



SB 639 Core Stakeholder Workgroup, Session 3
June 24, 2022 9:00 AM-1:00

Agenda

9:00-9:15 AM Aaron Carruthers-Welcoming Remarks

9:15-10:00 AM Bridget Kolakowsky-Budget ask outcome, cross-departmental collaboration

Funding Options

10:00-10:20/30 AM Mark Erlichman SWTCIE DOR Grant Application Presentation-

10:30-11:00 Additional Funding-Fed & State CIE Related Opportunities SME Doug Crandell

- State, Ed Collaborative Grant Program-The Department of General Services (DGS), Office of Public School Construction, and the Foundation for California Community Colleges announced the first six awards – totaling \$108.6 million – for the Regional K-16 Education Collaboratives Grant Program, as part of a \$250 million investment in the 2021 Budget Act. **This program is a key component of a statewide strategy for cultivating regional economies, strengthening education-to-career pathways, and ensuring that education, vocational, and workforce programs work in partnership to provide broader access for all to education and employment opportunities.**

The first six awards of approximately \$18.1 million each, total \$108.6 million(summaries of each collaborative grantee can be found on the [Regional K-16 Education Collaboratives Grant Program website](#)):

Grant page [Regional K-16 Education – Collaboratives Grant Program \(k16collaborative.org\)](#) there are requirements around “inclusive” and “supports” but nothing specific to PWD.

- **DDS CIE Pilot**
- **Fed-9817** funds may also help [bolster state home and community-based services](#) and may also assist states and providers to comply with their obligations under the Home and Community-Based Settings Rule.

In 2021 states submitted spending plans describing how the funds would be leveraged using Centers for Medicare & Medicaid Services (CMS) [guidance](#). In these [spending plans](#), many states proposed developing new or strengthening existing initiatives to increase access to competitive integrated employment for people with disabilities.

11:00-11:15 AM BREAK

11:15 AM-1:00 PM SME Doug Crandell, Customized Employment Training (ACRE options), SB639 Data, Tracking & Next Steps

(c) The State Council on Developmental Disabilities, in consultation with stakeholders and relevant state agencies, as appropriate, including, but not limited to, the Department of Finance, the Labor and Workforce Development Agency, the Department of Rehabilitation, the State Department of Education, and the State Department of Developmental Services, shall develop a multiyear phaseout plan with stakeholder involvement, by January 1, 2023, in accordance with the procedures set forth in subdivision (d), to pay any employee with a disability, by January 1, 2025, no less than the minimum wage otherwise required for an employee under Section 1182.12 or the applicable local minimum wage ordinance, whichever is higher.

(d) The multiyear phaseout plan, as described in subdivision (c) shall include, but not be limited to, all of the following:

- (1) **Benchmarks and desired outcomes** for each year of the plan.
- (2) **A list of the resources necessary to ensure that employees with disabilities can receive services and support** according to their needs and preferences of the individuals and in an integrated setting, regardless of the nature or severity of each individual's disabilities, including an assessment of the financial investment needed to transition individuals to competitive integrated employment or other services, the development of new rates for new service models or additional rates necessary for competitive integrated employment supports, and suggestions for revenue streams.
- (3) **A road map for applying to and using all federal funding programs**, including, but not limited to, programs available under Medicaid waiver amendments, technical assistance grants under the Office of Disability Employment Policy, and resources under the federal Workforce Innovation and Opportunity Act, to assist individuals with disabilities to obtain competitive, integrated employment.
- (4) **Data collection and reporting requirements for tracking the following outcomes for the individual employees with disabilities who are transitioned out of subminimum wage employment:**
 - (A) Wages earned.
 - (B) Hours worked each month.
 - (C) Type of job.
 - (D) Length of employment.

(E) Services utilized to obtain competitive integrated employment.

(5) Data collection and reporting requirements that will track the following aggregate outcomes of employees with disabilities who transition out of subminimum wage employment:

(A) Total number of individuals with disabilities who are employed and paid subminimum wage.

(B) Employment rates.

(C) The number of individuals who were participating in a subminimum wage position that are not participating in job search activities.

(D) The number of individuals who move from subminimum wage positions to nonpaying activities.

(E) The number of individuals who move from subminimum wage positions to positions that are paid at or above minimum wage.

