to be published on an annual basis, (6) share data to track implementation, (7) make an effort to employ individuals with a disability in no less than 7% of the overall State work force, (8) review on a biannual basis, the adequacy of hiring, placement and advancement practices with respect to individuals with a disability, and (9) provide training and outreach.

The Act also created an Employment First Cabinet that is charged with conducting a detailed review of existing regulations, policies and procedures relating to the goal of competitive-integrated employment for individuals with a disability; and review and align service definitions, policies and payment structures within and across State agencies. It is also responsible to develop recommendations to the Governor, the Secretary of Education, the Secretary of Human Services, the Secretary of Labor and Industry, the Secretary of Administration and the Secretary of General Services for changes in regulations, policies, and procedures necessary to ensure implementation of Employment First; recommendations to the Governor, the Secretary of Education, the Secretary of Human Services, the Secretary of Labor and Industry, the Secretary of Administration and the Secretary of General Services for the consistent collection of data and the enforceable sharing of data; and recommendations to the Governor for legislative changes necessary to support and implement this act. The cabinet is also required to encourage the development and adoption of agreements among local entities of the State agencies to promote collaboration among agencies at regional and local levels across this Commonwealth.

A summary of agency and cabinet specific statutory duties and responsibilities is set out below.  
Section 3. Definitions. \*<sup>11</sup>

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<sup>11</sup> This is not the complete language of the law. This is a link to the enacted bill:  
<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2018&sessInd=0&act=36>

"State agency." Any office, department, authority, board, multistate agency or commission of the executive branch, an independent agency or a State-affiliated entity. The term includes:

- (1) The Governor's Office.
- (2) The Office of Attorney General.
- (3) The Department of the Auditor General.
- (4) The Treasury Department.
- (5) An organization established by the Constitution of Pennsylvania, a statute or an executive order which performs or is intended to perform an essential government function.

#### Section 4. Employment First.

- (a) **Policy.** It shall be the policy of the Commonwealth that competitive-integrated employment shall be the preferred outcome for all individuals with a disability eligible to work under Federal or State law, regardless of severity of disability and assistance required, and work-based learning experiences for all youth with a disability in collaboration with the Department of Labor and Industry. **Employment services and opportunities must be offered to all individuals with a disability receiving publicly funded services, regardless of whether they live in their own home or in a residential setting.**
  - (b) **Implementation.** State and county agencies and entities providing publicly funded education, training, employment and related services, and long-term services and support for working-age Pennsylvanians with a disability that provide services and support to individuals with a disability who are eligible to work under Federal or State law shall comply with the requirements of Employment First and ensure that the requirements of Employment First are effectively implemented in agency programs and services to the extent practicable.
  - (c) **Collaboration.** State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for working-age Pennsylvanians with a disability that provide services and support to individuals with a disability shall coordinate efforts and collaborate to ensure that State programs, policies, procedures and funding support competitive integrated employment for individuals with a disability who are eligible to work under Federal or State law.
  - (d) **Policies.**
    1. State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability shall review their respective policies relating to payment of service providers, including supports coordinators, to align payment policies with the requirements of Employment First. Financial incentives, when allowable under Federal funding rules for employment services, shall be granted to providers who support the placement and continued employment of individuals with a disability in competitive integrated employment.
    2. State agencies shall provide the designation of employment champions, consistent with the designation utilized by the Department of Human Services, to providers of service
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coordination, case management and authorization services funded through the State Medicaid program, including home and community-based waiver programs, who demonstrate commitment to Employment First and successfully support the placement and continued employment of individuals with a disability in competitive integrated employment. Employment champions shall be provided increased technical assistance to further support employment services. A complete list of employment champions shall be made available on the State agencies' websites.

- (e) Staff. State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for working-age Pennsylvanians with a disability shall implement the requirements of Employment First with trained and certified staff that are in compliance with governing statutes and regulations of each State agency.
- (f) Assessment. State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for individuals with a disability shall develop clear outcome expectations for employment that include annual baseline employment data and specific percentage goals for individuals with a disability gaining competitive integrated employment. Each agency shall complete an assessment of its progress toward meeting these goals annually and ensure that the information is publicly available and posted on its publicly accessible Internet website.
- (g) Progress. State agencies are authorized to share general, non-individualized data and information across systems in an effort to track implementation of Employment First. State agencies are encouraged to adopt measurable goals and objectives to promote the assessment of progress under this subsection.
- (h) State agency compliance. The following shall apply:
  1. State agencies shall make an effort to employ individuals with a disability in no less than 7% of the overall State work force.
  2. State agencies shall review on a biannual basis, the adequacy of hiring, placement and advancement practices with respect to individuals with a disability.
  3. No State agency shall be required to give preference in hiring to individuals with a disability.
  4. The Office of Administration shall develop a framework for individuals to self-report a disability.
  5. The State Civil Service Commission shall review and consider changes in its policies and procedures in order to support progress towards the initial goal established under this subsection.
- (i) Initial plan. No later than one year after the effective date of this subsection, the Office of the Governor shall develop an initial three-year plan based upon information provided by the State agencies for implementing Employment First for submission to the General Assembly. The plan shall identify the specific policies and implementation dates for State agency compliance with this act.
- (j) Annual report. The assessment information compiled by each State and county agency and any entity providing publicly funded education, training, employment and related services and long-term services and support for working-age Pennsylvanians with a disability under subsections (f) and (g) and any other information deemed necessary shall be sent to the Governor's Office of Policy and Planning no later than October 1 of each year for



consideration and inclusion in an annual report by the Office of the Governor to the General Assembly that documents continued and improved State agency compliance with this act. The report shall be submitted to the General Assembly no later than January 30 of each year.

Section 5. The Governor's Cabinet for People with Disabilities.

- (a) Establishment. The Governor shall establish the Governor's Cabinet for People with Disabilities. The Governor shall appoint the members of the cabinet.
- (c) Powers and duties. **The cabinet shall have the following powers and duties:**
  - (1) **To conduct:**(i) a detailed review of existing regulations, policies and procedures relating to the goal of competitive integrated employment for individuals with a disability; and (ii) review and alignment of service definitions, policies and payment structures within and across State agencies.
  - (2) **To develop:**
    - (i) recommendations to the Governor, the Secretary of Education, the Secretary of Human Services, the Secretary of Labor and Industry, the Secretary of Administration and the Secretary of General Services for changes in regulations, policies and procedures necessary to ensure implementation of Employment First;
    - (ii) recommendations to the Governor, the Secretary of Education, the Secretary of Human Services, the Secretary of Labor and Industry, the Secretary of Administration and the Secretary of General Services for the consistent collection of data and the enforceable sharing of data; and
    - (iii) recommendations to the Governor for legislative changes necessary to support and implement this act.
- (d) Collaboration. The cabinet shall encourage the development and adoption of agreements among local entities of the State agencies to promote collaboration among agencies at regional and local levels across this Commonwealth.
- (e) Meetings. The cabinet shall meet quarterly and shall be responsible for coordinating the development of policies designed to implement this act by each State agency providing services to an individual with a disability.

Section 6. Employment First Oversight Commission.

- (a) Establishment and composition. An independent Employment First Oversight Commission is established. The commission shall consist of the following members, at least 51% of whom must have disabilities, who shall serve for a three-year term:
- (d) Progress. The commission shall establish measurable goals and objectives governing the implementation of this act. The commission shall track the measurable progress of public agencies in implementing this act. **All State agencies shall fully cooperate with and provide data and information to assist the commission in carrying out its duties.**
- (e) Annual report. The commission shall issue an annual report on October 1 of each year, detailing the progress made on each of the measurable goals and objectives during the preceding fiscal year. The annual report shall also include recommendations to the Governor and the General Assembly for effective strategies and policies needed to support the implementation of this act.
- (f) Support. The Office of the Governor shall ensure that reasonable staff and support are made available to the commission to carry out its duties under this section. The Office of the Governor



shall also ensure that administrative costs, including money for travel expenses authorized under subsection (c)...The commission may seek the attendance and participation of members of the cabinet in meetings of the commission in order to assist the commission in carrying out its responsibilities under this section.

Section 7. Training and outreach.

**All State agencies providing services to individuals with a disability who are eligible to work under Federal and State law shall establish systems of outreach and training that provide information to the following individuals about Employment First and available opportunities for participation in competitive integrated employment:**

- (1) Individuals with a disability and their families.
- (2) Providers of employment services for individuals with a disability.
- (3) Education, vocational rehabilitation and human service officials responsible for services to individuals with a disability.

### Implementation Process

As detailed above, the *interagency Priorities and Recommendations for the Employment First Act 2018*, the Office of the Governor were submitted in an **initial three-year plan to the General Assembly, outlining specific policies and strategies that state agencies recommended to implement the Employment First Act.**

The Office of the Governor, in collaboration with the Governor’s Cabinet for People with Disabilities, developed this plan, which outlines the policy recommendations to implement the Act and identified the lead state entity charged with implementing each deliverable. The recommendations in this initial plan were to be coordinated through interagency partnerships and in collaboration with Employment First stakeholders. The law required the Office of the Governor to submit an annual report to the General Assembly every year by January 30. The first report, titled, “Employment First Act of 2018 Interagency Priorities and Recommendations Updates and Progress” as stated, built on **the initial three-year plan to include specific, measurable performance indicators and the implementation status of each priority recommendation.** The report states **these indicators were informed by the feedback and priorities of the Employment First Commission, and the measurable goals and objectives the Commission published in its first annual report, October 1, 2019.**

**While some measurement indicators are mentioned in the last column citing details as to what is/will be collected, there is little data contained in the state’s report.** The Commissioners want to emphasize--there is still more to do to realize the components of the Act, primarily dealing with structural changes that will affect policy.

**This past year, the Commission, in its effort to effectively identify issues, set expectations and track measurable progress, did a significant amount of research, working with agencies to identify all of the available employment data elements already collected in all publicly funded county and state departments.** The goal is to streamline the data delivery to the Commission quarterly and provide

consistency (all data collected/analyzed within the same time frame, the same way, by each department).

**The Commission expects state leadership to provide the data and analysis of their efforts to enable to Commission to “track the measurable progress of public agencies in implementing this Act”, and ensuring data is publicly available on the website.**

One of those items still missing is section 4 (f) of the Act:

“Assessment.--State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for individuals with a disability **shall develop clear outcome expectations for employment that include annual baseline employment data and specific percentage goals for individuals with a disability gaining competitive integrated employment. Each agency shall complete an assessment of its progress toward meeting these goals annually and ensure that the information is publicly available and posted on its publicly accessible Internet website.**

While discussion has begun, **there is a need for further dialogue and action this year to ensure there is a clear understanding of what this section of the law means and that the requirements of this section are satisfied.** This is critical to ensuring there is a lasting system for tracking and understanding the effects of employment first policy on real outcomes. Several points about the data are discussed in the Objectives and Recommendations section.

