

Employment First Movement: The Train Has Left the Station

By Steven Kapp and Olivia Raynor

March 2014

On October 9, 2013, California Governor Jerry Brown signed legislation establishing an Employment First Policy that expands opportunities for youth and adults with intellectual and developmental disabilities (IDD) to achieve meaningful work. This reform of California’s developmental disability services system supports the Lanterman Act’s and the California Employment Consortium for Youth and Young Adults with Intellectual and Other Developmental Disabilities’ (CECY’s) goals of community integration, independence, productivity, and economic self-sufficiency for people with IDD. It also deepens California’s commitment to the Employment First movement, which in keeping with the Americans with Disabilities Act (ADA) and the general disability rights movement, emphasizes integrated competitive employment (ICE) as the first priority and preferred outcome for adults with significant disabilities.

CECY shares the movement’s belief that all people have the right and must have the opportunity for real work for real pay: people with disabilities working in the community alongside non-disabled peers and earning competitive wages. In adopting [Assembly Bill 1041](#)¹ (amending Cal. Welf. & Inst. Code §§4646.5 and 4868, and adding §4869), California joins an unprecedented number of states that have passed Employment First policies in the past few years, with growing support from the federal government.

California’s Employment First Policy

“...[I]t is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. This policy shall be known as the Employment First Policy.” (from WIC Sect. 4869. (a) (1))

California's new Employment First Policy advances ICE in the following ways:

- It provides for a definition and measurement of ICE in a few forms (competitive employment, self-employment, and microenterprise).
- It requires that employment be the first option explored for working-age adults by regional center planning teams.
- It requires that individuals ages 16 and older be informed about the Employment First Policy and opportunities related to ICE, including supports and postsecondary education.

Furthermore, the Employment First Policy requires the State Council on Developmental Disabilities (SCDD) to:

- Develop an informational brochure about the Employment First policy, translate the brochure into multiple languages, and post it on their web site.
- Recommend goals to measure employment participation and outcomes for consumers within the developmental services system.
- Identify existing sources of consumer data to provide demographic information (age, gender, ethnicity, disability, and geographic location) that can be matched to identify outcomes and trends of the Employment First Policy.

States: Leading the Way

To date, 29 states (including the District of Columbia) have adopted at least 1 Employment First policy, 12 through legislation and 20 through other mechanisms such as executive orders and policy directives (including 3 that have done both).² Of the top 16 performing states in ICE for people with IDD, 11 of them have adopted Employment First policies.³ There has been substantial growth in adoption of Employment First policy since 2011.

