



LEAD CENTER

Employment First Technical Brief #1:
Connecting the Dots: Using Federal Policy to Promote
Employment First Systems-Change Efforts

emp^{1ST}employment



Prepared by

The National LEAD Center



With funding from

Office of Disability Employment Policy, U.S. Department of Labor



The National Center on Leadership for the Employment and Economic Advancement of People with Disabilities (LEAD) is a collaborative of disability, workforce, and economic empowerment organizations led by National Disability Institute with funding from the U.S. Department of Labor's Office of Disability Employment Policy, Grant No. #OD-23863-12-75-4-11. This document does not necessarily reflect the views or policies of the Office of Disability Employment Policy, U.S. Department of Labor, nor does the mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

employment^{1ST}

Employment First Technical Brief #1: **Connecting the Dots: Using Federal Policy to Promote *Employment First* Systems-Change Efforts**

Federal public policy has consistently promoted the vision that **all** individuals with disabilities have access to the supports they need to secure and sustain a job in the community, earn a livable wage, build assets, and advance socioeconomically. This focus reflects a growing national movement called *Employment First*, a systems change framework for improving service delivery systems that is centered on the premise that all youth and adults with disabilities, including those with the most significant disabilities, are capable of full participation in competitive, integrated employment and community life. Under this approach, publicly-financed systems are urged to align policies, funding structures, and service delivery practices toward a commitment to **competitive, integrated employment**¹ as the priority outcome of education and long-term supports and services for youth and adults with disabilities. Many states have formally committed to establishing an *Employment First* framework through official executive order or formal legislative action.²

Through its Employment First State Leadership Mentoring Program (EFSLMP), the U.S. Department of Labor’s (DOL) [Office of Disability Employment Policy \(ODEP\)](#) has been working intensively with 19 cross-disciplinary core state government teams and over 1,300 professionals across 43 states in a national Employment First Community of Practice to support the alignment of policy, practice, and funding streams toward prioritizing competitive, integrated employment as the preferred outcome of day and employment services for youth and adults with disabilities. ODEP encourages states to approach *Employment First* efforts with a cross-disability lens and to engage all relevant government systems and external stakeholders that share responsibility for improving employment and socioeconomic outcomes for individuals with disabilities.

¹ ODEP defines **integrated employment** as work paid directly by employers at the greater of minimum or prevailing wages with commensurate benefits, occurring in a typical work setting where the employee with a disability interacts or has the opportunity to interact continuously with co-workers without disabilities, has an opportunity for advancement and job mobility, and is preferably engaged full-time. This definition aligns with the recent passage of the Workforce Innovation and Opportunity Act, which contains a similar definition for the term “competitive, integrated employment”.

² For more information on individual state policy efforts related to increasing competitive, integrated employment of individuals with disabilities, please refer to ODEP’s National Employment First Online Policy & Research Platform at www.employmentfirst.leadcenter.org.

The following technical brief is the first in a four-part series, and provides an overview of Federal policy guidance and administrative regulations that support systems change efforts to enhance competitive, integrated employment outcomes for youth and adults with disabilities.

Summary of Federal Policy Directives and Guidance that Promote the Prioritization of Competitive, Integrated Employment as the Preferred Option of Publicly-Financed Supports for Youth and Adults with Disabilities

In recent years, a consistent message has been shared through numerous Federal policy communications that affirms the principle that **all** people – including **all** youth and adults with disabilities – can participate in and contribute to their communities. While the Federal government has yet to formally undertake the development of a coordinated, comprehensive national *Employment First* strategic policy framework, several Federal agencies have released policy guidance and administrative communications that emphasize a preference for prioritizing competitive, integrated employment options for individuals with disabilities. Federal agencies that have stimulated ongoing developments in public policy to advance the rights and opportunities of individuals with disabilities include the [U.S. Department of Education](#), [U.S. Department of Health and Human Services](#), [U.S. Department of Labor](#), and the [Social Security Administration](#). State governments and consortiums of external stakeholders can use these various policy communications to inform and guide the scope, intent, and implementation of their respective *Employment First* initiatives.

Federal policy guidance can be used to initiate changes in state-level regulations and programs to clarify key definitions, objectives, goals, processes, and policies related to the prioritization of public funds dedicated to employment-related supports and services. Developing interagency guidance can further help coordinate funding streams and assist state and local entities in developing complementary approaches to achieve a cross-systems focus on improving competitive, integrated employment outcomes for youth and adults with disabilities.

The following technical issue brief provides a summary of specific Federal policy guidance and related communications that can help State governments prioritize competitive, integrated employment as the preferred option for individuals with significant disabilities. The information is organized into four specific categories, as reflected in Figure 1.0.

Figure 1.0 Landscape of Federal Policy Guidance



Ensuring Successful Transition of Youth and Young Adults with Disabilities in Competitive, Integrated Employment – IDEA, Transition Services and Least Restrictive Environment

The gateway to youth and young adults accessing information on competitive, integrated employment often begins within the education system. Similar to their non-disabled peers, students with disabilities benefit greatly from exposure to a wide array of work-based learning experiences, paid and unpaid internships, mentoring opportunities, service learning, apprenticeships, and youth development activities. The Individuals with Disabilities Education Act (IDEA) requires local educational agencies to provide transition services to all eligible students with disabilities.

Defining Transition Services

IDEA defines transition services as a coordinated set of activities, designed within a results-oriented process, to facilitate a youth's movement from school to post-school activities, including competitive, integrated employment. Transition services must be based on the individual youth's needs, taking into account their strengths, preferences, and interests. Among other things, transition services include instruction, related services, the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation. Transition services may include assistive technology devices and services.