The Governor’s Office 2020 report also highlights bright spots of state action and some initial systems change and data collection which should support better outcomes. It is the Commission’s understanding that the long awaited Transition Memorandum of Understanding (MOU) between the Office of Vocational Rehabilitation (OVR) and Department of Education/Bureau of Special Education (PDE/BSE) is in its final stages; Employment data collection and data management seems to have improved across agencies; the Department of Human Services (DHS) has several measures to report across internal program offices with what appear to be consistent protocols; there is more detailed data available from the Office of Mental Health and Substance Abuse Services (OMHSAS) and PDE/BSE approached and worked with OVR and the Commission to agree on better measures tracking the employment success of students/graduates. The Office of Developmental Programs (ODP) and OVR have been working to coordinate data sets, including reviewing data concerning individuals in segregated workshops. This year, **the Commission can now share more detailed information on those Pennsylvanians working for subminimum wage and the work OVR and ODP are doing to support people who want competitive-integrated jobs in the community.**

As with the first report, this year the Commission has largely again focused upon those state agencies which are directly responsible for the provision of employment services to persons with disabilities. These include:

- The Department of Human Services<sup>12</sup>
- The Department of Labor & Industry’s Office of Vocational Rehabilitation (OVR)
- The Department of Education (PDE), and
- The Governor’s Office of Administration (OA).

The Commission recognizes that other state agencies listed in the Act play a significant role in assisting persons with disabilities to achieve competitive-integrated employment.

In addition to this focus, there has been a lot of cooperation from the Department of Labor and Industry more generally, reviewing workforce programs outside of OVR and support understanding recent labor participation and unemployment data generally, and in light of the COVID-19 public health emergency. Going forward, **it is critical to pay attention to and promote the use of general employment services and programs available to all Pennsylvanians** as the federal Workforce Innovation Opportunity Act](WIOA), Title I demands that the needs of job seekers who are adults, dislocated workers, and youth aims to provide universal access to one-stop centers (Pennsylvania’s CareerLinks) and to generic employment and training programs administered through state and local Workforce Development Boards. Labor and Industry has provided preliminary data to the Commission (see section V). OVR is working to educate core state partners on their role in supporting people with disabilities in the general workforce programs.

This independent Pennsylvania Employment Oversight Commission voted unanimously in favor of the content and recommendations in this report on September 21, 2020.

## II. Employment First Challenged During COVID 19

Due to the national and state health emergency declared in early March 2020 – restrictions were placed on a sizeable portion of businesses and as a result the economy slowed. Most “non-life-sustaining” businesses were required to suspend operations and citizens were told to not leave their homes with few exceptions. Over six months later, as some businesses have been able to function, specific industries have significant restrictions (bars, restaurants, businesses that involve large gatherings, etc.) while others have yet to recover (travel-related industries, recreation, etc.). As a result, the unemployment rate has risen significantly compared to this time last year when the commission’s first report was issued.

According to the Pennsylvania Center for Workforce Information and Analysis<sup>13</sup>, as of June of this year, 7.1% of all Pennsylvanians who had been working were unemployed in comparison to last year’s report which stated: “Pennsylvania businesses are looking for good workers. With an extremely low unemployment rate of 3.8 % and over 6 million jobs to fill, employers could be

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<sup>12</sup> For the purposes of this report, the relevant program offices within the Department of Human Services includes: Office of Development Programs, Office of Mental Health and Substance Abuse Services, and Office of Long-Term Living.

<sup>13</sup> PA Department of Labor Data furnished data pulled August 4, 2020, “Current Population Survey 12 month Averages”

engaged to make the right connections to the largest untapped labor pool available. It is estimated that as many as 62% of working age Pennsylvanians with disabilities are currently not working.”

**For the already unemployed and underemployed, the current employment data and economic environment paints a bleak picture.** Pre-COVID-19, the labor participation for Pennsylvanians with disabilities was 22.4% in July of 2019); in June of 2020, the figure is 17%. During the early stages of the COVID-19 economic shut-down, the unemployment numbers nearly doubled (15% for people with disabilities versus 8.4% of last year). **One key factor to monitor is whether and to what extent people with disabilities will return to work like others without disabilities. Workers with disabilities who lost their jobs temporarily and permanently due to COVID-19 may have a disproportionate challenge when trying to return to their jobs, as evidenced in previous recessions.** Commissioners have learned some businesses are allowing non-disabled, or “healthy”, workers to return to their jobs before asking those with disabilities to return so as to lessen the perceived risk that people with disabilities may have of getting the virus (Myth: Just because a person has a disability does not necessarily mean they are in the at-risk categories outlined by the CDC). Other anecdotal information suggests some businesses have placed workers with intellectual disabilities last on their list of employees who are allowed to return to the job because they may perceive the employee as one who is not as valuable as those without disabilities. Finally, advocates have learned that some providers of residential services for people with intellectual or developmental disabilities have been allowed to continue strict “no leaving the home” policies well beyond what might have been reasonable during the state’s “red” phase; stories of some providers not permitting group home residents to even go outside much less go to work have circulated long after red and yellow phases ended. Key state departments should ensure that the rights of workers with disabilities are protected. **Except for legitimate health reasons (meeting CDC at-risk definition), a worker with a disability should be afforded the ability to work during the COVID-19 pandemic just like anyone else.** State agencies should also provide seamless integrated efforts to ensure Pennsylvanians with disabilities are accessing employment solutions alongside all workers.

There have also been bright spots. It is known among employment providers that many people with disabilities have continued to work throughout the pandemic in essential businesses, especially. Telework was not an option for many businesses, previously—and if established long term, can open multiple opportunities.

The COVID-19 pandemic has also been a test of public policy. As stated in the Act 36 [Public Law 229, June 19, 2018]:

State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability shall review their respective policies relating to payment of service providers, including supports coordinators, to align payment policies with the requirements of Employment First. Financial incentives, when allowable under Federal funding rules for employment services, shall be granted to providers who support the placement and continued employment of individuals with a disability in competitive integrated employment.

**There was a profound concern voiced immediately by providers and advocates<sup>14</sup> of competitive-integrated supported employment.** In the Office of Developmental Disabilities (ODP), initial efforts to offer “retainer payments” supported segregated models of service, including sheltered workshops. ODP promised retainer payments equaling up to 75% of the provider’s revenue from previous quarters to ensure that providers would remain solvent and their program capacity would be maintained during the pandemic. On its surface, this policy was generous, given the original temporary “forced” shutdown by the government to mitigate the risk of spreading the virus. **In exchange for the retainer payments, these providers could retain workshop staff, leadership, and space —paying and keeping workers who provided segregated work, most at subminimum wages. However, those providers who were supporting some or only community-based employment at competitive wages were not initially offered the same incentive to continue. On the positive side, competitive-Integrated Employment providers were told they could offer remote supports, continue face-to-face services for people still working in essential businesses, and be reimbursed to help people with disabilities apply for unemployment compensation.** Yet, in light of the reality that many workers with disabilities were being told to stay home as a result of government directives to shutter non-life-sustaining businesses, this early decision led to some employment service providers losing staff to the ranks of the unemployed and risking their business overall.

When the Federal CARES Act funding became available to the state, the competitive-integrated employment providers were afforded resources and payments to cover COVID-related expenses<sup>15</sup>. According to ODP, in total \$10.64M was issued to 174 providers in July 2020.

The Commission will need to monitor the impact of the pandemic, specifically on all employment providers. Given the length of the pandemic and dwindling resources, it is likely that both segregated workshops and competitive- integrated employment providers have suffered significant challenges from which they may not totally recover.

Similarly, for employment service providers in the state’s VR system, there have been significant challenges. The PA OVR appealed to the federal Rehabilitation Services Administration and for CARES Act funding to provide retainer or alternate models of payments and relief to employment providers but were denied based on the current structure of federal law. While services were shifted to provide some support during this time (e.g., remote services, emphasis on on-site services (after initial shutdown), job mentoring and extended services for those who were laid off, and provider communication and technical assistance, etc.), it remains unclear whether there was enough support to sustain provider capacity during the economic shutdown imposed by the state. The Commission will request further discussion with OVR, Labor and Industry, and Education about public and social messaging to customers during this time and more generally about changes that affect the people they serve.

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<sup>14</sup> See attached letters APSE organization in OVR and ODP

<sup>15</sup> According to ODP Announcement 20-070 June 9, 2020: 120 days (March – June 2020) of retainer payments, up to 75% of average monthly billing for 7/1/19-2/29/2020, for providers of In-Home and Community, Supported and Small Group Employment, Companion, and Transportation Trip services (\$90M)

The Governor’s Office should call for or lead an after-action review for this period to determine what went well and what could have been done better, especially as it pertains to Act 36 highlighted at the beginning of this report, “...financial incentives, when allowable under Federal funding rules for employment services, shall be granted to providers who support the placement and continued employment of individuals with a disability in competitive integrated employment.” While the Commission recognizes the fast and important work of all departments during this critical time, it also believes this was a missed opportunity to prioritize community integrated employment and live up to the employment first law.<sup>16</sup>

### III. Commissioners who served in 2020

Mary Hartley, Commission Chair, Principal, 446 Bridges  
Stephen Suroviec, Commission Vice Chair, President and CEO, ACHIEVA  
Josie Badger, Principal, J. Badger Consulting  
Cindy Duch, Director of Parent Advising, PEAL Center  
Amiris Dipuglia, Parent Consultant, PaTTAN  
Richard S. Edley, PhD; President and CEO, RCPA  
Zach Hicks, The Arc of PA Board Member  
Vincent Loose, President and CEO, Source America  
Rob Oliver, Advocate, Speaker & Author (Resigned Commission before the report.)  
Donna Partin, Board Chair, D.R.E.A.M Partnership  
Stephen S. Pennington, Esquire, Executive Director, PaCAP  
Paul Stengle, CEO, The Arc Alliance  
Heidi Tuszynski, Past Chair, PA Rehabilitation Council  
Dale Verchick, Title, Disability Rights Pennsylvania

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<sup>16</sup> ODP Announcement 20-039; PURPOSE: The Office of Developmental Programs (ODP) has received a high volume of requests for provider retainer payments for providers of Supported Employment, In-Home and Community. DISCUSSION: ODP is committed to the objectives of Employment First and recognizes that the economic devastation caused by the COVID-19 pandemic is hitting Supported Employment providers especially hard as unemployment rates have skyrocketed and stay-at-home policies have resulted in significant job loss or temporary suspensions of work for the people receiving supported employment services. ODP also recognizes that many individuals and families are wary of, and in many cases are not allowing, service provision by non-relatives during the stay-at-home order which has left some In-Home and Community Supports and Companion providers with dramatic reduction in service provision. ODP is currently conducting an analysis of the need for retainer payments and will provide status updates in the future. While retainers are under consideration by ODP, providers should note that Congress has appropriated significant funds to make up for lost provider revenue. We strongly encourage providers to examine the various resources that are available for businesses impacted by COVID-19...

#### IV. Scope of Employment First Oversight Commission Report

For the purposes of this report, the Commission is relying primarily on pre-pandemic data. The COVID-19 public health emergency and its aftermath will likely affect employment for a significant time. Measuring this summer's date-in-time data against last year's will probably not provide useful insight to the Governor and the General Assembly as to how Employment First policy is affecting actual employment. What can be reported are any structural changes that have occurred this year, any results, and how they may affect future success.