Progress of Employment First Across the United States

Figure 1: States with Employment First Legislation

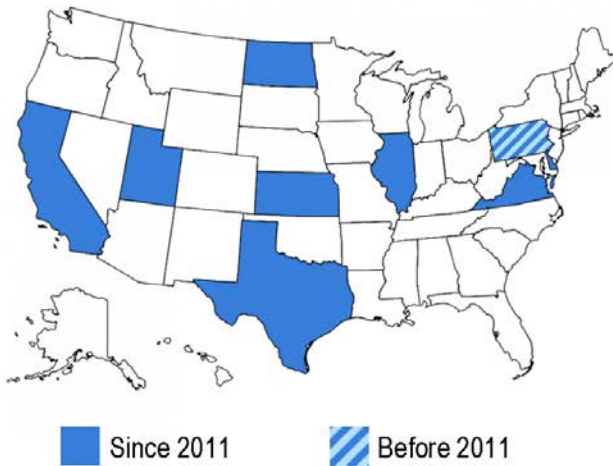


Figure 2: States with Employment First Executive Policy

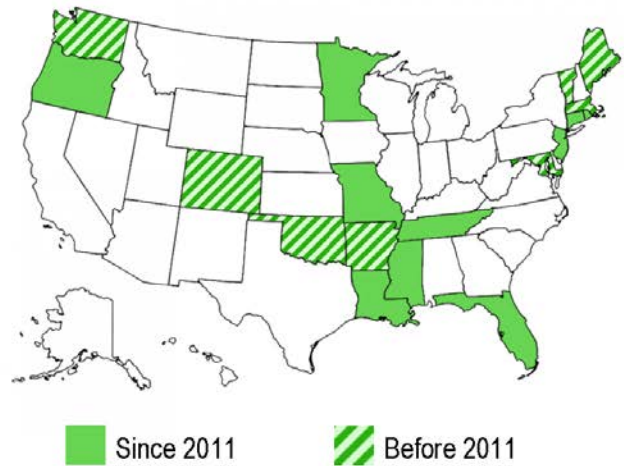
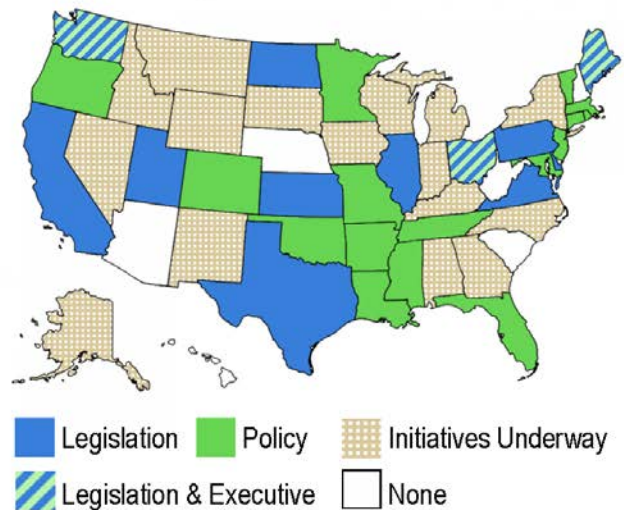


Figure 3: States with Employment First Initiatives Underway



Figure 4: States with Employment First Legislation, Policy, Both, or Initiatives Underway



- Washington is at the forefront of the Employment First movement. Since 2004, its policy has involved proactive engagement with local employers and a commitment from state and local government to provide supported employment opportunities⁴, resulting in an 88% ICE rate⁵. All students are expected from an early age to have a responsibility to work as adults, and are given opportunities to build early experience by contributing to their classrooms, chores and productive activities at home, vocational opportunities in high school, and a robust transition program.⁶

- 12 states have passed Employment First legislation (establishing it as a law), 11 since 2011.⁷ For example, Delaware’s policy has led to innovative business enterprises. Computer Aid Inc. committed to training and hiring employees with autism to comprise 3 or more percent of its workforce by 2015.⁸
- 20 states have issued an Employment First policy through an executive order or state agency, 12 since 2011.^{9 10} Oklahoma leads among states with Employment First policy but no legislation; its Developmental Disabilities Services employment policy has a performance-based rate-setting system that pays for hours worked rather than hours of service provided¹¹, resulting in a second-place 61% ICE rate.¹²
- Some states have successful practices that employ tenets of Employment First movement but are not given that name, such as Vermont. In 2003, it became the first state to close all sheltered workshops¹³ and its developmental disability services allow employment supports funding only for fully integrated employment¹⁴. These actions have resulted in the eighth-place ICE rate of 35%.¹⁵
- At least another 16 states have Employment First efforts underway, building momentum to the point where 44 states have or are working toward having such a policy.^{16 17}

For an interactive map and chart showing this state-by-state progress, see the brief by the University of Minnesota’s Research and Training Center on Community Living, “[Employment First Across the Nation: Progress on](#)

California’s History on an Employment First Policy

California’s enactment of Employment First legislation has come about as a result of sustained effort. Prior legislative attempts to pass an Employment First Policy, all of which have been supported by the State Council on Developmental Disabilities (SCDD), include:

SB 1270 (Chesbro) 2006 established a stakeholder and public input process, organized by SCDD, to recommend ways to expand opportunities for people with IDD in the areas of employment and community participation.

AB 2424 (Beall), 2008 would have established an Employment First Policy, but was held on the Senate Appropriation Committee’s suspense file.