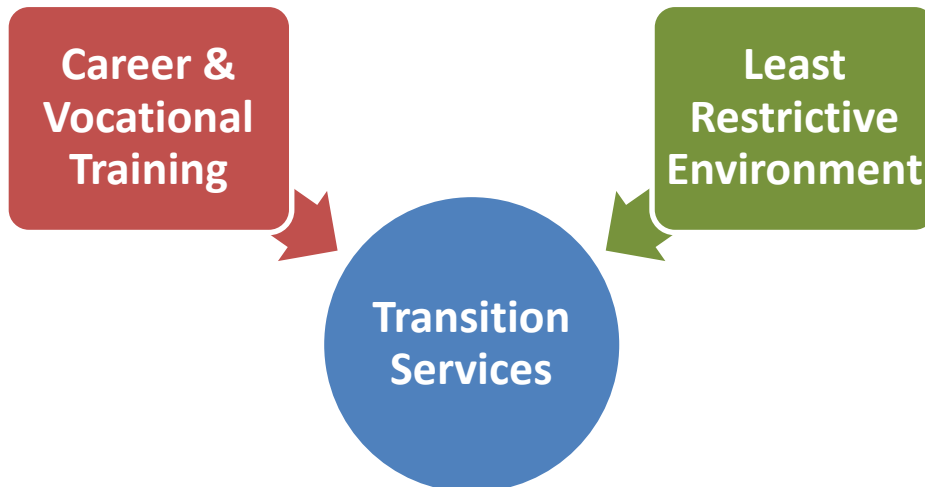
IDEA requires that each transition-age youth with disabilities has an individualized education program (IEP) that includes appropriate, measurable post-secondary goals and that sets out the transition services needed to assist the youth in reaching his or her goals. Transition planning could begin at age 14 or at the earliest age appropriate depending on the youth's interests and needs and the IEP team's recommendation.³ The goals are to be based upon age appropriate transition assessments related to training, education, employment, and independent living skills.

³ In this context, the term "transition-age" generally means beginning at age 16 or younger if determined appropriate by the IEP team. As the National Center on Secondary Education and Transition (NCSET) has noted: "IDEA requires that transition planning begin at the earliest age appropriate for each student with a disability, beginning at age 14 (or younger, if determined appropriate by the IEP team)". The IEP must include a statement of the student's transition service needs that focuses on the student's course of study (such as advanced academic courses, technical training, or intensive employment preparation). Thus, beginning at age 14, the IEP team, in identifying annual goals and services for a student, must determine what instruction and educational experiences will help the student prepare for the transition from school to adult life." <http://www.ncset.org/publications/viewdesc.asp?id=423>.

IDEA's **least restrictive environment (LRE)** provisions require that children with disabilities be educated with nondisabled children to the maximum extent appropriate, and that a child is removed from the regular educational environment only if the child cannot be educated satisfactorily in that environment with appropriate supplementary aids and services. Supplementary aids and services are defined as aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children and youth with disabilities to be educated with nondisabled children and youth, to the maximum extent appropriate. These LRE provisions also apply to transition services, including employment-related transition services.

The Office of Special Education Programs (OSEP) within the Office of Special Education and Rehabilitative Services in the U.S. Department of Education clarified in a June 22, 2012 policy letter that IDEA's LRE requirements apply to transition services provided, including career & vocational training and work-based learning placements⁴, as outlined in Figure 2.0.

Figure 2.0: Transition, Career Development, and Least Restrictive Environment



In this letter, OSEP explained that:

- Transition services include a broad array of services to facilitate career and vocational training. A work placement can be an appropriate transition service, depending on the individual needs of the youth. When an IEP team ⁵determines that a work placement is an appropriate transition service for a youth with a disability, that service must be included in the youth's IEP and implemented consistent with the requirements for educating students with disabilities in the least restrictive environment.

⁴ This informal guidance can be found at the following link:
<http://www2.ed.gov/policy/speced/guid/idea/memosdcitrs/062212workplacelre2q2012.pdf>.

⁵ For more information on the effective composition of an IEP team, please refer to:
<http://www.pacer.org/parent/resources/who-is-on-my-childs-iep-team.asp>.

- In meeting these LRE requirements, the IEP team must consider, and include in the IEP, as appropriate, any supplementary aids and services needed to enable the student to participate with other students with disabilities and nondisabled students in the work placement described in the IEP. The public agency must provide any supplementary aids and services that are identified in the IEP.
- Placement decisions, including decisions related to transition work placements, must be made consistent with these LRE principles and are subject to the IDEA's written notice requirements.
- State Educational Agencies (SEAs) must carry out activities to ensure that the LRE requirements are being implemented by each public agency. If there is evidence that a public agency makes placements that are inconsistent with these LRE requirements, the SEA must review the public agency's justification for its action, and assist in implementing any necessary corrective action.

While education systems are not solely responsible for facilitating opportunities for exposure to competitive, integrated employment experiences for youth and young adults with disabilities, the education system is often the first point of entry for students to access such experiences. Other workforce development systems – including workforce investment and vocational rehabilitation – can also stimulate access to training, skills development and other vocational supports in concert with transition supports provided under IDEA.

Promoting Competitive, Integrated Employment Goals of Youth and Adults with Disabilities through Workforce Development Programs – Utilizing Services within State Workforce Investment and Vocational Rehabilitation Systems

On August 7, 1998, President Clinton signed the Workforce Investment Act (WIA) into law and it took effect on July 1, 2000. The purpose of WIA was to create a national workforce preparation and employment system to simultaneously improve workforce quality and reduce welfare dependency. This statute is intended to serve the needs of all job seekers, including individuals with disabilities. Vocational Rehabilitation is a required partner of the workforce system, and WIA includes several provisions related to the prioritization of vocational rehabilitation services to prioritize competitive, integrated employment outcomes for individuals with significant disabilities.

In addition to the Federal policy guidance explored in this section, the **Workforce Innovation and Opportunity Act (WIOA)** was signed into law on July 22, 2014. WIOA supersedes the WIA and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act Amendments of 1998. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA represents the first major legislative reform in 15 years of the public workforce system.

WIOA provides opportunity for reforms to ensure the American Job Center (AJC) system is job-driven—responding to the needs of employers and preparing workers for jobs that are available now and in the future. Additionally, WIOA contains further incentives and requirements for state workforce investment agencies to implement that will directly and indirectly improve access of job seekers with disabilities to services offered through the AJCs.

WIOA increases the access of individuals with disabilities to high quality workforce services and prepares them for competitive, integrated employment through the following provisions:

- AJCs will provide physical and programmatic accessibility to employment and training services for individuals with disabilities.
- Youth with disabilities will receive extensive pre-employment transition services so they can successfully obtain competitive, integrated employment.
- State vocational rehabilitation agencies will set aside at least 15 percent of their funding to provide transition services to youth with disabilities.
- WIOA mandates that 20 percent of youth formula funding be spent on work-based learning experiences, which have been shown to be the strongest predictor of adult employment success among youth with disabilities.
- An advisory committee will provide recommendations to the Secretary of Labor and Congress on strategies to increase competitive, integrated employment for individuals with disabilities.
- Vocational Rehabilitation state grant programs will engage employers to improve participant employment outcomes.