**Just prior to the COVID-19 outbreak, there was some incremental success reported by departments – and with historical data from some departments, progress has been steady year over year. This is not just a function of a previously successful economy. These changes likely improved outcomes due to better policy, training, and outreach systems structured to support employment.** There are a few key parallel efforts across departments, and changes happening when feasible. The Commission understands the Office of Administrations (OA) critical role in pandemic response this year, grinding most Employment First efforts to a halt, but still **urges OA to take up previously planned solutions for improving the processes for, and increasing hiring of, qualified people with disabilities within state government.**

**One of the more upsetting changes to the Pennsylvania employment system in the past year has been the “Closed Order of Selection” due to the inability of OVR to sustain the same levels of service capacity from previous years. Maintaining necessary levels of funding for programs that have such an excellent return on investment and on which other departments (e.g., PDE, ODP, OLTL, OMHSAS, etc.) rely are critical—especially now.**

#### V. Order of Selection, State Hiring and Statewide Employment Programs

##### Order of Selection-New OVR Waiting List

In 2019, the Pennsylvania Office of Vocational Rehabilitation (OVR) and after many years, re-instituted an e Order of Selection (waiting list) Process: According to OVR:

In accordance with the Rehabilitation Act of 1973, as amended by the Workforce Innovation & Opportunity Act (WIOA), if a vocational rehabilitation (VR) agency is unable to serve all eligible individuals, that state must put an Order of Selection (OOS) into place (34 CFR §361.36). During an OOS, individuals with the most significant disabilities will be selected first for the provision of VR services. An OOS must be applied statewide and applies to the VR program only.

Data about Order of Selection is included here, as well as information about OA and Pennsylvania state government hiring (state's 2nd largest employer after the federal government), which was highlighted in the 2019 report and is still a major focus of the Commission.



## Impact of 2019 Order of Selection (Waiting List) Data (January-August 2020)

- OVR has permitted 7,353 cases to proceed from the wait list
- OVR staff have developed 3,356 Individualized Plans for Employment (IPEs)
- 1,564 customers have chosen to have their cases closed.

**5867 people are still waiting for OVR services (as of July 6, 2020)**

### State Hiring Efforts OVR and OA

According to OVR, relative to working with OA, there have been efforts to increase access to state hiring for people with disabilities. Pre-pandemic, there was a coordinated effort to “expand recruitment, onboarding and promotion in all Commonwealth agencies, departments and contractors under the control of the governor. This included planning for OVR college student internships. Although cancelled for the summer of 2020, OVR and the Office of Administration will be convening fall planning for 2021 or when public health advisories indicate it is safe to do so. Specific internship programs running for the past two years have included paid summer OVR college 10-week internships in state agencies in Harrisburg, year-round internship opportunities with the Dept. of Conservation and Natural Resources (DCNR) and similar private non-profit state contractors in regional Centers for Independent Living (CIL) across the state.”<sup>17</sup>

**During Fiscal Year<sup>18</sup> 2019, the Commonwealth hired 101 persons with disabilities who were OVR customers into civil and non-civil service positions.**

In FY 2019 there were a total of 7,543 positions filled.

- 5,186 civil service positions filled
- 2,357 non-civil service positions filled

**Persons with disabilities accounted for 1.3% of civil and non-civil service positions<sup>19</sup> filled but make up 11.6% of the working age (21-64) of the total Pennsylvania population.<sup>20</sup>**

For comparison purposes, during FY 2018, 56 persons with disabilities were hired into civil and non-civil service positions (1.2% of all OVR annual hires) % of all Commonwealth hires=1.2% (4510 total),

### The Office of Administration

Currently, there is no process in place to accurately assess the number of people with disabilities Pennsylvania hires. Persons would have to disclose they have a disability as part of the process

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<sup>17</sup> Language in Report from PA OVR to Commission August 2020

<sup>18</sup> FY is Fiscal Year, PY is Program Year Throughout Report

<sup>19</sup> Hiring data provided by the Office of Administration.

<sup>20</sup> Pennsylvania prevalence data is approximate based on Census American Community Survey, percentage of non-institutionalized, male or female, ages 21-64, all races, regardless of ethnicity, with all education levels in the United States reported a disability in 2018. <https://disabilitystatistics.org/reports/acs.cfm?statistic=1>

asking for accommodations. As noted in Measurable Goals section, OA plans to survey Commonwealth employees in a self-disclosure survey this fall. With a goal of 7% employment, 2019 data showed of the 14% that returned last year’s survey, 4.8% stated they had a disability.

At time of this publication, the Commission has been alerted to positive changes that are being planned by OA but is largely unaware of any details in terms of OA working more closely with OVR to hire more people with disabilities. Logically, the pandemic has created a delay in any planned efforts to improve hiring numbers for people with disabilities. The Commission anticipates more information will be forthcoming this year.

**Data on Annual PY 2019 OVR and OA Total Civil and Non-Civil Service New Hires:  
76 from BVRS & BBVS Placement Information (7/1/2019 – 7/28/2020)**

Employer Name	OVR Cases Closed (Employed) Counts
Commonwealth of PA	9
Department of Human Resources	10
PA Liquor Control Board	7
Office of Vocational Rehabilitation	4
PHEAA	5
PA State System of Higher Education (PASSHE)	2
Commonwealth of PA – Dept. of Labor & Industry	1
Commonwealth of PA – SCI Waymart	1
Commonwealth of PA Insurance Department	1
CWOPA	1
Department of Transportation PennDOT	21
Dept. of Conservation & BCPO	1
Luzerne County Licensing Office	1
PA Department of Military & Veteran Affairs	6
PA Department of Agriculture	1
PA Fish Commission	1
PA Housing Finance Agency	1
PA Turnpike Commission	1
Pennsylvania Board of Probation & Parole	1
State Department of Health, PA	1

More detail on the data \*.<sup>21</sup>

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<sup>21</sup>

Several rows are titled “Commonwealth of PA” or CWOPA (the same meaning) that are not detailed by consistent department names or provide more detail than necessary instead of, i.e. Education, Human Services, Labor & Industry etc. There is a plan within OVR to work on the inconsistencies defining where OVR has helped place persons with disabilities in jobs in the Commonwealth.

## Statewide Employment Programs

The federal Workforce Innovation Opportunity Act (WIOA 2014) requires that the typical public workforce development system’s six core programs also support job seekers with disabilities. The act requires accountability measurements regarding the one stop delivery system and other programs including Pennsylvania’s CareerLink network. Below is data<sup>22</sup> on the use of Pennsylvania’s workforce systems not related to OVR. The Wagner-Peyser measure represents visitors to CareerLinks who identified they had a disability.

### Summary Data on Services from Pennsylvania Workforce Programs

Program Year	Number of Participants with a Disability		Percent of Participants with a Disability		Number of Participants with a Disability Employed after Completing Services		Percent of Participants with a Disability Employed after Completing Services	
	2018	2019	2018	2019	2018	2019	2018	2019
<b>All Workforce Programs</b>	8,272	7,550	8.6%	9.3%	3,941	3,555	51.0%	54.6%
<b>Adult</b>	732	684	12.1%	9.0%	310	310	66.7%	67.2%
<b>Dislocated Worker</b>	404	404	4.8%	5.6%	182	187	71.9%	77.0%
<b>Youth</b>	1,409	1,470	25.7%	30.1%	343	416	58.8%	66.6%
<b>Wagner-Peyser</b>	7,120	6,406	8.0%	8.5%	3,618	3,237	50.4%	53.9%
<b>Trade</b>	51	46	2.4%	2.8%	23	21	79.3%	65.6%

## VI. Measurable Goals and Objectives Governing State and Local Agencies and Entities Providing Publicly Funded Services in the Implementation of the Act

The Commission has created the following measurable goals to mark progress in the Administration’s efforts to ensure that public resources are committed to Employment First.

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<sup>22</sup> Summary Data on Individuals with a Disability who receive Services from Workforce Programs. 1. Counts are based on unique individuals. 2. Individuals can receive services concurrently from multiple programs. Therefore, the sum of participants by individual workforce program will be greater than the number of participants in all workforce programs. 3. Workforce Programs include programs identified in Titles I and III of the Workforce Innovation and Opportunity Act (WIOA) as well as the Trade Adjustment Assistance Program.

Last year, the data what the Commission collected was to be considered baseline. There has been a lot of learning about the data and some changes were made to ensure better, more accurate collection and reporting. The Commission feels strongly that although there is some incremental progress reported, it is unlikely statistically significant. **The all-volunteer Commission needs to work with professional or academic statisticians to better understand the publicly available data over time so that there is objective analysis and interpretation of the effects of Employment First policy.**

## Measurable Goals

1. By 2022, 30% of working age individuals (18-64) who are on an ID/Autism waiver (enrolled with ODP) will have Competitive Integrated Employment (14% was recorded by ODP in 2018 Comprehensive Employment Report)<sup>23</sup>

In June of 2019, ODP provided data to the Commission showed that 16% of all working age (18-64) year-olds in the ID/Autism Waivers, enrolled with ODP and were working in competitive-integrated employment. That number went up 1% during the first 6 months of the program year.

**Seventeen (17%) of all working age (18-64) individuals in the ID/Autism Waivers were working in Competitive Integrated Employment.** <sup>24</sup>

### Number and Percent of Individuals with Competitive Integrated Employment

	Number of Working Age (18-64) Individuals Enrolled with ODP that have Competitive Integrated Employment	Percent of Working Age (18-64) Individuals Enrolled with ODP that have Competitive Integrated Employment
As of December 31, 2017	5,670 Individuals	14%
As of December 31, 2018	6,470 Individuals	15%
As of December 31, 2019	7,136 Individuals	17%

This represents a 25.8% increase in number of persons with competitive integrated employment from December 31, 2017 to December 31, 2019

- Includes working age (18-64) individuals in Consolidated, Community Living, P/FDS, and Autism Waivers as well as those receiving base funding and SC only Services
- Data source: HCSIS; Individuals Monitoring Employment Question #1 – “Is the individuals wokring in a competitive-integrated job?”

<sup>23</sup> ODP Comprehensive Employment Report, August 2018, page 3 & 6, Timeframe: Calendar Year 2017  
 Source: Individual Monitoring Employment Question #1 – “Is the individual working in a competitive-integrated job?”  
 All counts are duplicated to capture changes in employment status over time. Accessed: [https://s3-us-west-2.amazonaws.com/palms-awss3-repository/MyODP\\_Content/Course+Content/Employment/Publications/Final+-+Office+of+Developmental+Programs+Comprehensive+Employment+Report+-+CY+2017.pdf](https://s3-us-west-2.amazonaws.com/palms-awss3-repository/MyODP_Content/Course+Content/Employment/Publications/Final+-+Office+of+Developmental+Programs+Comprehensive+Employment+Report+-+CY+2017.pdf)

<sup>24</sup> Data as of 12/31/19, for those enrolled with ODP.

2. By 2022, 3000 more individuals (ID/Autism) who have an employment goal in their ODP ISP will be receiving employment services.