(continued on next page)

[the Policy Front](#).”¹⁸ To follow these state developments or find general information on Employment First, see the State Employment Leadership Network’s [Employment First Resource List](#).¹⁹

Federal Investment

Two federal agencies, the Administration on Intellectual and Developmental Disabilities (AIDD) and the Office of Disability Employment Policy (ODEP), have recently demonstrated an unprecedented level of commitment to Employment First by funding state systems change.

- AIDD has awarded grants to 8 states – 6 in September 2011 (California, Iowa, Mississippi, Missouri, New York, and Wisconsin) and 2 in October 2012 (Alaska and Tennessee) – as Partnerships in Employment Systems Change (PIE) projects to increase ICE through interagency collaboration.²⁰ (CECY is California’s PIE project.)
- In April 2012, ODEP formed the Employment First State Leadership Mentor Program (EFSLMP), in which Washington serves as a mentor to Iowa, Oregon, and Tennessee in developing Employment First plans, with technical assistance from national experts. PIE states, including CECY, participate in the EFSLMP Community-of-Practice.²¹
- In July 2012 ODEP and AIDD signed a Memorandum of Understanding to work together toward Employment First.²²
- In January 2014, California’s CECY was selected to participate in ODEP’S EFSLMP Vision Quest Community of Practice. Through this opportunity, CECY will focus on improving school-to-work

AB 287 (Beall), Statutes of 2009 established the Employment First Committee as a standing committee of SCDD, to recommend an Employment First policy, identify strategies and best practices, report on the state’s progress, and make recommendations for policy change for significantly increasing the number of people with IDD in ICE.

AB 254 (Beall), 2011 would have established an Employment First Policy, but was held in the Assembly Appropriations Committee suspense file.

AB 2338 (Chesbro), 2012 would have established an Employment First Policy, but again was held in the Assembly Appropriations Committee suspense file.

AB 1041 (Chesbro), 2013 established Employment First Policy within the Lanterman Act. The bill was approved and signed by Governor Jerry Brown on October 9, 2013.

transition policies for youth and young adults with significant disabilities.²³

- In September 2013, California received a \$50 million PROMISE federal grant. Though not directly targeting employment, it reflects a major federal investment in service and support for education and appropriate preparation for youth with disabilities' transition into employment.^{24 25}

Employment First has advanced from a movement to established practice. As we applaud the adoption of Employment First policies in California and around the nation, we must keep in mind that a policy alone that codifies ICE as the first option for people with IDD does not suffice. California needs widespread systemic changes, including raising expectations of individuals with IDD, families, and professionals; better preparation of youth with IDD for the competitive workplace; removal of a sheltered workshop system; and accessible workplaces including employers willing to hire individuals with disabilities.

CECY's second Employment First brief will address the movement's moral, legal, and economic drivers of change.

The **California Employment Consortium for Youth and Young Adults with Intellectual and Developmental Disabilities (CECY)** is a collaboration of 23 state agencies, centers, and organizations; families; and self-advocates with responsibilities for the education, rehabilitation, employment, and support of youth with disabilities. Our mission is to strengthen state policies and practices to increase the number of youth and young adults with IDD in integrated competitive employment. CECY is a 5-year (2011-2016) Project of National Significance under a Partnerships in Employment Systems Change grant by the Administration on Intellectual and Developmental Disabilities. ■ The Tarjan Center at UCLA, a University Center for Excellence in Developmental Disabilities (UCEDD), provides the administrative leadership for CECY. For more information, please contact Tarjan Center and CECY Director Olivia Raynor at oraynor@mednet.ucla.edu or (310) 794-1141. ■ tarjancenter.org/cecy.