CIE Blueprint Next Steps (Annual Report 2019) [Competitive Integrated Employment \(CIE\) - California Health and Human Services](#)

The DOR and DDS will complete a data sharing agreement to share data to better determine consumer outcomes

The CDE, DOR, and DDS will continue analyzing ways to share data, with the goal of having the departments enter into a comprehensive data sharing agreement, within each department's regulatory and statutory requirements.

Challenge: Ongoing data sharing obstacles include the lack of a common individual identifier, as well as legislative and regulatory limitations.

Employment First Committee Recommendations: Data

Currently data is released years after collection. This delay impacts the field of practice's ability to identify trends and create targeted interventions. This is especially important during the pandemic because shifts in unemployment and safety issues require real time response.

DDS should invest in the collection and reporting of disaggregated, timely data with universal client identifiers across government systems to understand the factors that impact whether or not a person enters or retains CIE. DDS and the State Council should publicly report aggregate data on the Data Dashboard in a consumer friendly and accessible format so that the impact of CIE can be assessed and people with developmental disabilities and their families can make informed data-driven decisions about choosing the best pathway to CIE.

CDE, DDS, DOR, and the State Council should create data-sharing agreements across agencies that identify and quantify tertiary benefits of employment as a social determinant of health. This information should be made public and involve diverse success stories from the disability perspective.

DDS Employment Workgroup

General Discussion

- Employment Workgroup inquired about the following data:
 - Job loss data specifically due to COVID-19 pandemic;
 - Data by disability category;
 - Data by service code;
 - Further details regarding disparities by ethnic groups;
 - Data on individuals transitioning into CIE following a PIP.
- Additional discussion included;
 - The lag time for data to be presented. This makes it impossible to track current employment trends for individuals served. Latest reports only present data through the previous fiscal year.
 - Data presentation on the most recent funding changes to the PIP and CIE data to track the success of the change?
 - See more success stories from businesses hiring individuals with I/DD including barriers or frustrations.
 - Is it possible to present data on outside influences affecting an individual's ability to gain employment (e.g., housing problems, transportation, wellness, etc.)?

(e) In developing the multiyear phaseout plan pursuant to subdivisions (c) and (d), **the State Council on Developmental Disabilities shall engage with and seek input from** people with developmental disabilities who have experience working for subminimum wage and stakeholder organizations, including, but not limited to, the protection and advocacy agency designated by the Governor in this state to fulfill the requirements and assurances of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, other self-advocate and family organizations, provider organizations, including representatives of organizations utilizing the special minimum wage license and those who previously utilized special minimum wage licenses and have successfully transitioned to other employment models, employer and business organizations, and vocational training programs representing those impacted by the changes made to wages for individuals with disabilities.

(f) (1) By January 1, 2023, the State Council on Developmental Disabilities shall release and publicly post a report detailing its multiyear phaseout plan as described in subdivision (c) on its internet website. The State Council on Developmental Disabilities shall also submit a copy of the report on its multiyear phaseout plan to the appropriate policy committees of the Legislature for review on or before January 1, 2023.

The report shall include, but not be limited to, all of the following:

- (A) Planned benchmarks developed to achieve the outcomes of the plan.**
- (B) Recommendations for funding levels or other resources necessary to implement the plan.**

(C) Outreach and follow up for each employee with a disability who is being paid less than the minimum wage to ensure that the employee's wages are brought up to the minimum wage. This outreach and followup may include consultation with members of the employee's hiring or service coordination team, as appropriate.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2027, pursuant to Section 10231.5 of the Government Code.

(3) A report to be submitted pursuant to paragraph (2) shall be submitted in compliance with Section 9795 of the Government Code.

New Resource:

DOL issues new guidance: Section 511 requires employers with a certificate under Section 14(c) of the FLSA to ensure that workers have received critical resources and information prior to and throughout the duration of employment at a subminimum wage. The timely provision of these resources and information helps maximize opportunities for workers to obtain competitive integrated employment. When employers fail to comply with the requirements of Section 511, they are required to pay workers the full federal minimum wage.

The new guidance, Field Assistance Bulletin No. 2022-4 "[Enforcement of the Rehabilitation Act Section 511 Requirements for Workers with Disabilities in the Section 14\(c\) Program](#)," supplements Field Assistance Bulletin Nos. [2016-2](#) and [2019-1](#), [Fact Sheet 39H](#) and [other materials designed to provide guidance](#) on the provisions of Section 511 and the protections it offers workers in the Section 14(c) program. The new FAB reaffirms and provides assistance to stakeholders in determining compliance with the timing and documentation requirements of Section 511.