In one year, 535 more individuals with Intellectual Disabilities and/or Autism who have an employment goal in their ODP ISP are receiving employment services.

**Number of Individuals with an Employment Goal Receiving Employment Services  
(continued)**

	December 31, 2018	December 31, 2019
Number of Individuals with an Employment Goal in Their ISP	13,052	13,505
Number of Individuals with an ODP Employment Service	4,744	5,279

3. 100% of all referrals to OVR through Pennsylvania’s 511 efforts (persons requesting to leave sheltered workshops) will achieve Competitive Integrated Employment within 1 year. High Priority

- 9/9 persons were in status referral, applicant, and trial work experience
- 6/6 in counseling and guidance
- 33/33 in training
- 4/4 in employment

While it appears everyone with an “open case” and an interest in CIE have received services, there are also 6 persons in workshops are ‘waiting for services’. This is due to the Order of Selection. OVR stated that all Individuals in this count are ODP waiver recipients and are currently eligible to receive services through their waiver.

### Participation by County of 511 Participants Receiving OVR Services

County	Number of Cases	Number of Unique Participants
Allegheny	1	1
Beaver	6	6
Berks	4	4
Bucks	37	36
Cambria	2	2
Chester	73	70
Crawford	1	1
Dauphin	1	1
Delaware	31	28
Erie	1	1
Indiana	1	1
Lackawanna	4	4
Lancaster	4	4
Lehigh	30	30
Luzerne	2	2
Monroe	3	3
Montgomery	34	33
Northampton	12	11
Philadelphia	45	43
Pike	1	1
Somerset	2	2
Westmoreland	2	2
York	4	1
<b>Totals</b>	<b>301</b>	<b>287</b>

4. Continue trend to annually decrease segregated employment by a minimum of 10%.<sup>25</sup> Map by county, the total number of individuals served by state and local dollars in competitive integrated employment services versus number of people in facilities services (14c) segregated settings.

**4,401 (working age 18-64) were served by ODP funded 14c [subminimum wage workshop] segregated employment services in the fall of 2019. This represents 10% of working age people supported by ODP. In all 5,027 Individuals (all ages) in ODP are served in workshops.**

Note regarding 2019 Report: ODP and OVR had to work out duplication of workshop numbers last year and these were not available to the Commission for the report. The 2019 program year number, 5,028 should be the baseline for ODP funded individuals in measuring reduction in 14c going forward.

The number used in the 2019 EFOC report [5712] was from the 2019 US Department of Labor (USDOL). This year the 2020 number is listed as 8016 people.<sup>26</sup> This number fluctuates because different workshops are in 'pending status' at different times. This number is critical and should be monitored quarterly to track the organizations, locations, and number of persons so the public has a clearer picture of how many people are in segregated subminimum wage workshops year over year.

Some of these program locations<sup>27</sup> are very large-listed here are 199+ people in subminimum wage jobs (individuals may not be attending at the same time):

- Associated Production Services, Feasterville Trevose 549
- Barber National Institute, Erie 234
- Devereux, Handi-crafters Inc, Thorndale 383
- King of Prussia 273
- Keystone Community Resources, Inc., Scranton 316
- Skills of Central PA 254
- SpArc Services Philadelphia 214
- S Wilson Pollock CIT, Mechanicsburg 199.

**In one year, the number of Prevocational Service locations listed by ODP decreased by 6 facilities.**

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<sup>25</sup> LEAD Center, DRIVE Report Pennsylvania -

<sup>26</sup> USDOL Subminimum Wage 14c Certificate Holders, accessed August 2020:  
<https://www.dol.gov/agencies/whd/workers-with-disabilities/section-14c/certificate-holders>

<sup>27</sup> IBID



## Prevocational Services

Service locations licensed under 55 Pa. Code Chapter 2390 (relating to Vocational Facilities)  
Statewide = 146<sup>2</sup>

Central Region	
Adams	1
Blair	1
Cambria	2
Centre	1
Columbia	1
Cumberland	2
Dauphin	2
Franklin	2
Huntingdon	1
Juniata	1
Lancaster	7
Lebanon	2
Mifflin	2
Northumberland	1
York	2
<b>Total</b>	<b>28</b>

Northeast Region	
Berks	2
Lackawanna	1
Lehigh	3
Luzerne	5
Monroe	1
Northampton	2
Pike	1
Schuylkill	6
Tioga	2
Wayne	1
Wyoming	1
<b>Total</b>	<b>25</b>

Southeast Region	
Bucks	9
Chester	13
Delaware	8
Montgomery	14
Philadelphia	11
<b>Total</b>	<b>55</b>

Western Region	
Allegheny	10
Armstrong	1
Beaver	1
Butler	1
Clearfield	1
Crawford	1
Elk	3
Greene	2
Indiana	1
Jefferson	1
Lawrence	3
McKean	1
Mercer	2
Venango	1
Warren	1
Westmoreland	8
<b>Total</b>	<b>38</b>

Data source: ODP licensing July 14, 2020

### ODP Pre-Vocational Sheltered Workshops and Community Integrated by County

All ODP information on ID/Autism employment below. This data is listed by county and includes all services (Waiver and Base Services and also including Autism Waiver). Numbers and percentage of persons in pre-vocational (segregated) and competitive integrated employment services.

Data is reflective of December 31, 2019, by county registered (ID and Autism) or in county where person resides (Autism Waiver)

### **Number and Percent of Working-age Individuals with Competitive Integrated Employment and Number and Percent of Working-age Individuals in Prevocational Services – by County**

County/Joinder	Number of Individuals Enrolled with ODP	Number of Individuals that received CPS prevocational services	Percentage of Individuals that received CPS prevocational services	Number of Individuals with Competitive Integrated Employment	Percentage of Individuals with Competitive Integrated Employment
Allegheny	4,708	537	11.4%	894	19.0%
Armstrong/Indiana	554	106	19.1%	64	11.6%
Beaver	606	90	14.9%	104	17.2%
Bedford/Somerset	505	20	4.0%	58	11.5%
Berks	1,437	50	3.5%	202	14.1%
Blair	574	72	12.5%	77	13.4%
Bradford/Sullivan	328	24	7.3%	39	11.9%
Bucks	1,659	215	13.0%	347	20.9%
Butler	576	92	16.0%	99	17.2%
Cambria	466	108	23.2%	28	6.0%
Cameron/Elk	119	42	35.3%	27	22.7%
Carbon/Monroe/Pike	908	47	5.2%	109	12.0%
Centre	364	48	13.2%	98	26.9%
Chester	1,359	273	20.1%	314	23.1%
Clarion	175	**	2.9%	11	6.3%
Clearfield/Jefferson	397	37	9.3%	65	16.4%
Columbia/Montour/Snyder/Union	575	0	0.0%	98	17.0%
Crawford	383	89	23.2%	35	9.1%
Cumberland/Perry	785	116	14.8%	170	21.7%
Dauphin	1,015	52	5.1%	245	24.1%
Delaware	1,745	57	3.3%	322	18.5%
Erie	1,867	0	0.0%	294	15.7%
Fayette	455	23	5.1%	53	11.6%
Forest/Warren	157	48	30.6%	16	10.2%
Franklin/Fulton	486	98	20.2%	69	14.2%
Greene	91	**	5.5%	**	6.6%
Huntingdon/Mifflin/Juniata	450	70	15.6%	50	11.1%
Lackawanna/Susquehanna	871	85	9.8%	110	12.6%
Lancaster	1,407	171	12.2%	251	17.8%
Lawrence	368	95	25.8%	50	13.6%
Lebanon	428	43	10.0%	113	26.4%
Lehigh	1,179	129	10.9%	199	16.9%
Luzerne/Wyoming	1,291	114	8.8%	168	13.0%
Lycoming/Clinton	526	0	0.0%	79	15.0%
McKean	215	**	0.5%	14	6.5%
Mercer	460	109	23.7%	61	13.3%
Montgomery	2,420	401	16.6%	474	19.6%
Northampton	821	79	9.6%	127	15.5%
Northumberland	406	**	0.5%	69	17.0%
Philadelphia	5,861	258	4.4%	881	15.0%
Potter	41	0	0.0%	**	24.4%
Schuylkill	507	37	7.3%	52	10.3%
Tioga	156	54	34.6%	12	7.7%
Venango	214	40	18.7%	24	11.2%
Washington	476	18	3.8%	92	19.3%
Wayne	198	34	17.2%	39	19.7%
Westmoreland	1,090	285	26.1%	186	17.1%
York/Adams	1,434	122	8.5%	242	16.9%
Statewide	43,113	4,401	10.2%	7,147	16.6%

\*\* Numbers less than 11 have been suppressed to protect the confidentiality of the individuals served.

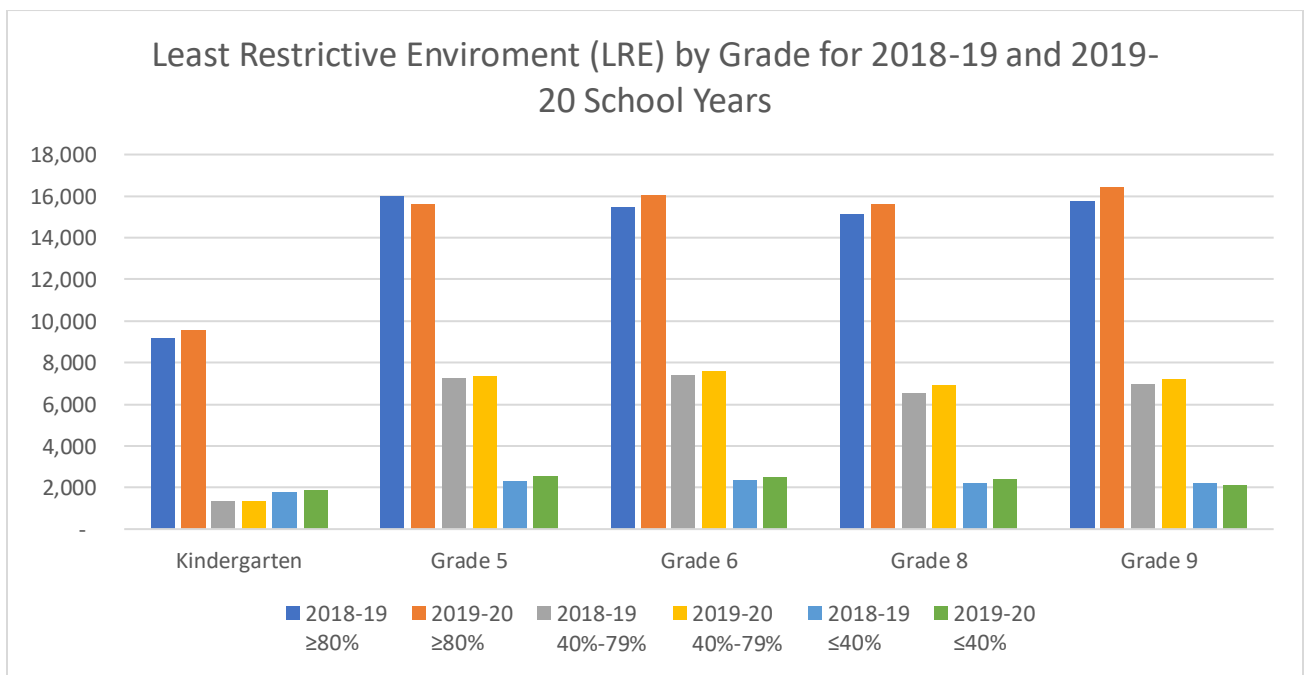
Public Funding Questions About Other Sheltered Workshops and Services

As OVR is no longer paying for individuals who are blind or have intellectual, mental health other disabilities in segregated subminimum wage settings and since ODP reports that there are 5,027 people funded by their programs in workshops, it is unclear where the resources are coming from to support the additional approximately 2,944+ subminimum wage workers reported by the US Department of Labor (USDOL).<sup>28</sup>

There are 14c subminimum wage locations listed in what would appear to be acute mental health hospitals or other facilities funded by Human Services including: Danville, Clarks Summit, South Mountain, Warren, and Norristown. According to the USDOL, 193 people are working there. The Commission needs to learn more about state run mental health institutions and any other state-funded facilities where DHS or other agencies are paying for sheltered work, pay rates and any other opportunities for competitive or competitive integrated employment and training.