In general, the Act took effect on July 1, 2015, exactly one year after the legislation was signed into law. Several notices of proposed rule-making (NPRMs) were issued in 2015, and after an extensive public comment period, regulations for implementing WIOA are currently being finalized. DOL, in coordination with the U.S. Departments of Education (ED) and Health and Human Services (HHS), is working diligently to ensure that states, local areas, other grantees, and stakeholders are prepared for implementation of WIOA. The [WIOA Resource Page](#) on the Department of Labor’s website provides information and resources for states, local areas, non-profits and other grantees, and other stakeholders to assist with implementation of the Act. This page is updated frequently to reflect newly developed materials, including responses to frequently asked questions, an [overview of key provisions within WIOA](#)⁶ as well as a [Frequently Asked Questions](#) page and several [fact sheets](#)⁷ to further educate the public. The Workforce3One [page](#) also provides technical assistance materials including a WIOA 101 webcast series.

⁶ The Department of Labor’s overview of the WIOA can be found at: <http://www.doleta.gov/WIOA/Overview.cfm>.

⁷ The DOL fact sheets on WIOA can be found at: <http://www.doleta.gov/WIOA/FactSheet.cfm>.

FACILITATING EMPLOYMENT OPPORTUNITIES FOR JOB SEEKERS WITH DISABILITIES THROUGH STATE WORKFORCE INVESTMENT SYSTEMS

STRATEGIES FOR ENGAGING THE WORKFORCE INVESTMENT SYSTEM IN STATE EMPLOYMENT FIRST EFFORTS

State governments can and are encouraged to align WIOA implementation with existing state *Employment First* activities, and can use the synergy between WIOA and the *Employment First* guiding principles to implement strategies for increasing access to services under the workforce investment system for workers, youth, and job seekers with disabilities. The following are recommended strategies that state governments may consider to assure the workforce investment system is infused into their state's ongoing *Employment First* activities:⁸

- **Promote greater systems coordination between the workforce investment system and other systems involved in Employment First initiatives.** WIOA requires a number of coordination efforts among various systems, which could be leveraged with existing state *Employment First* efforts to promote blending and braiding of resources to support the outcomes of individuals with significant disabilities in competitive, integrated employment. Some of these coordination efforts include:
 - Development of a unified state plan between the state's workforce investment and vocational rehabilitation systems;
 - Alignment of employment, training, and education including career and technical education with human services programs not covered by the unified state plan;
 - Development of strategies for engaging community colleges as partners in the workforce development system; and
 - Promotion of work-based training and sector strategies to address the needs of multiple employers in the industry.
- **Prioritize Youth with Disabilities for Workforce Investment Services.** WIOA also emphasizes youth as a target population of workforce investment services, requiring 75 percent of Title I youth formula program funds to be spent on out-of-school youth as compared to 30 percent under WIA (Title I). In addition at least 20 percent of local youth formula funds to be used for work-based learning experiences such as summer jobs, on-the-job training, and internships (Title I). Given that youth with disabilities are over-represented among all disconnected youth populations, it will be imperative to collaborate across all youth serving systems to holistically address the needs of these youth. These new provisions could be used to attract youth and young adults with disabilities into the workforce investment system to receive supports in acquiring work experience and training. Additionally, certain eligibility requirements are more flexible with respect to youth with disabilities (for example, family income is *not* counted in determining whether youth with disabilities meet the income eligibility requirements to

⁸ Information on the following strategies was extrapolated from the Final Published Rule on the Workforce Investment Act (dated September 11, 2000), 20 CFR Part 652; Part 660 et al. <http://www.doleta.gov/usworkforce/finalrule.cfm>.

receive services), which could further increase demand for services from the workforce investment system to this population, particularly given the strong emphasis on improving school-to-work transition outcomes of youth with disabilities in many state *Employment First* initiatives.

- ***Ensure Disability Representation on Local Workforce Development Boards:*** Under WIA, local workforce investment boards (LWIBs) previously had to ensure representation from various entities working on behalf of hard-to-serve subpopulations, including "organizations representing individuals with disabilities". Now, under WIOA, LWIBs have been renamed local workforce development boards, and they must include an appropriate representative of the programs carried out under the [Rehabilitation Act](#) serving the local area, in addition to representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, *including organizations that provide or support competitive, integrated employment for individuals with disabilities.* Boards are also encouraged to establish and maintain standing committees (such as a Youth Council), services to individuals with disabilities, and a committee to address One-Stop partner service issues.
- ***Promote the availability of financial literacy activities for youth and adults with disabilities through the workforce investment system.*** Title I of the WIOA allows state workforce investment systems to provide financial literacy activities to job seekers. Often, fear of losing benefits or a lack of knowledge about how income generation will impact current access to publicly-financed supports may discourage prospective workers with disabilities from pursuing employment goals. Under WIOA, the workforce investment system can now be leveraged to provide financial literacy activities, and as such, increase the knowledge base of youth and adults with disabilities to inform their decisions about employment and its impact on their financial situation.
- ***Offer new strategies to encourage individuals with significant disabilities to utilize services through the workforce investment system.*** Through previous investments in the DOL's Disability Employment Initiative, a number of strategic service delivery approaches have been demonstrated to improve access of youth and adults with significant disabilities to America's Job Centers (AJCs) and successfully result in competitive, integrated employment. For the first time ever, WIOA defines one such strategy, **customized employment**, as a specific option for prospective workers, including but not limited to job seekers with disabilities, who may need more specialized approaches to assessing their employment potential and customizing individualized services to successfully prepare for and secure employment. Customized employment includes a series of flexible strategies leading to competitive, integrated employment that are based on individual determination of strengths, needs, and interests of the individual with a significant disability and designed to meet specific needs of both the individual and the employer. Several AJCs have successfully piloted components of customized employment, including discovery, the first step in identification of strengths, needs and interests of the individual job seeker. As a part of aligning with state *Employment First* initiatives, state workforce investment systems could partner with state and local systems to coordinate and leverage services (including but not limited to education,

vocational rehabilitation and Medicaid) to increase the availability of specific customized employment strategies within the AJCs and thus promote greater use of the workforce investment system by youth and adults with significant disabilities.

Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide – KEY RESOURCE FOR ENSURING STRONG ACCESS OF PROSPECTIVE WORKERS WITH DISABILITIES TO AMERICAN JOB CENTERS

In July 2003, DOL's [Civil Rights Center \(CRC\)](#), in cooperation with the [Employment and Training Administration \(ETA\)](#), ODEP, and leaders of the workforce development system developed the [Section 188 Disability Checklist](#) to promote nondiscrimination and equal opportunity for individuals with disabilities participating in programs and activities operated by Local Workforce Investment Area (LWIA) grant recipients that are part of the American Job Center service-delivery system.^[1] [Section 188](#) ensures nondiscrimination and equal opportunity for various categories of persons, including persons with disabilities, who apply for and participate in programs and activities operated by recipients of financial assistance under Title I of the WIA and now the WIOA.

On July 6, 2015, the U.S. Department of Labor released an updated 188 Checklist. Jointly developed by DOL's CRC, ETA and ODEP, and titled ***Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide***, this new, updated resource provides a plethora of relevant examples identified primarily through discussion with AJC staff involved in numerous DOL grant initiatives (including but not limited to the Disability Employment Initiative) designed specifically to build capacity within the AJCs to provide meaningful, effective services to job seekers with disabilities.

The 188 Reference Guide is divided into two parts: Part I includes promising practices that promote equal access for individuals with disabilities to the AJC system. These practices include examples ranging from practical steps (such as AJC staff conducting outreach to community-based organizations serving individuals with disabilities) to structural and systemic steps (such as use of integrated resource teams to braid funding sources across systems). These promising practices highlight effective ways that AJCs can meet their legal obligations under Section 188.

Part II of the 188 Reference Guide contains language from the current Section 188 regulations that form the basis of the promising practices in Part I. Part II includes links directly to the promising practices from Part I that correlate to the text of the current Section 188 regulations. (Note that because Section 188 of WIOA contains provisions identical to the 188 provisions in WIA, DOL anticipates that the promising practices contained in the *188 Reference Guide* will remain relevant and useful for the AJC system after new WIOA regulations are released.)

GUIDANCE FOCUSED ON JOB SEEKERS WITH DISABILITIES RECEIVING SERVICES IN AMERICA'S JOB CENTERS

The Employment and Training Administration (ETA) has issued a number of policy guidance documents to reinforce the importance of ensuring greater accessibility of America's Job Centers for individuals with disabilities; disseminate information on effective practices related

to reaching and assisting customers with disabilities to achieve their training and employment goals; and promote strategies for combining workforce investment resources with other publicly-financed systems to offer a holistic, coordinated approach to supporting the employment of youth and adults with disabilities. Such guidance is typically disseminated in the form of Training and Employment Notices (TENs) or Training and Employment Guidance Letters (TEGLs).

Representative List of TENs and TEGs that Promote the Employment of Job Seekers with Disabilities

- [TEN No. 16-99](#): Provides information to assist America's Job Centers in developing accessible infrastructures and programmatic access for customers with disabilities.
- [TEN No. 16-11](#): Disseminates information on the availability of Assistive Technology (AT) resources for customers with disabilities.
- [TEN No. 14-12](#): Outlines the parameters for AJCs to become an Employment Network (EN) as part of the Ticket to Work program, and strategies for serving customers with disabilities utilizing the Ticket.
- [TEGL No. 31-10](#): Provides guidance on the responsibility of the workforce investment system to increase enrollment and improve services to youth with disabilities.
- [TEN No. 21-11](#): Discusses the provision of employed-related transportation services strategies to meet the needs of both AJC business partners and job seekers in securing employment-related transportation services.
- [TEN No. 2-14](#): Provides updated policy guidance on how public workforce entities can become Employment Networks under SSA's Ticket to Work and Self Sufficiency Program.
- [TEN No. 6-14](#): Provides information for Stakeholder Engagement for WIOA Implementation.
- [TEN No. 5-14](#): Announces WIOA and initial informational resources.
- [TEGL No. 19-14](#): Presents DOL's vision for the workforce system and initial implementation of WIOA.
- [TEGL No. 12-14](#): Provides guidance on allowable uses and funding limits of Workforce Investment Act Program Year 2014 funds for WIOA Transitional Activities.
- [TEGL No. 12-14 FAQs](#): Offers answers to frequently asked questions about the WIOA and is updated regularly.
- [TEGL No. 19-14](#): Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014.
- [TEGL No. 23-14](#): Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition.
- [TEGL No. 26-14](#): Workforce Innovation and Opportunity Act Transition Authority for Flexible Use of State Rapid Response Funds.
- [TEGL No. 27-14](#): Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions.
- [TEN No. 01-15](#): Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide
- [TEGL No. 04-15](#): Vision for the One-Stop Delivery System under the Workforce Innovation and Opportunity Act

VOCATIONAL REHABILITATION – A GATEWAY TO COMPETITIVE, INTEGRATED EMPLOYMENT

The [Rehabilitation Act Amendments of 1998](#) state that it is the policy of the United States that the Vocational Rehabilitation (VR) program must be carried out in a manner consistent with the principle that “[i]ndividuals with disabilities must be provided the opportunities to obtain gainful employment in integrated settings.”⁹ On January 22, 2001, the [Rehabilitation Services Administration \(RSA\)](#) implemented this principle by promulgating [final regulations](#) that prohibited placement in sheltered workshops or other segregated settings from being counted as an employment outcome for purposes of the VR program.¹⁰ With those regulations, RSA amended the definition of “employment outcome,” found in 34 CFR 361.5(b)(16), to read as follows:

“Employment outcome means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in §361.5(b) (11), in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.”¹¹

As a result of this revised definition, extended and/or sheltered employment ***does not*** constitute an employment outcome for purposes of the VR program.¹² Through these regulations, RSA also affirmed the importance of “integrated setting” as a key component of the definition of “employment outcome”¹³ and “competitive employment,”¹⁴ respectively.

In more recent [guidance](#) issued in 2014, RSA reinforced the critical role vocational rehabilitation can play in the effective transition of youth and young adults with significant disabilities into

⁹ 29 USC 720(a)(3)(B).

¹⁰ 66 Fed. Reg. 7249 (January 22, 2001); see also RSA Technical Assistance Circular 06-01 (Nov. 21, 2005), available at: www2.ed.gov/policy/speced/guid/rsa/tac-06-01.doc.