-
- ¹ California State Legislature. (2013, October 10). AB 1041 Developmental Services: Employment First Policy. Retrieved from http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1041.
- ² State Employment Leadership Network (SELN). (2013, December). Employment First Resource List. Retrieved from <http://www.apse.org/employmentfirst/resources.cfm>.
- ³ California State Council on Developmental Disabilities (SCDD). (2013). Annual Report of the Employment First Committee. Retrieved from http://www.scdd.ca.gov/res/docs/pdf/Employment_First/2013%20EMPLOYMENT%20FIRST%20REPORT.pdf.
- ⁴ National Council on Disability (NCD). (2012, August 23). National Council on Disability Report on Subminimum Wage and Supported Employment. Retrieved from <http://www.ncd.gov/publications/2012/August232012/>.
- ⁵ Butterworth, J., Hall, A. C., Smith, F. A., Migliore, A., Winsor, J., Domin, D., & Sulewski, J. (2013). StateData: The National Report on Employment Services and Outcomes 2012. Retrieved from <http://communityinclusion.github.io/book12/>.
- ⁶ [NCD](#) (2012).
- ⁷ [SELN](#) (2013, December).
- ⁸ Markell, J. A. (2013, May 31). Employing People with Disabilities: Good for Business' and Delaware's Bottom Line [Blog post]. Retrieved from <http://governor.blogs.delaware.gov/2013/05/31/employing-people-with-disabilities-good-for-business-and-delawares-bottom-line-2/>.
- ⁹ [SELN](#) (2013, December).
- ¹⁰ Nord, D., & Hoff, D. (2014). Employment First across the nation: Progress on the policy front. *Policy Research Brief, 24(1)*, Minneapolis, MN: Research & Training Center at the University of Minnesota. Retrieved from <http://rtc.umn.edu/prb/214/> This brief includes the Employment First executive order of Mississippi and the policy directive of Minnesota on its map. According to personal communication with Derek Nord on March 8, 2014, Minnesota's implementation of an Olmstead Plan, which directly relates to a lawsuit settlement, is leading to ICE systems change.
- ¹¹ [NCD](#) (2012).
- ¹² [Butterworth et al.](#) (2013).
- ¹³ [NCD](#) (2012).
- ¹⁴ [SELN](#) (2013, December).
- ¹⁵ [Butterworth et al.](#) (2013).
- ¹⁶ [SELN](#) (2013, December).
- ¹⁷ Hancock, L. (2014, February 19). Wyoming committee endorses developmentally disabled work-first bill. *Wyoming Star-Tribune*. Retrieved from http://trib.com/news/state-and-regional/govt-and-politics/wyoming-committee-endorses-developmentally-disabled-work-first-bill/article_7b587c47-75f1-5186-8e40-f9a788d79b58.html.

¹⁸ [Nord & Hoff](#). (2014).

¹⁹ [SELN](#) (2013, December).

²⁰ Administration on Intellectual and Developmental Disabilities. (2013, September 19). Overview of AIDD's Partnerships in Employment Systems Change Project Grants.

Retrieved from

<http://www.acl.gov/Programs/AIDD/Programs/PNS/Resources/PartnershipsInEmplSystemsChangeGrants.aspx>.

²¹ Office of Disability Employment Policy (ODEP). Employment First State Mentorship Program. Retrieved from

<http://www.dol.gov/odep/media/newsroom/employmentfirststates.htm>.

²² ODEP. (2012, July 17). US Labor Department's Office of Disability Employment Policy, Administration on Intellectual and Developmental Disabilities join forces: Partnerships aims to increase employment of individuals with disabilities. Retrieved from

<http://www.dol.gov/opa/media/press/odep/ODEP20121425.htm>.

²³ ODEP and Economic Systems Incorporated. (n.d.) Employment First Leadership State Mentoring Program Vision Quest Series Beginning January 2014. Retrieved from

<http://vkc.mc.vanderbilt.edu/tnworks/wp-content/uploads/Final-EFSLMP-Vision-Quest-Series-Notice-to-States-regarding-2014-TA-O-2.pdf>.

²⁴ Mongeau, L. (2013, September 30). California wins \$50 grant for children with disabilities. *Ed Source*. Retrieved from <http://edsource.org/today/2013/california-wins-50-million-grant-for-children-with-disabilities/39724#.UvBANfKsQis>.

²⁵ California Department of Rehabilitation. (2014). DOR to serve as lead coordinator of federal PROMISE grant. Retrieved from <http://www.rehab.cahwnet.gov/Public/Federal-PROMISE-Grant-Notice.html>.