Additionally, it is imperative to understand any public monies (state, county, or regional dollars) that are directed to other sheltered worksites.

5. By 2022, no student who is being educated in an inclusive setting will transition to a more segregated setting (i.e. from pre-school to school age; school age to middle school; middle school to high school).



<sup>28</sup> According to ODP, these numbers cannot be substantiated at the state. The Commission needs to better understand how the USDOL tracks this data and how these additional workshops are funded and who is being served.

Grade	2018-19 ≥80%	2019-20 ≥80%	2018-19 40%-79%	2019-20 40%-79%	2018-19 ≤40%	2019-20 ≤40%
Kindergarten	9,164	9,511	1,301	1,338	1,792	1,872
Grade 5	15,991	15,638	7,202	7,324	2,298	2,520
Grade 6	15,480	16,048	7,386	7,609	2,314	2,453
Grade 8	15,095	15,633	6,535	6,916	2,191	2,368
Grade 9	15,779	16,384	6,928	7,194	2,183	2,107

Current success in an inclusive setting should indicate opportunity for future success in the community, especially given the right educational program supports.

According to the Penn Data 2019 Educational Environment Report Data<sup>29</sup>, there are 20252 Early Intervention students who attend school at least 10 hours per week receiving the majority of their education in the regular classroom while 1639 in spend a majority of their time in separate classrooms. Of those that attend less than 10 hours per week, 4421 are in regular classes and 1295 spend a majority of time in separate classrooms.

For these pre-school children, a total of 4987 are in a special class within the school; 362 are in a separate school and 5 are in separate residential facilities.

There is an impressive downward shift by early intervention in the number of students in segregation by age 5. From a high total number of 1443 in separate classrooms to a low of 573 in time for kindergarten; for separate schools, the number goes from 2099 at age four to 887 at age 5.

More analysis needs to be done on the students that do not transition with their peers from one school to the next. While there is little difference from the graph above (seemingly all of the changes happen in elementary school to more restricted settings), child count and environment data showed numbers no longer show this number by every student age. There was an obvious difference of some students with certain disabilities transferring to more restricted settings at

<sup>29</sup> SECTION A: Distribution of children with disabilities (IDEA) Ages 3 through 5 receiving special education by discrete age and early education, environment  
[https://penndata.hbg.psu.edu/Portals/66/documents/ADR/educationalenvironmentspartb\\_SEA\\_2019\\_3-29-2019.pdf](https://penndata.hbg.psu.edu/Portals/66/documents/ADR/educationalenvironmentspartb_SEA_2019_3-29-2019.pdf)

certain ages. Advocates are aware of these changes and know the schools where this occurs more regularly.

There also has to be more clarification on the students that transfer to more segregated Approved Private Schools at these junctures. The Commission understands that families are part of the decision making process, but it is important to know if adequate resources were used to ensure full participation. Any resources from the Department of Education to support the Commission's understanding about these changes is important information for this annual review.

6. By 2022, 20% of all high school graduates (senior year up to age 21) receiving transition services from PDE, OVR and/or ODP will be competitively employed in an integrated setting within 3 months of graduation.<sup>30</sup>

Better coordination and planning would support students with and without post-secondary education/training options to be 'set up' in a first job before or immediately after graduation.

**According to OVR/Education Act 26 Data, a total of 98 Students (out of approximately 18,467 graduates<sup>31</sup>) were competitively employed before graduation in the last 4 quarters.** Act 26 Report Data provided to Commission - SFY 18-19 Q3 -Q4 and SFY 18-20 Q1-Q2

7. 100% of graduating students with an Individual Education Plan (IEP) either have CIE and/or post-secondary placement or have a plan in place with OVR and ODP or OLTL-funded program that guarantees access to appropriate and continuous services for CIE and/or post-secondary placement.

**For the 2019-20 school year, a total of 141,147 students had transition plans that include a post-secondary goal or an employment goal.** The department states that they are unable to provide additional detail about those plans as schools are not required by state or federal law to report plans by goal type. The number of students that demonstrate self-advocacy by facilitating their own IEP also is not a data point required by state or federal law to be reported to the PA Department of Education.

The Commission requests that some measure, even a random sampling of students and their families and/or IEPs be monitored for the 2021 EFOC report to ensure students are connecting to employment, education and services that can support them as they transition to adulthood.

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<sup>30</sup> ACT 26 Data <https://www.dli.pa.gov/Individuals/Disability-Services/Documents/SFY17-18%20Q4%20Report.pdf>  
2017-18 Only 58 students were competitively employed.

<sup>31</sup> Most recent publicly available data, page 6, Table 8, Exiting Special Education: Basis for Exit Graduation, Student Age 14-21 School Year 2018-2019  
[https://penndata.hbg.psu.edu/Portals/66/documents/PennDataBooks/Statistical\\_Summary\\_2018-2019.pdf](https://penndata.hbg.psu.edu/Portals/66/documents/PennDataBooks/Statistical_Summary_2018-2019.pdf)

8. Each year, the Commonwealth will steadily increase access to competitive-integrated public and private employment for high school students with disabilities with funding and/or support from either OVR or PDE. This can be in the form of a Work-Based Learning Experience or a job with job coaching and/or other supports. First year goal 2000 students; Second year goal 2500 students; 3<sup>rd</sup> year goal 3000 students.<sup>32</sup>

**For a second year, it is unclear how many “unique” student participants were served by OVR because quarterly data contains duplications. It is unlikely OVR served 3065 students with part time or summer jobs and 884 individuals received job coaching.**

The Commission still has not received the total number of unduplicated students who are served. This should be highlighted at least once a year in sections iv and v of Act 26 Report and shared with the Commission.

9. At least one year before graduation, 50% of all students with an IEP will lead their own IEP meeting; and, 100% of students will self-advocate in their own IEP meeting, and if they choose, disclose their disability, and identify (if necessary) what types of accommodations they need to be successful in a job.<sup>33</sup>

**There is currently no process or measure for this goal.**

The Commission requests that the Department of Education devise a standard tool to measure all student’s ability to advocate for themselves.

10. Annually each of the Community HealthChoices (CHC- AmeriHealth Caritas, PA Health and Wellness, Keystone First, UPMC) OLTL managed care organizations will ensure that at least 200 additional CHC participants are competitively employed.

**128 people were employed in the CHCs.<sup>34</sup> This is the largest number reported in a three month period in the first quarter of any reporting on employment from the MCOs: January -March 2020.**

The number [200 additional] was derived from an approximation of an increase in the numbers that have been stated in public meetings by MCOs about how many people currently are working. There will likely be a revision of this goal.

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<sup>32</sup> Act 26 IBID.

<sup>33</sup> According to Special Education Statistical Summary, 2017-2018, there are approximately 108,000 students 14-21.

<sup>34</sup> The Commission used the March 2020 CHC Employment number for this this measure.

OLTL-Working age 18-64 total number of people in waiver 102,214 with 3,007 people employed<sup>35</sup> Just 3% of the total population in OLTL waivers (mostly people with physical disabilities) are working.<sup>36</sup>

<b>Number and Percent of individuals enrolled in an Office of Long-Term Living (OLTL) waiver in a competitive-integrated job</b>			
Enrollees with a Competitive-integrated job	2017	2018	2019
# in competitive-integrated Job	1,977	2,489	3,007
as a % of Total Waiver enrollment	3%	3%	3%
Annual Waiver Enrollment	78,274	89,906	102,214

<b>Annual Enrollment of Individuals Receiving Employment Services while in an Office of Long-Term Living (OLTL) waiver</b>			
<b>Employment Services</b>	2017	2018	2019
Annual Total	132	101	116

<b>Number of Individuals in an Office of Long-Term Living (OLTL) waiver with an employment goal in their service plan</b>			
<b>Employment Goal in Service Plan</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Yes</b>	319	359	N/A

According to reports provided to the Commission on the CHC-managed care delivery of employment services, there were few people with (primarily) physical disabilities receiving employment services.<sup>37</sup> Even with repetition in the number of services one person may receive, the most services delivered in one month was 128 to a total of approximately 38,000 working-age adults enrolled in CHC.

The following is the chart for the first three months of 2020. These are planned services. It is not known if the service was completed. Given the pandemic, there could have been significant interruptions.

Key to Community HealthChoices Organizations: AHC (AmeriHealth Caritas)/KFCHC (Keystone First CHC)-are the same company; PHW (PA Health and Wellness) and UPMC.

<sup>35</sup> 2018 OLTL data Pennsylvania

<sup>36</sup> This reflects all ages; data for working-age participants would be more relevant and is pending.

<sup>37</sup> Ops 22 Report, 1<sup>st</sup> Quarter 2020 provided by DHS re: Employment Services in Community Health Choices Waiver



These employment services are required under the CHC Contract and part of the capitated payments managed care organizations receive to support individuals with disabilities.<sup>38</sup>

January 2020

MCO and Zone	Count of Type of HCBS Employment Service - Benefits Counseling	Count of Type of HCBS Employment Service - Career Assessment	Count of Type of HCBS Employment Service - Employment Skills Development	Count of Type of HCBS Employment Service - Job Coaching	Count of Type of HCBS Employment Service - Job Finding	Row Totals
<b>AHC</b>						
NE	0	0	*	0	0	*
NW	0	0	0	0	0	0
LC	0	0	0	0	0	0
SW	0	0	0	0	0	0
<b>KFCHC</b>						
SE	*	*	18	19	*	48
<b>PHW</b>						
NE	0	0	0	0	0	0
NW	0	0	0	0	0	0
LC	0	0	0	*	0	*
SE	0	0	*	*	0	*
SW	0	0	*	0	0	*
<b>UPMC</b>						
NE	0	0	0	0	0	0
NW	0	0	0	0	0	0
LC	0	0	0	0	0	0
SE	0	0	*	*	0	*
SW	*	0	*	*	0	17
<b>Grand Total</b>	<b>14</b>	<b>*</b>	<b>31</b>	<b>26</b>	<b>*</b>	<b>78</b>

Note: Values from 1-10 are suppressed with use of '\*' for confidentiality purpose in above table

<sup>38</sup> CHC Agreement: [http://www.healthchoices.pa.gov/cs/groups/webcontent/documents/document/c\\_293817.pdf](http://www.healthchoices.pa.gov/cs/groups/webcontent/documents/document/c_293817.pdf)  
The CHC-MCO must include employment-related needs and service requirements of Participants as part of the person-centered service plan. Details are found on page 115.