¹¹ RSA Technical Assistance Circular 06-01 (Nov. 21, 2005), available at: www2.ed.gov/policy/speced/guid/rsa/tac-06-01.doc.

¹² The VR program regulations define “extended employment” as “work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act” (34 CFR 361.5(b)(19)).

¹³ The definition of “integrated setting,” as used in the context of employment outcomes, can be found in 34 CFR 361.5(b)(33)(ii) and reads as follows: “With respect to an employment outcome, [integrated setting] means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.”

¹⁴ Regulations found at 34 CFR 361.5(b) (11) define “competitive employment” to mean work: (i) in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

competitive, integrated employment.¹⁵ The guidance outlines effective collaboration strategies between VR agencies and state educational agencies for the provision of transition services, reinforces the presumed eligibility of individuals with the most significant disabilities to receive services under VR, including but not limited to the development of an individualized plan for employment (IPE), and describes additional services that can be supported with VR resources that can help an individual with disabilities to obtain a successful employment outcome. Key elements of significance in the new guidance include:

- **Clarification around “integrated setting”.** The guidance clarifies the criteria around what constitutes an “integrated setting” in terms of both VR service provision and post-school employment outcome by reaffirming that: (i) with respect to the provision of services, such a setting is typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals; and (ii) with respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.
- **Collaboration with Education Officials through SEA Agreements.** The guidance outlines the statutory requirements of VR agencies to partner with SEAs in developing formal interagency agreements to confirm the respective roles and responsibilities with respect to the provision of technical assistance and consultation support, transition planning for common customers, financial responsibilities for the provision of specific transition services, and procedures for coordinating outreach efforts to better identify students with disabilities who are in need of transition services.
- **Provision of VR Services.** The guidance describes various services that VR can provide when no other funding stream exists to ensure the smooth transition of students with disabilities from school to post-school activities, including counseling and guidance, assessments, career exploration, job development and work experiences, work adjustment and vocational training, assistive technology, orientation and mobility, and job coaching. The guidance also suggests that VR agencies develop IPEs earlier in an individual’s transition years, and amend it as the individual’s goals evolve to reflect additional services that can support competitive, integrated employment as the student transitions out of the school system, including but not limited to vocational and other post-secondary training; rehabilitation technology, community-based work experiences, on the job training and internships developed in partnership with schools and/or employers; supported employment services; and disability-adjustment training, all designed to assist students with disabilities to achieve competitive, integrated employment.

¹⁵ On May 6, 2014, RSA published Technical Assistance Circular RSA-TAC-14-03, entitled, “Transition Planning and Services Provided through the State Vocational Rehabilitation Services Program. See <https://www2.ed.gov/policy/speced/guid/rsa/tac/2014/tac-14-03.pdf> for more information.

- **Services to Groups.** The guidance discusses the parameters by which VR agencies may establish, develop or improve partnerships with public and nonprofit community rehabilitation programs (CRPs) by building their capacity to provide VR services, including transition services that “promote integration and competitive employment”.¹⁶

To bring emphasis to the array of innovative, evidence-based practices that VR can fund that lead to competitive, integrated employment outcomes, RSA also included new data elements and guidance in its revised [RSA-911 Reporting Manual](#)¹⁷ published July, 2013 that further promotes the use of vocational rehabilitation resources to support individuals to attain competitive, integrated employment:

New RSA-911 Reporting Data Elements re: Competitive, Integrated Employment

- **Employment Status at Closure [Data type VARCHAR (1)]:** *For an individual who achieved an employment outcome, enter the applicable one-digit code that describes the employment outcome of the individual when his or her service record was closed. If classifying the individual into two different employment statuses from Codes 1 or 3-6 is possible, select a code designating the principal status.*
- **Customized Employment Services [Data Elements 181-185]:** *Services that involve a blend of flexible strategies that result in the provision of individually negotiated and designed services, supports, and job opportunities for an individual and that lead to an employment outcome of customized employment, including self-employment. A key factor in deciding if a service is a customized employment service is the presence of employer negotiation, including customizing a job description based on current unidentified and unmet needs of the employer and the needs of the employee; developing a set of job duties or tasks; developing a work schedule (including determining hours worked); determining a job location; developing a job arrangement (such as job carving, job sharing, or a split schedule); or determining specifics of supervision.*
- **Employment Without Supports in Integrated Setting** *is full-time or part-time employment in an integrated setting without ongoing support services. For purposes of this report, this is work performed for wages, salary, commissions, tips, or piece-rates, below, at, or above the minimum wage. Do not include self-employed individuals.*
- **Self-employment (except BEP)** *refers to work for profit or fees including operating one's own business, farm, shop, or office. "Self-employment" includes sharecroppers, but not wage earners on farms.*

¹⁶ Excerpt from Section 103(b)(2)(A) of the Rehabilitation Act and 34 CFR 361.49(a)(1), reiterated in the May 6, 2014 RSA Technical Assistance Circular RSA-TAC-14-03, page 12 (<https://www2.ed.gov/policy/speced/guid/rsa/tac/2014/tac-14-03.pdf>).

¹⁷ RSA-PD-13-05 dated July 10, 2013. Published by the Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, U.S. Department of Education. <http://www2.ed.gov/policy/speced/guid/rsa/pd/2013/pd-13-05.pdf>

More information on the updated RSA-911 Reporting Manual can be found at: <https://www2.ed.gov/policy/speced/guid/rsa/pd/2014/pd-14-01.pdf>.

With passage of the WIOA, additional regulatory guidance is expected that will provide even stronger reinforcement and clarity of the VR system's role and responsibilities regarding supporting youth and young adults with significant disabilities achieve competitive, integrated employment outcomes.¹⁸

Engaging Employers in Employment First Systems Change – New Federal Policies regarding the Responsibilities of Federal Contractors in the Hiring and Payment of Workers with Disabilities

Two recent policy developments impacting the responsibilities of Federal contractors in hiring and retaining workers with disabilities can be utilized to inform state *Employment First* efforts.

