



INARF Member 14(c) Meeting

June 17, 2021



Today's Meeting Agenda

Meeting Agenda:

- Welcome and Meeting Overview
- Recap of Last Meeting
- Member Presentations
- Maryland and Oregon Transition
- Member Discussion
- Next Steps

May 11 Meeting Recap

- Raise the Wage Act
- President Biden's Executive Order
- Transformation to Competitive Employment Act
- INARF support and stance

INARF Policy Position

- Ensure the full array of employment options and choices is available to Hoosiers with disabilities, including community employment through VR and sheltered employment

INARF is working with ANCOR to advocate on behalf of our industry on federal legislation

ANCOR Unofficial Policy Position

- ANCOR's unofficial policy position regarding 14(c): supports individual choice, but if 14(c) is eliminated, there must be a transition plan to support individuals in those settings and agencies employing individuals under 14(c) certificates.

In the event this legislation passes, INARF would like to have a plan to support providers during the transition process

Federal Transition Support:

- The proposed federal legislation includes technical assistance and transition support for states and providers to ensure that wrap around services are available for individuals in 14(c) settings during the transition process
 - INARF is working with ANCOR to advocate for the industry regarding this legislation
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State Transition Support:

- INARF met with Maryland provider association to get information regarding their phase out of 14(c) – was completed in 2020
- For providers who choose to transition away from 14(c) employment, INARF proposed a request for 14(c) transition funding as part of the American Rescue Plan dollars

We would like to gather member feedback regarding other ways to support the industry if legislation passes.

Donna Belusar: President and CEO ADEC

Brianne Boles: President CEO Bona Vista

- Discuss your organization's transition away from 14c employment
 - How long did it take
 - Monetary implications
 - Structural changes to facilities
- Discuss any successes and/or challenges that you experienced during the process
 - where did individuals transition
 - what have been short term outcome outcomes
 - what have been long term outcomes

INARF Executive Summary of the Oregon Settlement Agreement

- In March of 2013, the U.S. Department of Justice intervened on behalf of eight plaintiffs with intellectual and developmental disabilities (IDD) in Oregon in a matter alleging unnecessary segregation of individuals with IDD in sheltered workshops. After negotiations, the parties reached a comprehensive Settlement Agreement in December of 2015.
- Under the Settlement Agreement, Oregon agreed to continue a policy of decreasing State support of sheltered workshops and expanding availability of supported employment services in competitive integrated employment settings.
- The agreement requires, among other items, that any individual with IDD working in a sheltered workshop who wants a job in an integrated employment setting and is eligible for State IDD services can ask for and receive supported employment services.

INARF Executive Summary of the Oregon Settlement Agreement

- Between March of 2015 and December of 2016 the number of workers in sheltered workshops decreased by 532 individuals (not all went into CIE).
- In March of 2016, of the 841 individuals who used supported employment, 36 were members of the sheltered work population and those persons worked an average of 7.1 hours per week at a wage average of \$9.81 per hour.
- The majority of the folks in the sheltered workshops utilized the Employment Path Community program which included 1405 individuals in the target population where the individuals worked an average of 13 hours per week and earned an average of \$4.69 per hour
- 62 individuals in the target population used small group supported employment and worked an average of 6.3 hours per week at an average wage of \$9.29 per hour.

INARF Executive Summary of the Oregon Settlement Agreement

The Settlement Agreement requires tracking of numerous data points as a part of the method of determining compliance with the agreement. These data points include (but are not limited to):

- The State maintained a technical assistance provider on supported employment
- The State maintained provider transformation grants until at least June of 2019
- The State developed and sought approval of new rates from CMS for reimbursement rates for supported employment services
- The State continued to provide one-time incentive payments to providers for each person who obtains competitive integrated employment of at least 20 hours per week
- The State issued technical guidance to assist in the training of professionals and job developers on the 20 hour per week standard
- All individuals in sheltered workshops shall have a career development plan

Maryland 14(c) Transition

- 2008 – Maryland became an Employment First state
- 2014 – CMS issued the Final Settings Rule
- 2015 DD Director worked with stakeholders to create a new strategic plan for implementation of Employment First
- Maryland was the second state in the country to pass legislation phasing out sub-minimum wages for people with disabilities (legislation provided a 4 year timeline for providers to discontinue use of subminimum wages)