February 2020

<b>MCO and Zone</b>	<b>Count of Type of HCBS Employment Service - Benefits Counseling</b>	<b>Count of Type of HCBS Employment Service - Career Assessment</b>	<b>Count of Type of HCBS Employment Service - Employment Skills Development</b>	<b>Count of Type of HCBS Employment Service - Job Coaching</b>	<b>Count of Type of HCBS Employment Service - Job Finding</b>	<b>Row Totals</b>
<b>AHC</b>						
NE	0	0	*	0	0	*
NW	0	0	0	0	0	0
LC	0	0	0	0	0	0
SW	0	0	0	0	0	0
<b>KFCHC</b>						
SE	*	*	19	19	*	49
<b>PHW</b>						
NE	0	0	0	0	0	0
NW	0	0	0	0	0	0
LC	0	0	0	*	0	*
SE	0	0	*	0	0	*
SW	0	0	*	*	0	*
<b>UPMC</b>						
NE	*	0	0	0	0	*
NW	*	0	0	0	0	*
LC	0	0	0	0	0	0
SE	11	0	*	*	0	15
SW	18	0	*	*	0	20
<b>Grand Total</b>	<b>38</b>	<b>*</b>	<b>29</b>	<b>24</b>	<b>*</b>	<b>98</b>

Note: Values from 1-10 are suppressed with use of '\*' for confidentiality purpose in above table

March 2020

<b>MCO and Zone</b>	<b>Count of Type of HCBS Employment Service - Benefits Counseling</b>	<b>Count of Type of HCBS Employment Service - Career Assessment</b>	<b>Count of Type of HCBS Employment Service - Employment Skills Development</b>	<b>Count of Type of HCBS Employment Service - Job Coaching</b>	<b>Count of Type of HCBS Employment Service - Job Finding</b>	<b>Row Totals</b>
<b>AHC</b>						
NE	0	0	*	0	0	*
NW	0	0	0	0	0	0
LC	0	0	0	0	0	0
SW	0	0	0	0	0	0
<b>KFCHC</b>						
SE	*	*	20	19	*	49
<b>PHW</b>						
NE	0	0	0	0	0	0
NW	0	0	0	0	0	0
LC	0	0	0	*	0	*
SE	0	0	*	*	0	*
SW	0	0	*	0	0	*
<b>UPMC</b>						
NE	*	0	0	0	0	*
NW	*	0	0	0	0	*
LC	*	0	0	0	0	*
SE	25	0	*	*	0	29
SW	24	0	*	*	0	31
<b>Grand Total</b>	<b>62</b>	<b>*</b>	<b>33</b>	<b>26</b>	<b>*</b>	<b>128</b>

Note: Values from 1-10 are suppressed with use of '\*' for confidentiality purpose in above table

11. OMHSAS (Office of Mental Health and Substance Abuse Services) will annually report and transition at least 600 additional mental health consumers to employment.<sup>39</sup>

**364,674 people receiving OMHSAS services reported employment status once in 2019 (40% working). As discussed in 2019 Report, this goal will be adjusted by the Commission before December 2021 as there are easily 600 more individuals employed each year.**

Baseline should start with this data (Calendar Year 2019) as it is unclear if last year’s numbers were complete as reported by OMHSAS approximately 24-27% enrollees were employed. See numbers below for a more accurate picture across systems across years. According to a note on their data, OMHSAS does not update employment status annually.

This is the first year the Commission was provided the data by category of use separating Mental Health (MH) from Substance Use Disorder (SUD) and also those who used both MH and SUD services simultaneously. It appears they are all relatively similar. People struggling with recovery from addiction and mental health issues are slightly less likely to be employed in a year.

There are slight but incremental increases in employment year over year in each category below.

Calendar Year	Number of individuals that received a Medicaid Behavioral Health (BH) Service between the ages of 21 - 64 during the calendar year	Number of individuals 21 - 64 that received a BH service that have an employment status of employed during the calendar year	Percentage of individuals 21-64 that received a BH service and have an employment status of employed during the calendar year
2019	377,797	156,160	41%
2018	378,175	145,550	38%
2017	370,840	134,259	36%
2016	354,701	118,123	33%
2015	313,520	86,412	28%

Calendar Year	Number of individuals that received a Medicaid Mental Health (MH) Service between the ages of 21 - 64 during the calendar year	Number of individuals 21 - 64 that have a MH service that have an employment status of employed during the calendar year	Percentage of individuals 21-64 that received a MH service and have an employment status of employed during the calendar year
2019	301,269	123,166	41%
2018	302,026	114,072	38%
2017	296,804	105,411	36%
2016	286,973	93,456	33%
2015	262,685	71,004	27%

<sup>39</sup> LEAD Center, DRIVE Report Pennsylvania-od of Mental Health Consumers employed 4,034 [http://drivedisabilityemployment.org/pennsylvania#quicktabs-states\\_big\\_screen=1](http://drivedisabilityemployment.org/pennsylvania#quicktabs-states_big_screen=1)

Calendar Year	Number of individuals that received a Medicaid Substance Use Disorder (SUD) Service between the ages of 21 - 64 during the calendar year	Number of individuals 21 - 64 that have a SUD service that have an employment status of employed during the calendar year	Percentage of individuals 21-64 that received a SUD service and have an employment status of employed during the calendar year
2019	146,826	59,171	40%
2018	147,232	55,652	38%
2017	144,312	51,138	35%
2016	135,438	43,832	32%
2015	104,553	27,678	26%

Calendar Year	Number of individuals that received a Medicaid Mental Health and Substance Use Disorder Service between the ages of 21 - 64 during the calendar year	Number of individuals 21 - 64 that have a a MH and SUD service that have an employment status of employed during the calendar year	Percentage of individuals 21-64 that received a MH and SUD service and have an employment status of employed during the calendar year
2019	70,298	26,177	37%
2018	71,083	24,174	34%
2017	70,276	22,290	32%
2016	67,710	19,165	28%
2015	53,718	12,270	23%

The Commission has been informed there is no in-service plan required and CMS does not allow for employment service in behavioral, mental and substance use health programs. Some counties provide some level of employment services with base funds, it is currently not required.

Source: PA OMHSAS

12. By 2022, the Pennsylvania state workforce [includes state agencies and state colleges/universities] will exceed a 7% hiring goal.

In 2019, the Commonwealth surveyed its 77,000 person workforce and received responses from roughly 14% of employees. The data received indicated that **approximately 4.8% of Commonwealth employees identified as having a disability.** This the same data from the 2019 report. The state does not appear to have surveyed its employees in the spring of 2020 because of COVID 19. They have told the Commission they plan to send out the survey and assess in October 2020. In addition, OA is updating a new-hire HR form to include a check box so new Commonwealth employees can self-disclose a disability during the on-boarding process (similar to self-identifying as a veteran). The option to disclose a disability should be available this fall.

13. Within one year, DHS [or another department within the Commonwealth] will hire 10 people under a newly created customized employment job classification that the Pennsylvania Office of Administration will create or allow state agencies to develop.

At this time OA has not yet established a program for customized employment in the Commonwealth.

14. Within one year, all counties will have (or be part of) at least one Local Cross-Disability Employment Coalition.

**42/67 Counties have created or participate in already existing local level interagency employment coalitions. [July 2020 Source: ODP]**

15. Beginning in 2020, Pennsylvania will annually increase the number of employers who hire people with disabilities by 25 percent.

Pennsylvania OVR is developing internal protocols for tracking this data, available 2021. The Commission believes there is a larger measure that can be tracked or surveyed using other state departments and coordinating efforts to educate employers.

16. By 2022, all individuals with disabilities who want a job, can access transportation to a job if they secured a job.

There is no current process in place to accurately measure this data. The Commission seeks further discussion with state experts across systems to ensure information on employment and transportation is collected.

After the report was produced last year, the EFOC and state leadership spoke with transportation experts and has continued that dialogue. The Commission believes this is one of the larger barriers to employment and should be measured annually by county and region with a statewide survey of willing participants being served by state programs. The Commission welcomes further discussion with state experts.

## **VII. Employment First Oversight Commission Objectives**

The Objectives and Recommendations provided below are offered within the context of the current COVID-19 pandemic occurring at the time of this document's production. It is understood that while these objectives and recommendations stand alone regardless of the crisis, there are factors that must be considered throughout, including:

- Unique budget and funding constraints
- Increased unemployment rates with the disability and general population
- Program closures (both temporary and permanent) and
- Changes in the availability and/or method of service provision (e.g., supported employment, job coaching) within the various DHS Departments and OVR

For these reasons, each objective and recommendation will be evaluated in this light, including what the Commonwealth has learned during this period and the development of potential new recommendations that should continue post-pandemic.

In addition to developing measurable goals and an opportunity for input into a draft of the three-year plan<sup>40</sup>, **the Commissioners believe the following objectives should be pursued to regularly and systemically assess the efficacy of employment systems, services and delivery.** They are as follows:

1. **Establish a Customer Feedback System (Across Systems)** It is imperative for Pennsylvania to establish a cross-department, customer response system and/or surveys for all publicly-funded services regarding Employment First. Pennsylvanians with disabilities are in the best position to know and understand which systems or services are working (and where) and what challenges continue to exist.
  - Unless another construct is pursued, this objective can and should be pursued by involving the Employment First Oversight Commission in the implementation of [Executive Order – 2019-04 – Establishing a “Citizen-First” Government and Promoting Customer Service Transformation](#).
  - Public communications must be pursued across systems regarding employment. There has been little information shared with individuals and families during the pandemic regarding significant changes to employment programs, especially in OVR and Education. A regular feedback loop using social media or other forms of communication is warranted.
2. **Survey (individual and families) Plans for the Future** Establish an annual statewide survey for individuals using system supports to determine expectations and outcomes for employment (starting in Early Intervention). Understand the misperceptions about working and benefits and real barriers that exist for people using services and their families to better plan services and develop training.
  - While some consumer surveys and individual assessments are produced by OVR and ODP that ask about employment delivery and success, all publicly-funded systems should align statewide surveys or partner for one effort, including but not limited to Early Intervention, Education, Office of Long-Term Living, and Office of Mental Health and Substance Abuses Services and Transportation.
3. **Create Real Cross Agency Collaboration and Coordination** As part of the federal Workforce Innovation and Opportunity Act and Act 36 of 2018, barriers between agencies are to be removed between service systems to support employment success. The total workforce system in Pennsylvania is to support all people, including people with disabilities. There must be a way to demonstrate that those collaborations and systems’ changes are working. Act 36 of 2018 requires “a review and alignment of service definitions, policies and payment structures within and across State agencies.” It is essential as a first step for agencies to develop a specific *cross agency collaboration system*—to focus on employment.