NEW REGULATIONS IMPLEMENTING SECTION 503 OF THE REHABILITATION ACT OF 1973

On September 24, 2013, the U.S. Department of Labor's [Office of Federal Contract Compliance Programs \(OFCCP\)](#) published a [Final Rule](#) in the Federal Register that makes changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) at 41 CFR Part 60-741. Section 503 prohibits Federal contractors and subcontractors from discriminating in employment on the basis of disability and requires these employers to take affirmative action to recruit, hire, promote, and retain qualified individuals with disabilities. The Final Rule strengthens the affirmative action provisions of the regulations to aid contractors in their efforts to recruit and hire individuals with disabilities (IWDs), and improve their job opportunities. The Final Rule also makes changes to the nondiscrimination provisions of the regulations to bring them into compliance with the ADA Amendments Act of 2008.

The new Section 503 regulations became effective on March 24, 2014. However, current contractors with a written affirmative action program (AAP) already in place on the effective date have additional time to come into compliance with the AAP requirements. The compliance structure seeks to provide contractors the opportunity to maintain their current AAP cycle. Highlights of the new 503 regulations include:

- **Utilization goal:** The new regulations establish a nationwide seven percent utilization goal for qualified IWDs. Contractors will apply the goal to each of their job groups, or to their entire workforce if the contractor has 100 or fewer employees. Note that failing to meet the disability goal is not a violation of the regulation and will not lead to a fine, penalty, or sanction. Instead, the goal is a management tool that informs decision-making and provides real accountability. Contractors must conduct an annual utilization analysis, identify and assess any problem areas, and establish specific action-oriented programs to address any identified problems.

¹⁸ Once the new regulations around WIOA implementation come to fruition, this policy resource will be updated.

- **Data collection:** The new regulations require that contractors document and update annually several quantitative comparisons for the number of IWDs who apply for jobs and the number of IWDs they hire. Having this data will assist contractors in measuring the effectiveness of their outreach and recruitment efforts. The data must be maintained for three years to be used to spot trends.
- **Invitation to Self-Identify:** The new regulations require that contractors invite applicants to voluntarily self-identify as IWDs at both the pre-offer and post-offer phases of the application process, using language prescribed by OFCCP in an OMB-approved form available on the OFCCP website. In addition to the voluntary pre-offer self-identification opportunity, the new regulations require that contractors invite their employees to self-identify as IWDs every five years, beginning the first year that they become subject to the new requirements, using the prescribed form. In addition, at least once during the years between these invitations, contractors must remind their employees that they can update their disability status at any time.
- **Incorporation of the EO Clause:** The new regulations require that specific language be used when incorporating the equal opportunity clause into a subcontract by reference. The mandated language, though brief, alerts subcontractors to their responsibilities as Federal contractors.
- **Records Access:** The new regulations requires contractors, upon request, to inform OFCCP of all formats, including electronic formats, in which it maintains its records and provide them to OFCCP in whichever of those formats OFCCP requests.
- **ADAAA:** The new regulations implement changes necessitated by the passage of the ADA Amendments Act (ADAAA) of 2008 by revising the definition of "disability" and certain nondiscrimination provisions of the implementing regulations.

Additional informational resources can be obtained on the OFCCP webpage on 503 at: <http://www.dol.gov/ofccp/regs/compliance/section503.htm>

EXECUTIVE ORDER 13658: ESTABLISHING A MINIMUM WAGE FOR CONTRACTORS

In addition to the final rule on 503, President Obama signed [Executive Order 13658](#) (E.O.) on February 12, 2014. This E.O. extends a new minimum wage floor to workers with disabilities on specific future Federal contracts whose wages are calculated pursuant to certificates issued under Section 14(c) of the Fair Labor Standards Act (FLSA). The new minimum wage will apply to new contracts and replacements for expiring contracts.

Under FLSA section 14(c) provisions, employees with disabilities can be paid on a commensurate wage based upon their productivity compared to workers who are not disabled for the work being performed. Federal contracts provide for prevailing wage requirements. Entities with FLSA section 14(c) certificates that are operating Federal contracts can pay eligible people with disabilities at a commensurate wage based upon their productivity relative to the

prevailing wage. Some of these contractors receive procurement priority due to hiring high numbers of people with disabilities.

Effective January 1, 2015, contractors on new Federal contracts and subcontracts for services (i.e., food service, concessions and janitorial) and construction are required to pay all workers at least \$10.10/hour, including workers who would otherwise be paid subminimum wages by entities utilizing section 14(c) wage certificates under the FLSA. The E.O. does not change the “productivity” rating, but rather establishes \$10.10 as the lowest available hourly wage. The E.O. does not change existing regulations or productivity requirements (other than creating the wage floor) around the FLSA section 14(c) program. Additionally, the E.O. does not affect wages paid on Federal contracts/subcontracts awarded prior to the implementation date outlined in the E.O. or to employees under Federal manufacturing or supply contracts subject to the Walsh Healey Public Contracts Act. Finally, the E.O. does not extend to workers with disabilities who do not work under Federal contractors. The Wage and Hour Division has developed a [fact sheet](#) on the scope and implementation of the Executive Order.

How will the New Executive Order (E.O. 13658) Impact Workers with Disabilities?

If the prevailing wage on an E.O.-covered contract under the Service Contract Act (SCA) is \$20.20/hour and a person with a disability paid under a section 14(c) certificate would normally be paid at 30 percent of the prevailing wage (\$6.06), they will now be paid \$10.10/hour; but if a person on the SCA covered contract would normally be paid at 60 percent of the prevailing wage (\$12.12), they would still be paid \$12.12 while other non-disabled workers will be paid \$20.20 (the prevailing wage).

Ensuring Long-Term Supports and Services that Assist Workers with Disabilities to Achieve Optimal Self-Sufficiency

Medicaid and Social Security are significant Federal entitlement programs that individuals with disabilities rely on for supplemental income, health care, and long term supports and services. Several incentives have been incorporated into the Social Security program to encourage and support individuals with disabilities to return to work. Additionally, several Federal policy communications have been disseminated in recent years by the Centers for Medicare and Medicaid Services (CMS) that provide recommendations to states on how they can better align service definitions and categories, reimbursement structures, and operational practices to further emphasize competitive, integrated employment as a preferred outcome of home and community based services.

SOCIAL SECURITY: WORK INCENTIVES AND TICKET TO WORK

The Potential in Social Security Work Incentives

Special rules make it possible for people with disabilities receiving Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) to work and still receive monthly payments and Medicare or Medicaid. Social Security calls these rules "work incentives."

