

**RCPA Response and Recommendations to “The Transition to Independence Act” (S. 1604).  
Introduced June 18, 2015  
Charles Grassley (R-IA); Ron Wyden (D-OR); Robert Casey (D-PA)**

**Summary**

The bill proposes a 5-year, 10-state demonstration project which would allow states to achieve bonus payments for moving disabled individuals to community, integrated, competitive employment thereby reducing subminimum wage in congregate settings as well as facility-based day programs.

In addition it is proposed that there will be an elimination of new placements of working-age individuals with disabilities into subminimum wage, congregate setting work and facility-based day programs.

**RCPA Response**

RCPA can support this bill with some modifications. Clearly there is a national increased emphasis and awareness on the use of community integrated and competitive employment in place of congregate work settings that at times pays subminimum wage. In that providers are actively attempting to make this shift now, providing incentives helps pave the way toward that success.

However, what many people do not like to discuss is that obtaining community, competitive, employment for the most seriously disabled and compromised individuals can be challenging. Further, it is not always what the individual/ family wants or could benefit from the most. Eliminating all new placements into the congregate work or day programs would be eliminating an entire resource available to the individuals and families right now. In doing so, the person will have no options if not successfully competitively employed and spend the day at home with no services. They are left behind under the good intentions of supporting community inclusion.

Further, under this bill what would happen to the individual who is placed in the community but for some reason it is later realized that this will not work and would like to go back to the congregate setting placement? They would be shut out and again have no alternatives.

**RCPA Recommendations**

A more balanced approach would be to continue the incentive for moving people into meaningful community employment. However there is no need to eliminate new placements into congregate work or day settings. A system could be set up where all individuals would be evaluated for the possibility of community competitive employment. Unless there are documented extenuating circumstances, all individuals could then be tried in a community placement. But the congregate setting work or day programs could exist as the safety net. Finally on a periodic basis the person should be re-evaluated and potentially retried for an integrated community setting.

In addition, incentives could be given to congregate settings for integrating that setting to the best extent possible. For example, being in a day program does not have to mean you are sequestered all day and never entering the community for meaningful activities.

Finally, it does not have to be an “all-or-none” scenario. Perhaps a person is successfully working 10 hours per week in competitive community employment. But that still leaves many hours that are not filled during the week. In addition to community activities (e.g., volunteer, physical activities, recreational activities) they could fill in the hours in a quality congregate work or day program if they should so desire.

## **Summary**

RCPA understands that at times there is the need to push the envelope in order to effect change. However, when we are dealing with the most disabled in our community, we must guard against unintended consequences and ensure that a full range and continuum of services are available to allow the person the fullest and most rewarding experience they can have.