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<sup>40</sup> Act 36 of 2018, Section 4(i) Commonwealth 3-year plan was released on August 19, 2019. At that time, there were approximately 5,712 people in subminimum wage jobs in Pennsylvania.



- Act 36 of 2018 establishes the Governor’s Cabinet for People with Disabilities, the duties of which are enumerated in Act. Cross agency coordination and collaboration can be achieved via a robust and effective Cabinet, as the Act requires it to review and align policies, payment structures, services definitions, and data collection to advance the goals of the Act. It is the Commission’s understanding that the Cabinet has only met twice in 2020. According to the Act, they are supposed to meet quarterly, the spring meeting was cancelled at the height of the pandemic, meetings resumed this summer, online. There are a number of other less formalized but active bi- or trilateral collaborative efforts among agencies like DHS, PDE, and L&I. E.g., OVR and OLTL are working on a data-sharing agreement.
  - The EFOC recognizes there are often intra-agency staff working groups that pursue improvements on Employment First policy, yet we believe the Cabinet must meet more frequently and, if necessary, establish interagency working groups consisting of staff delegated by the Cabinet members to accomplish the Cabinet’s work between meetings.
4. **Data Reporting -Publicly Available Dashboard** Pennsylvania does not have a comprehensive employment data system across all departments. De-Identified case number records should be established to understand how, when, and how often people with disabilities are using employment systems and what is working. Look to states with existing employment first dashboards. Make de-identified aggregated data available to the public. The Governor’s Office of Administration has developed an open data platform spanning state government. OA should work with the EFOC on an ongoing basis as it develops its data dashboard to highlight Employment First data.
  5. **On-Time Delivery Measurement** People who have signed up or requested employment services in any department will be served within 3 months. Multiple measures to include outcomes by department and create an individual’s case number (across all departments) to track time, use of services and employment outcomes/retention.
    - While OVR already has timelines required by federal law, not all systems do. Customer-centric timelines ought to be developed by all employment-related systems and the data should be shared and maximized to make cross-system policy and program improvements.

## VIII. Employment First Oversight Commission Recommendations

While there has been a lot of activity throughout state and local government to increase access to competitive-integrated employment, significant challenges remain. In order to focus the efforts into manageable solutions requiring governmental action, the Commission makes the following recommendations as part of its second year report.

It should be noted that there are only a few revised recommendations from last year’s report. The Commission has retained these very important recommendations from 2019 and has added updates on progress and additional commentary to support the resolution of these efforts:

1. **That the Legislative Budget and Finance Committee of either the House or Senate conduct a study and report on the return on investment (compared to traditional customer services delivered by OVR) for Pennsylvania Office of Vocational Rehabilitation’s Hiram G. Andrews Center (HGAC).** There are presently only 7 facility-based programs like HGAC nationally<sup>41</sup>. The Commission believes it is timely and appropriate to conduct a meaningful review of this program and its return on investment (ROI). Approximately \$23 million is currently being directed from OVR’s budget to fund this 24/7 campus operation. The per-customer cost for HGAC is significantly higher than non-HGAC customers, yet it is unclear what value graduates of HGAC are getting as compared to non-HGAC customers or those OVR customers who attend traditional post-secondary vocational programs. The review should consider whether these resources could be effectively re-directed to traditional OVR services and/or regional or county career technical programs and/or community colleges where individuals with disabilities can learn alongside other students, which will enhance their skills to work and stay in the communities where they live.
  - EFOC worked with an advocacy organization to share draft language with the House Labor and Industry Committee staff for a House Resolution that would create a Legislative Budget and Finance Committee study on this topic. Discussions with staff indicated a hearing would be held, but then the COVID-19 public health emergency was declared, and efforts were apparently tabled until a more appropriate time.
2. **That state and county administrators should continue to increase and align, wherever possible, financial incentives for agencies/providers and Supports Coordinators to increase CIE outcomes.** County-funded services under the jurisdiction of the state should have Memorandums of Understanding, agreements, or contracts in place requiring CIE policy be encouraged and followed.
  - This is a required activity within Act 36 of 2018 (see footnote), yet it is not clear any progress is being made on this. The Office of Development Programs should review its Administrative Entity agreements to determine if this is in the agreement and/or what if anything ODP is doing to enforce this provision.<sup>42</sup> However, this is larger than ODP and not limited to instances involving counties or Supports Coordinators; rather, any situation that involves public funds ought to be one where financial incentives are increased and then aligned with other systems, e.g., PDE, OLTL, OMHSAS, and OVR.
3. **That state systems support employees and businesses. Make Employment First a funding and policy priority for job retention and customers ready with employer.** Identify the cost and staffing issues for people who are waiting on the OVR Order of Selection and serve them with additional state funding. No business will wait for these employees and valuable effort will be lost.

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<sup>41</sup> Data provided by OVR

<sup>42</sup> Act 36, Section 4 (d) Policies. (1) State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability shall review their respective policies relating to payment of service providers, including supports coordinators, to align payment policies with the requirements of Employment First. Financial incentives, when allowable under Federal funding rules for employment services, shall be granted to providers who support the placement and continued employment of individuals with a disability in competitive integrated employment.

- The OVR State Board and RSA approved the Job Retention provisional policy to start these services as of July 1st, 2020.
  - CareerLinks are supposed to support all customers with or without disabilities – data collected from Labor and Industry shows the number of people who have self-identified with a disability. Aside from initial customer education about CareerLinks, there does not seem to be any systemic plan to evaluate whether those waiting for OVR services are using the service and evaluating the experience. Given the delays, it should be a high priority to serve people with disabilities who are placed on the OVR waiting list, ensuring accommodation and support.
  - Securing state-only funds to make up the lack of federal funds has not materialized; not clear whether OVR, L&I or Governor’s Office ever requested such funds from the General Assembly.
4. **The Commission supports the Department of Human Services implementing value-based purchasing arrangements in Managed Care Contracts in Behavioral Health that include addressing employment as a social determinant of health.** Data should be collected and submitted by BHMCOs to DHS for publication similar to what is collected by ODP and OLTL and on an annual basis. The only employment services offered currently are at the county level on a voluntary basis. Some innovative employment supports are being offered, yet the types of services and their availability are not consistent statewide. Having a job can positively impact a person with behavioral health issues and making employment supports available to participants is likely to provide the Commonwealth a net positive return on investment.
- The State Office of Mental Health and Substance Abuse Services informed the Employment First Oversight Commission that, based on the Medicaid waiver approved for the Behavioral HealthChoices program, employment services are not permitted by the federal Centers for Medicare and Medicaid Services to be an in-plan service.
  - Employment services are pursued on a county-by-county basis by county mental health/behavioral health programs.
  - According to DHS, employment will be built into the Community-Based Care Management program, allowing BHMCOs to choose employment as a social determinant of health.
  - DHS should also consider alternatives, such as building employment into value-based payments.
5. **That OLTL develop a greater sense of urgency - holding Community HealthChoices MCOs accountable for employment-related requirements in their contracts.** Employment services are currently in-plan services in the CHC program.
- **As confirmed by data provided in the OPS 22 Report<sup>43</sup>** very few participants in CHC are working and/or receiving employment services. While there are over 38,000 working-age people enrolled in CHC the numbers of people who are receiving

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<sup>43</sup> Ops 22 data for Q1 of 2020 by MCO by Zone.

employment services in extremely low, with totals of 78 services in January, 98 February and 128 in March.

Pennsylvania must hold MCOs accountable for the requirements in their contracts and place appropriate pressure on MCOs to do more if employment is indeed an administration priority.

6. **That Workforce Development allocate funding for innovation statewide/regional for Employment First efforts –support promising practices that increase employment for people with disabilities within businesses.** People with disabilities represent the largest untapped labor pool. Workforce Development dollars in each region should be prioritized to provide businesses and organization support mechanisms to develop and grow successful employment integration programs.
  - During the spring of 2020, L&I issued a request for proposal (RFP) that would support promising practices by businesses when it comes to increasing the hiring of talent with disabilities. This RFP was very encouraging. Unfortunately, the grants were never awarded, apparently due to the COVID-19 public health emergency. It is hoped that L&I will resurrect this grant opportunity now while the entire state is in the “green” phase and state government has removed restrictions on most sectors of the economy, allowing them to reopen.
7. **That state government remove “fear of working” for those who need benefits. Develop consistent education and information systems that encourage employment and upward mobility. Support changes to the MAWD program.** Barriers to work often begin with fear. *If I work or work too much or at all-- I will lose these life-sustaining benefits.* Compass and the Medicaid/Waiver and OVR systems should know if people are working, and how much they are earning. All systems should identify people who are working and arm them with information on the Medical Assistance for Workers with Disabilities (MAWD), connect individuals to OVR or waiver-funded Benefits Counselors or those available under Social Security’s Work Incentives Planning Assistance (WIPA). Additional trainings, education, web pages and social media should be developed to support all individuals to know they can in fact work and/or work and make more money, including those in a HCBS waiver program. More aggressive oversight and training of Service Coordinators (in CHC) and Supports Coordinators (in ODP) is needed, as benefits counseling has been a service in both systems’ waivers for several years yet few if any benefits counseling services have been authorized. Anecdotal evidence suggests many SCs and county AEs still “haven’t heard” of benefits counseling. Finally, current legislation in the General Assembly would increase the income limits currently imposed on MAWD so that people can continue to earn to their potential. The Commission supports this legislation.<sup>44</sup>
  - DHS supports Senate Bill 890 and House Bill 2202.
  - OVR requires VR counselors to connect customers with benefits counselors at the front end of the VR process.

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<sup>44</sup> Disclosure. The Chair of the Commission and one of its members have been involved directly with United Way’s #IWantToWork, the lead organization working toward changes in the MAWD system.

- Benefits counseling will be part of education transition services for the coming school year
  - After years of having benefits counseling as a waiver service in both CHC and ODP, few if any of these services have been authorized or provided. A survey should be given to SCs to determine if and to what extent they are aware that this service is available to waiver participants, and if they are what barriers still exist as to why this service is not being utilized.
8. **That the General Assembly mandates the Pennsylvania Department of Education to require** each school district to have a full-time dedicated and highly qualified and/or credentialed Transition Coordinator to support employment.
  9. **That the Governor's Policy office in collaboration with OA and OVR convene a workgroup that includes external disability experts in the employment of people with disabilities and accessibility to review with a 6-month deadline. OA's existing:** job classifications and job descriptions, recruitment communications/outreach, application process, testing/qualification determination process, applicant tracking, interview process, hiring/candidate selection, short-term onboarding, continuous support, reasonable accommodations, welcoming and functional workplace, and retention. After a comprehensive review, the panel of experts should develop recommendations on how to improve these processes and procedures to honor goals and objectives outlined in the ACT 36 OF 2018 Employment First statute.
    - The Governor's Office of Administration has initiated a process that will undertake many of these activities. External disability stakeholders and experts should be brought in to advise as this process moves forward and not afterward.
  10. **That the Administration develops a strategy to increase the labor participation rate for people with disabilities in Pennsylvania. And, that the PA Department of Labor and Industry track and publish the labor participation rate for Pennsylvanians with disabilities along with employment data for other Pennsylvania cohorts.**
    - According to L&I, this can be challenging to develop at the state level because **it is** based on small sample sizes; the state does not publish because the data can be volatile.
    - EFOC recommends that the state publish the data, either by using national data or showing state data with the qualifiers included in a footnote. Having such data published alongside other mainstream data keeps the issue front and center – if it is never published, then it will be forgotten and not prioritized by policy makers.