- **SSDI & SSI Work Incentives:** Under SSDI and SSI, individuals can utilize a number of work incentives to support their employment goals, including [Impairment Related Work Expenses](#); [Subsidies and Special Conditions](#); [Unincurred Business Expenses](#); [Unsuccessful Work Attempts](#); [Continued Payments Under a Vocational Rehabilitation Program](#); and [Expedited Reinstatement \(EXR\)](#).
- **SSDI Work Incentives:** In addition to the above-mentioned incentives, SSDI recipients may also be eligible to pursue additional work incentives, including those related to [Trial Work Period](#); [Extended Period of Eligibility](#); [Continuation of Medicare Coverage](#); [Medicare for People With Disabilities who Work](#); and [Protection From Medical Continuing Disability Reviews](#).
- **SSI Work Incentives:** SSI recipients also have access to a number of unique work incentives depending on their individual circumstances. These additional incentives include [Blind Work Expenses](#); [Earned Income Exclusion](#); [Student Earned Income Exclusion](#); [Plan to Achieving Self-Support](#); [Property Essential to Self-Support](#); [Special SSI Payments for People Who Work](#); [Continued Medicaid Eligibility](#); [Special Benefits for People Eligible Under Section 1619 \(a\) or \(b\) Who Enter a Medical Treatment Facility](#); and [Reinstating Eligibility Without a New Application](#).

There is a great deal of confusion about the applicability of Social Security work incentives, including their simultaneous use with other publicly-financed resources. As such, it is important that individuals with disabilities, their families, and disability service professionals across systems have access to accurate and updated information about how these various incentives can be utilized to support the employment and self-sufficiency goals of individuals with disabilities. Additionally, the coordination of case management and Social Security benefits planning services is essential to ensuring that individuals with disabilities receive consistent and accurate information to help inform their decision with respect to developing employment goals. More details on each Social Security work incentive can be found at:

<http://www.ssa.gov/disabilityresearch/wi/detailedinfo.htm>.

The Power of the Ticket to Work Program

In addition to these Social Security work incentives, the Ticket to Work and Self-Sufficiency Program (Ticket Program) was created in 1999 through the [Ticket to Work and Work Incentives Improvement Act of 1999](#) (section 1148 of the Social Security Act). The Ticket Program

provides Social Security beneficiaries with disabilities more choices for receiving employment services and increases provider incentives to serve beneficiaries with disabilities who wish to maximize their economic self-sufficiency through work opportunities. In 2008, Social Security made [improvements](#) to the Ticket Program through revised regulations that incorporated Social Security's vision of the future direction of the Program. These changes were based on lessons learned and issues arising from experience in implementing the original rules. Despite the adoption of these new changes in 2008, confusion continues to persist in the field about how the Ticket can be applied to support the employment goals of individuals with disabilities. As such, state governments are encouraged to make sure that all publicly-financed systems are accessing the most recent information on utilization and leveraging of the Ticket to support the employment outcomes of youth and adults with disabilities. To assist in this effort, SSA created a chart that compares the changes made to the Ticket Program based on the 2008 regulations [See [Side-by-Side Comparison of Key Regulatory Provisions: Old Regulations vs. Revised-Regulations](#)].

USING MEDICAID TO FUND LONG-TERM SUPPORTS AND SERVICES THAT FACILITATE COMPETITIVE, INTEGRATED EMPLOYMENT OUTCOMES FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES

Under existing Federal guidance, state Medicaid agencies may allow waiver participants (between ages 18-64) access to an array of employment supports, including but not limited to Career Planning, Individual Supported Employment Services (including a Customized Employment model of service delivery), and Small Group Employment. There is a time limit required with regards to Career Planning and Pre-Vocational Services, but not other employment-related services. In September 2011, CMS issued an [Informational Bulletin](#) that clarifies existing CMS guidance on development and implementation of §1915 (c) Waivers for employment and employment related services.¹⁹ This guidance provides the following:

- Highlights the importance of competitive work for people with and without disabilities and CMS's goal to promote competitive, integrated employment options through the waiver program;
- Acknowledges best and promising practices in employment support, including self-direction and peer support options;
- Clarifies that Ticket to Work outcome and Milestone payments are not in conflict with payment for Medicaid services rendered because both Ticket to Work and Milestone payments are based on achieving an outcome, not service delivery;

¹⁹ See CMCS Informational Bulletin entitled Updates to the §1915 (c) Waiver Instructions and Technical Guide regarding Employment and Employment-related Services dated September 16, 2011. <http://www.cms.gov/CMCSBulletins/downloads/CIB-9-16-11.pdf>

- Differentiates supported employment into two definitions - individual and small group supported employment;
- Includes a new service definition for career planning that may be separate or rolled into the other employment-related service definitions;
- Clarifies that waiver funding can be used to fund customized employment strategies;
- Emphasizes the critical role of person-centered planning in achieving employment outcomes;
- Reaffirms that sheltered work, which is considered vocational in nature, is not an allowable employment service option under the waiver;
- Modifies both the pre-vocational services and supported employment definitions to clarify that volunteer work and other activities that are not paid, competitive, integrated employment can only be funded as pre-vocational services as opposed to supported employment services; and
- Explains that pre-vocational services are not an end point, but rather a time-limited service for the purpose of helping someone obtain competitive, integrated employment.²⁰

In addition to the September 2011 Informational Bulletin, CMS released [new regulations](#) in January 2014 governing home and community-based services (HCBS) provided through state Medicaid programs. The final rule addresses several sections of Medicaid law under which states may use Federal Medicaid funds to pay for home and community-based services (HCBS). The rule supports enhanced quality in HCBS programs, and adds protections for individuals receiving services. In addition, this rule reflects CMS' intent to ensure that individuals receiving services and supports through Medicaid's HCBS programs have full access to the benefits of community living and are able to receive services in the most integrated setting.

The [regulations](#) clarify that in order to receive Federal HCBS funding for services to seniors and individuals with disabilities, states must ensure that those services are tailored to each individual's needs through a person-centered planning process. States must ensure that HCBS recipients live in the setting of their choice, and that those settings provide opportunities to these individuals to work in competitive integrated settings, manage their resources, and receive services in the community. CMS also noted that HCBS services provided outside the home - such as supported employment services, pre-vocational or day services - also must be provided in settings that meet the regulatory requirements regarding HCBS settings, which promote community integration. In order to continue to be eligible for waiver funding, services delivered through use of these settings will need to:

“...support full access of individuals receiving (waiver services) to the greater community, **including opportunities to seek employment and work in competitive integrated settings**, engage in community life, control personal resources, and receive

²⁰ The Informational Bulletin guidance did not define the numerical parameters for time limits of prevocational services, but rather left this up to individual state Medicaid agencies to determine.

services in the community to the same degree of access as individuals not receiving (waiver services).”