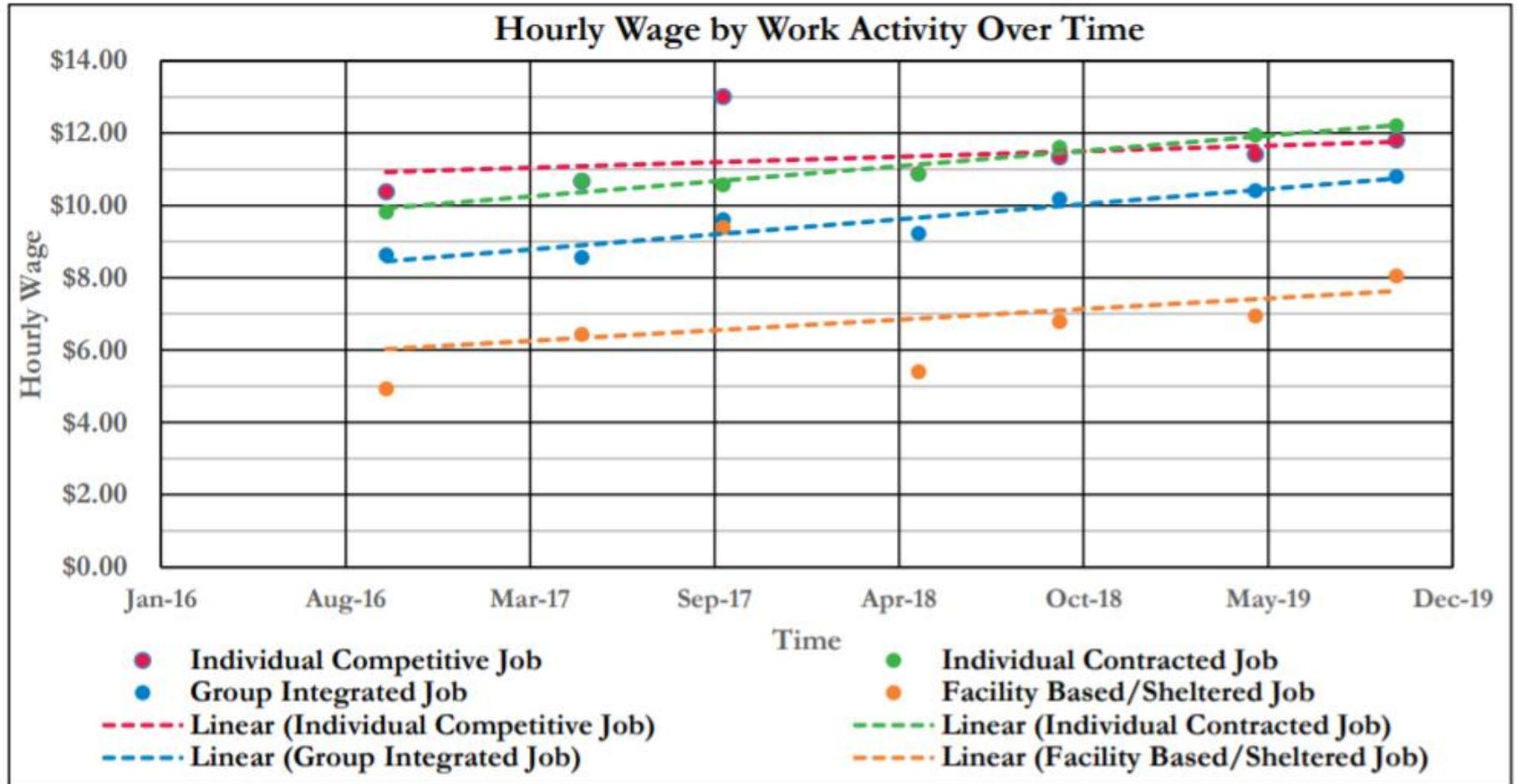
Maryland 14(c) Transition

Individuals with Disabilities: Minimum Wage and Community Integration-Ken Capone Equal Employment Act (EEA)

- [Legislation available here](#)
- Passed on May 19, 2016
- Oct 1, 2020 – deadline to phase out 14(c)
- Pursuant to the legislation, a workgroup of state and non-state stakeholders developed a 14(c) phase out plan