## Appendix: Commissioner Biographies

**Chair Mary Hartley** Mary is a consultant with multiple organizations, including the Pennsylvania Developmental Disabilities Council. She has led statewide policy and legislative change as well as projects supporting transition to adulthood and employment, most notably, the self-advocate managed #IWantToWork campaign at United Way of Southwestern Pennsylvania. With United Way and county leadership, she initiated and launched a successful new model of employment collaboration (now in multiple businesses) the Career Transition Project. Mary is a parent advocate who got her start volunteering with the Local Task Force on the Right to Education. She currently serves on the Boards of Disability Rights Pennsylvania and The PEAL Center, is on the Consumer Advisory Committee for the Institute on Disabilities at Temple University and is Chair of UPMC's Disability Resource Council. She lives with her husband and two children in Pittsburgh; her son is advocating on his own behalf through transition.

**Vice-Chair Steve Suroviec** is President and Chief Executive Officer of ACHIEVA, one of the largest disability service and advocacy organizations in southwestern Pennsylvania. Before joining ACHIEVA in January 2018, Steve held several disability-related positions in both the public and non-profit sectors, including Chief Operating Officer and Intellectual/Developmental Disabilities Division Director for the Rehabilitation and Community Providers Association, Special Advisor to the PA Secretary of Human Services (for "Employment First" policy), Deputy Secretary for Developmental Programs, Executive Director for the PA Office of Vocational Rehabilitation, Executive Director of The Arc of PA, and Director of the Erie County Department of Human Services. He was also a Legislative Assistant for then-Congressman Tom Ridge from 1991 through 1994 and served on the President's Committee for People with Intellectual Disabilities from 2006 to 2008. Steve is a veteran of the U.S. Air Force and holds a Master's Degree in Public and International Affairs from the University of Pittsburgh.

**Dr. Josie Badger** received her Bachelor's degree from Geneva College in Disability Law and Advocacy, a Master's from the University of Pittsburgh in Rehabilitation Counseling, and a Doctorate from Duquesne University in Healthcare Ethics. In 2014 Josie founded J Badger Consulting Inc. where she provides youth development and disability consulting services for organizations, on transition and leadership development. She is the Co-Director of the national RSA-Parent Training and Information Center technical assistance center (RAISE). She is the Campaign Manager of the #IWantToWork Campaign, to improve the employment of people with disabilities and is a Field Organizer for Denny Civic Solutions for the Family Care Act, a bill that supports paid family leave. She serves as a board member of the United Way of Southwestern

Pennsylvania, The Woodlands Foundation, the Mary Grace Hospice Foundation, and FISA. In 2012, Dr. Badger was crowned Ms. Wheelchair America.

**Cindy Duch** is the Director of Parent Advising for the PEAL Center, where she has been for 14 years. Cindy lives in Hampton Township with her husband Jim and their two sons, Andrew and Alex. Her career in advocacy began when her older son was diagnosed on the Autism Spectrum. In addition to her work at the PEAL Center, Cindy is a member of the PA Rehabilitation Council and chairs the IDEA/Transition Committee. She is the current Co-Chairperson for the Local Task Force (LTF) on the Right to Education in Allegheny County, IU 3. She believes that the LTF is one of the greatest hidden resources for parents of children with disabilities in the public school system. Cindy also served the disability community as the Co-Chairperson of the Western PA Coalition of Education Advocates and as a Peer Monitor assisting the PA Department of Education in monitoring the Special Education Departments of School Districts in Pennsylvania. She has a B.S.B.A. in Economics from Robert Morris University.

**Amiris Dipuglia** obtained her degree as a medical doctor in 1991 from the Pontifical Catholic University Mother and Master in the Dominican Republic. When her eldest son Alexander was diagnosed with autism, she abandoned her medical career and pursued her certification as a behavior analyst. Amiris has dedicated the past twenty years to serving children with autism and other developmental delays by providing training and consultation to staff members in educational programs as well as homebound service providers on the implementation of evidence based-interventions derived from the field of applied behavior analysis. She also provides training to family members in order to promote and facilitate collaboration as well as optimize outcomes. She is currently one of the lead consultants for the Pennsylvania Training and Technical Assistant Network (PaTTAN) Autism Initiative and serves as a parent consultant.

**Richard S. Edley, PhD** is the lead executive for the Rehabilitation and Community Providers Association (RCPA) in Pennsylvania, one of the largest state trade associations in the country representing mental health, drug and alcohol, intellectual and developmental disabilities, children services, criminal justice, brain injury, medical rehabilitation, and physical disabilities and aging providers. His professional career began in 1988 and most recently he was president and CEO of PerformCare/ Community Behavioral HealthCare Network of Pennsylvania (CBHNP), a national, full-service, behavioral health managed care organization. In 2015 Dr. Edley led RCPA to create a new managed care entity on behalf of its members to address IDD and MLTSS programs. Dr. Edley's baccalaureate degree is from Boston University and he holds master's and doctorate degrees in clinical psychology from Emory University. He was an intern and post-doctoral fellow at McLean Hospital, where he held a

faculty appointment at Harvard Medical School, Department of Psychiatry. Dr. Edley is a national presenter and is published in a broad variety of healthcare areas.

**Zach Hicks** became a member of the Arc of PA Board of Directors in March 2019. He is a self-advocate from the Harrisburg Area who enjoys telling his story so that he can help others in the disability community. He works part time at Hershey's Chocolate World and has been seeking additional employment thru the disability system. Zach has been active in Special Olympics for many years and has been trained to be a Global Messenger spokesperson for Special Olympics. He has also been trained to be an Athlete Representative and is currently the Athlete Representative for his local Area M program which services over 2000 athletes.

**Vincent (Vince) Loose** is the President and CEO of SourceAmerica. Having joined the organization in May 2019, Loose leads SourceAmerica in initiatives that support employment growth for professionals with disabilities, boost the resources of its member nonprofit agency network, and makes a broader impact on the disability community at large. Prior to SourceAmerica, Loose served as President and CEO of UniqueSource Products and Services in Pennsylvania, where he grew employment for professionals with disabilities at the state level. He currently serves as a Board Director for the State Use Programs Association, Inc. (SUPRA), and the Pennsylvania Association for the Blind. Additionally, Loose brings a career in business development, operations, government contracting and consulting to effect meaningful change on SourceAmerica's mission. Loose earned his B.S. in Applied Economics and Computer Science from Albright College,

**Donna Partin** has been the President and owner of Merry Maids operations in Mechanicsburg, York, Lancaster and Reading since 1989. The enterprise is one of the top 20 in the U.S. and has won numerous awards for sales and customer service. Originally from South Jersey, Donna moved to central PA in 1987 as a golf professional playing on the women's pro tour. Donna is the Founder and Chair of D.R.E.A.M. Partnership. The non-profit was inspired by her daughter, Demi to develop college programs and employment opportunities for students with intellectual disabilities. Also, she serves on the NFIB PA Leadership Council and as the Board Member of Cumberland Valley Eagle Foundation. She holds a Bachelor of Science in Health and Physical Education from West Chester University and Master of Science in Sports Management from University of Massachusetts. Donna is married to Dwayne Keller, Keller Financial Group and has a son working in Washington DC.

**Stephen S. Pennington, Esquire** is the C.E.O. and President of the Center for Disability Law & Policy, which administers the Pennsylvania Client Assistance Program or CAP. CAP is the federally designated statewide advocate for persons with disabilities seeking or receiving services from the Office of Vocational Rehabilitation, Centers for Independent Living and all other programs funded under Title I of the Rehabilitation Act of 1973. Mr. Pennington is



currently a member of the Pennsylvania Rehabilitation Council and Statewide Independent Living Council. He is also a disability policy expert and has extensive experience with issues involving the employment of persons with disabilities. He has authored position papers addressing the Pennsylvania Civil Service hiring process and the need for dedicated vocational rehabilitation services for persons who are blind and visually impaired. In addition to his advocacy on behalf of individuals with disabilities, he is an accredited VA attorney and represents disabled veterans with service connected compensation claims.

**Paul Stengle** is a happily married man of 28 years to his wife Linda and a proud father of two sons Brendan and Harrison. Paul Stengle has worked as the CEO of The Arc Alliance for the last 33 years. Before that, he was the Director of residential services for The Arc of Cumberland/Perry counties. Paul Stengle is a certified guardian, a certified rehab counselor, and a court-qualified mediator. He has a bachelor's degree in mathematics and psychology. His Master's degree is in education as a Rehab Counselor from the University of Pittsburgh. He has served many nonprofit boards and councils including: Employment First Oversight Commission of PA ; the Pennsylvania Guardianship Association; Boyertown School Board; The Pennsylvania Conference of Executive Directors of The Arc of Pennsylvania; Pennsylvania State Interagency Coordinating Council; Pennsylvania Protection and Advocacy, Inc.; Pennsylvania Waiting List Campaign; Pennsylvania Coalition of Citizens with Disabilities; and many other organizations.

**Heidi Tuszynski MS, NCC, LPC** is a person with a visual disability and resides in Erie, Pa. with her husband and daughter. She is a Nationally Certified Counselor and a Licensed Professional Counselor and holds a Bachelor's degree in Social Work and Masters in Counseling. She has over 25 years of experience working for nonprofits in the Erie community working with grieving children, individuals who are visually impaired and blind, individuals with mental health issues, and advocating for parents and children with disabilities in the educational system. Heidi is the former Chair of the Pennsylvania Rehabilitation Council and a member of The Governor's Advisory Committee for Persons with Disabilities.

**Dale Verchick** has been an advocate at Disability Rights Pennsylvania since 2008, working for the rights of people with disabilities in various matters, particularly addressing barriers to employment for beneficiaries of Social Security. She also assists people with tools to achieve successful results by using self-advocacy methods. Prior to her life as an advocate, Dale was an elementary school teacher accredited through the American Montessori Society. Dale and her family were refugees in the Persian Gulf War when they were forced to relocate to India. She is an immigrant, now US Citizen and she resides in Schuylkill County with her husband, their teenage son Andrew and 2-year-old daughter Lucy who has congenital femoral deficiency and fibular hemimelia. Dale presently serves on the Board of Pennsylvania Assistive Technology Foundation. She co-authored "NRI- the Improbable

Adventures of a Non-Resident Indian” which tells the story of non-resident Indians caught between countries and cultures.