To assist states in complying with the requirements of the HCBS final rule as it relates to non-residential settings, CMS released a [toolkit](#) with a number of various fact sheets and resources. The final elements for the toolkit, released in December 2014, include a resource entitled ["Exploratory Questions to Assist States in Assessment of Non-Residential Home and Community-Based Service \(HCBS\)/Settings"](#) and a substantially revised Q&A document called ["HCBS Final Regulations 42 CFR Part 441: Questions and Answers Regarding Home and Community-Based Settings"](#). This second document includes new questions regarding non-residential settings, but also substantially revised and expanded questions regarding other aspects of the settings requirements (and may be updated in the future to include additional responses to new questions).

The purpose of the *Exploratory Questions* document is to “offer considerations for states as they assess whether non-residential HCB settings meet the Medicaid HCB settings requirements.” The optional questions for non-residential settings are organized by each HCB setting regulation requirement (in italics).

Significantly, in the introduction to the questions CMS indicates that, “the nature of the service will impact how the state addresses the HCB settings requirements.” The state’s determinations about certain settings for services, such as those that are “highly clinical/medical in nature, e.g., medical adult day programs,” and “the extent to which changes in the settings are necessary to comply with the requirements,” may be “different than state decisions/actions for a setting that is less medical/clinical in nature,” CMS says. Additionally, states “should consider carefully the extent to which settings compliance is met due to the nature of the service and/or the HCB qualities.” For example, for individuals seeking supports for competitive employment, the state should consider not just whether the physical setting itself meets the HCB settings requirements, but also “whether the right service is being appropriately provided to achieve its goal, including the duration of the service and the expected outcomes of the service, or whether the provision of a different type of service would more fully achieve competitive employment in an integrated setting for the individual.”

CMS also points out that “not all questions relate to every HCBS or every individual served,” and the final rule contains several provisions emphasizing individualization and person-centered planning. CMS also further asserts that states must demonstrate how they are addressing the guidance outlined in these questions, and not simply assert as part of a Statewide Transition Plan that a non-residential service adheres to these questions.

More information on the new regulations is available at [Medicaid.gov](#).²¹

²¹ <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Support/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

Using Existing Federal Policy to Promote Competitive, Integrated Employment Outcomes for Youth and Adults with Disabilities

States can utilize the available guidance in support of prioritizing competitive, integrated employment for individuals with disabilities to inform and shape their state *Employment First* goals. This requires all state agencies to work collaboratively with other state entities to negotiate issues pertaining to goal alignment, strategic planning, service delivery, funding, operational practices, data collection, and performance measurement. While existing policy guidance across systems may have gaps or inconsistencies in service or approach at the Federal level, states can coordinate and align their efforts at the implementation level to address many of these areas.

BRINGING FIDELITY TO COLLABORATIVE SYSTEMS-CHANGE EFFORTS

The majority of Federal statutes authorizing the nation's programs providing services to individuals with disabilities and other subpopulations facing hardship include clauses to prevent waste or duplication of services and funds across systems. ***However, this does not prevent state governments from developing strategic partnerships across agencies with the goal of aligning services, funding streams and human resources across systems to ensure a comprehensive and seamless service delivery model and maximize the potential for individuals with disabilities to achieve and sustain competitive, integrated employment outcomes.*** State systems can work collaboratively on service definitions and funding structures to identify the unique contributions that each system can make to achieve a shared outcome at the individual level.

State governments can consider transitioning to a cost-sharing environment, in which state agencies share collective financial responsibility and accountability for outcomes. For example, state systems can work together to strategically braid funding and blend services across systems, as well leverage resources to create cross-training opportunities and incentives to build the capacity of disability service providers and front-line direct support professionals. ODEP is working with states to test and validate a number of strategies for leveraging resources across systems to bring to scale the successful delivery of effective practices that lead to competitive, integrated employment and socioeconomic advancement for individuals with disabilities.

THE IMPORTANCE OF DEVELOPING IMPACTFUL INTERAGENCY AGREEMENTS

No single system can create and sustain the desired outcomes rooted in an *Employment First* systems-change framework in isolation. The creation of interagency agreements can be an effective approach to mapping in detail a shared responsibility and accountability for efforts across state government entities. Such interagency agreements may consider:

- Conveying a unified commitment to the value of competitive, integrated employment as the preferred employment outcome for all youth and adults with disabilities;
- Being cross-disability in focus;
- Outlining shared resource strategies for supporting both youth and adults with various disabilities;
- Including all state agencies with direct or indirect responsibilities for serving individuals with disabilities;
- Identifying each system's unique contributions to the state's *Employment First* systems-change efforts, clearly outlining the distinct roles and responsibilities for each agency;
- Reflecting an emphasis on investing collectively in the dissemination and scalability of effective practices associated with increasing competitive, integrated employment opportunities;
- Confirming a joint commitment to training and ongoing information sharing with disability stakeholders and providers of disability services to ensure consistent understanding of the intent and objectives of the interagency agreement; and
- Including a joint commitment to share data across systems, and outline a strategy for instituting immediate data system changes to allow for identification of common customers (and gaps in reaching hardest-to-serve target populations).

Moving Forward: Federal Policy Guidance as a Tool for Informing State Employment First Initiatives

As states continue to develop and implement strategies for improving options for youth and adults with disabilities to pursue competitive, integrated employment, existing Federal policy statements, communications, and guidance can be leveraged to cultivate further support and focus on state *Employment First* initiatives. ODEP encourages state agencies to utilize their administrative powers and various Federal policies already in existence to initiate the systems change conversations necessary to build the capacity and infrastructure required to effectively implement a state *Employment First* strategic framework. As with all such transformative efforts, including members of the disability community and employment service providers in these conversations is critical.

Additional informational resources and tools to assist states committed to improving competitive, integrated employment outcomes for youth and adults with disabilities can be found at www.leadcenter.org and at <http://www.dol.gov/odep/topics/EmploymentFirst.htm>.