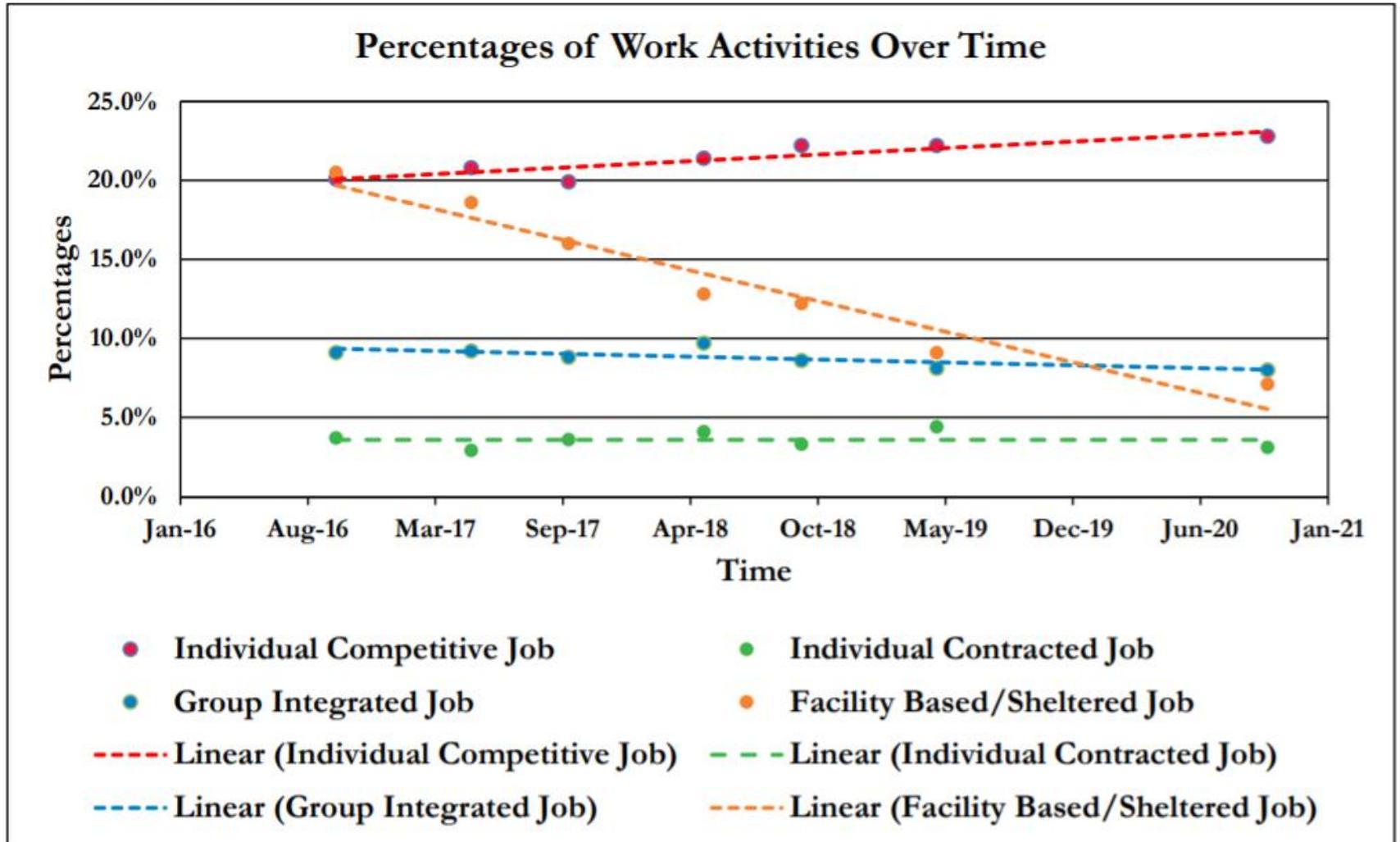
Maryland 14(c) Transition

Hourly Wage Graph

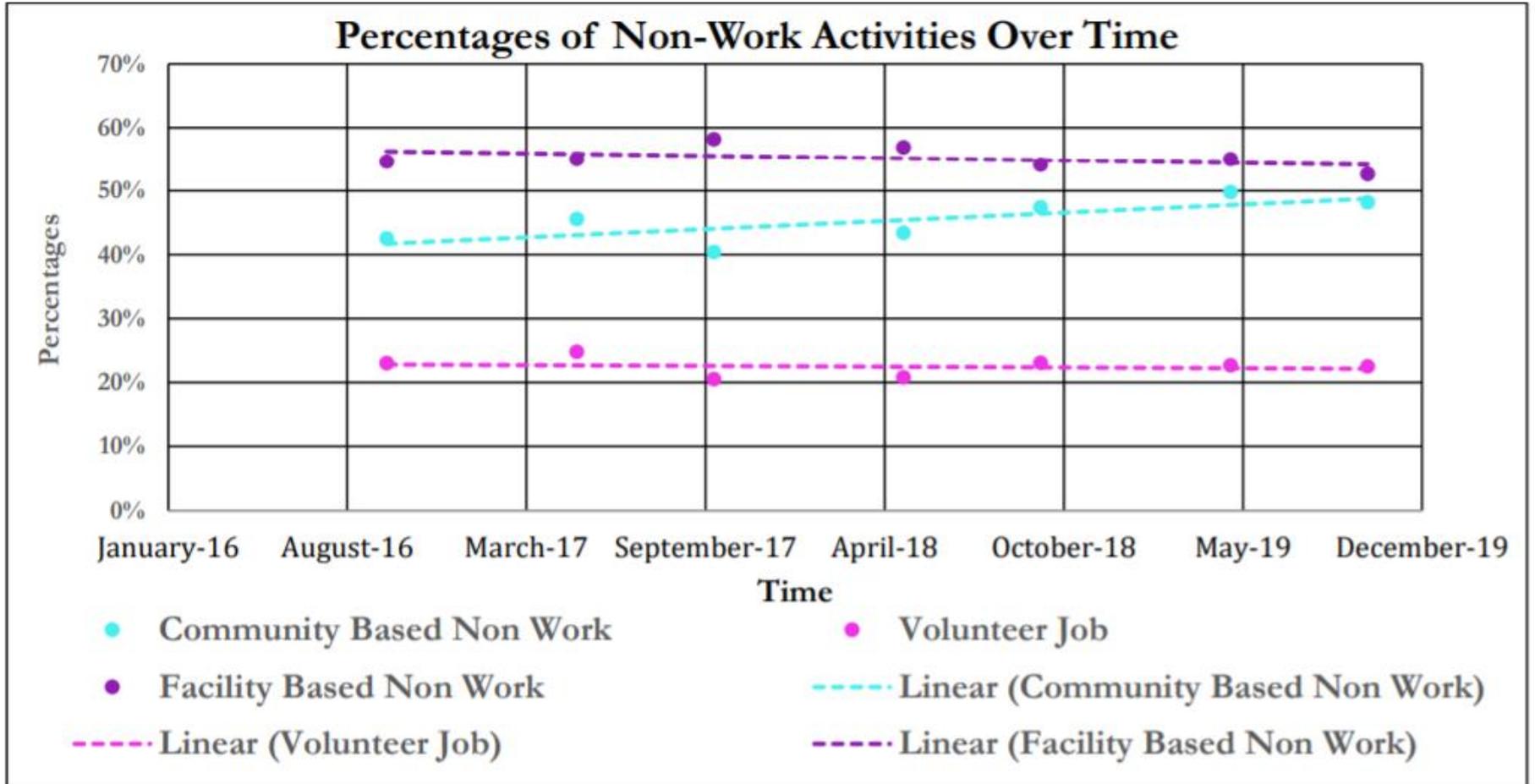


Maryland 14(c) Transition

Work Activities Graph



Non-Work Activities Graph





Maryland 14(c) Transition

[Statewide data is publicly available here](#)

Hours Summary For All Providers In All Counties In All Regions During The October 2019 Reporting Period

Activity	Number of Individuals in Activity	Percent of Individuals in Activity	Average Hours in Activity	Number worked more than 20 hours/week	Percent worked more than 20 hours /week	Total hours worked this period
Individual Competitive Job	2,580	22.8	38.1	925	35.9	98310.5
Individual Contracted Job	348	3.1	38.0	128	36.8	13208.7
Group Integrated Job	903	8.0	31.4	245	27.1	28366.5
Facility Based/Sheltered Job	808	7.1	16.1	83	10.3	12974.6
Self Employment	34	0.3	14.1	2	5.9	480.5
Community Based Non Work	5,455	48.2	23.5	1,121	20.5	128130.4
Volunteer Job	2,547	22.5				
Facility Based Non Work	5,954	52.6				
No Activity Participation	738	6.5				
Unduplicated Total	11,322					

Support for Systems Change

Multi-pronged effort to provide resources to help providers make change:

Maryland DD Administration:

- Brought the Delaware Leadership Institute to Maryland in a model that allows providers to bring small teams to participate in a week-long leadership intensive curriculum
- Partnered with other stakeholders to bring grant funding to Maryland to support agency change and to strengthen employment supports

Maryland DD Council – several years of grant making to providers to fund the support they need to make change; flexible funding based on what each provider needs (including partnership with MD works, an employment-focused provider association)

MACS (statewide provider association):

- Sponsored two agency transformation retreats for larger agency teams to work with local and national experts and a personal facilitator to foster agency change
- Ongoing education and support of providers through conferences and trainings
- Facilitate communication with state leaders on transformation and challenges

Resources from [2020 Annual Report](#)

- In September, 2020, DDA partnered with the Institute for Community Inclusion (ICI) University of Massachusetts Boston to begin a 13-month technical assistance (TA) project
- Developmental Disabilities Administration Employment First Webinars
- Transforming and Improving Practices through Customized Technical Assistance (TIP) Grants
- Maryland Technology Assistance Program
- This has occurred within the context of a [greater system transformation towards Community Living](#), which includes individuals with disabilities working in competitive integrated employment
- As part of this system transformation, the person centered planning document was updated to include a section specifically about employment

What questions, concerns, thoughts do you have?

The next meeting will be focused on member discussion. Discussion topics will include: support to include in 14c transition grant proposals, collaboration between INARF members on 14c transition, and other initiatives INARF can undertake to support the industry.

If you have specific topics or questions that you would like to be addressed during the meeting, please let us know by emailing:

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Thank you!

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