

Employment First Oversight Commission Report

To follow up on its three-year plan, the Office of the Governor is required to submit a report to the General Assembly every year by January 30. The first such annual report, published January 2020, built on the initial three-year plan to include specific, measurable performance indicators and the implementation status of each policy recommendation. These indicators were informed by the feedback and priorities of the Employment First Oversight Commission and the measurable goals and objectives the commission published in its first annual report October 1, 2019.

This past year, the Commission, in its effort to effectively identify issues, set expectations and track measurable progress, did a significant amount of research, working with agencies to identify all of the available employment data elements already collected in all publicly funded county and state departments. The goal is to streamline the data delivery to the Commission quarterly and provide consistency (all data collected/analyzed within the same time frame, the same way, by each department).

The Governor's Office 2020 report highlights bright spots of state action and some initial systems change and data collection which should support better outcomes. It is the Commission's understanding that the long awaited Transition Memorandum of Understanding (MOU) between the Office of Vocational Rehabilitation (OVR) and Department of Education/Bureau of Special Education (PDE/BSE) is in its final stages; Employment data collection and data management seems to have improved across agencies; the Department of Human Services (DHS) has several measures to report across internal program offices with what appear to be consistent protocols; there is more detailed data available from the Office of Mental Health and Substance Abuse Services (OMHSAS) and PDE/BSE approached and worked with OVR and the Commission to agree on better measures tracking the employment success of students/graduates. The Office of Developmental Programs (ODP) and OVR have been working to coordinate data sets, including reviewing data concerning individuals in segregated workshops. This year, the Commission can now share more detailed information on those Pennsylvanians working for subminimum wage and the work OVR and ODP are doing to support people who want competitive-integrated jobs in the community.

Due to the national and state health emergency declared in early March 2020 – restrictions were placed on a sizeable portion of businesses and as a result the economy slowed. Most non- life-sustaining businesses were required to suspend operations and citizens were told to not leave their homes with few exceptions. Over six months later, as some businesses have been able to function, specific industries have significant restrictions (bars, restaurants, businesses that involve large gatherings, etc.) while others have yet to recover (travel-related industries, recreation, etc.). As a result, the unemployment rate has risen significantly compared to this time last year when the commission's first report was issued. Just prior to the COVID-19 outbreak, there was some incremental success reported by departments –and with historical data from some departments, progress has been steady year over year. This is not just a function of a previously successful economy. These changes likely improved outcomes due to better policy, training, and outreach systems structured to support employment.

One of the more upsetting changes to the Pennsylvania employment system in the past year has been the Closed Order of Selection due to the inability of OVR to sustain the same levels of service capacity from previous years. Maintaining necessary levels of funding for programs that have such an excellent

return on investment and on which other departments (e.g., PDE, ODP, OLTL, OMHSAS, etc.) rely are critical—especially now.

The Commission makes the following recommendations as part of its [second year report](#).

1. That the Legislative Budget and Finance Committee of either the House or Senate conduct a study and report on the return on investment (compared to traditional customer services delivered by OVR) for Pennsylvania Office of Vocational Rehabilitation's Hiram G. Andrews Center (HGAC). There are presently only 7 facility-based programs like HGAC nationally. The Commission believes it is timely and appropriate to conduct a meaningful review of this program and its return on investment (ROI). Approximately \$23 million is currently being directed from OVR's budget to fund this 24/7 campus operation. The per-customer cost for HGAC is significantly higher than non-HGAC customers, yet it is unclear what value graduates of HGAC are getting as compared to non-HGAC customers or those OVR customers who attend traditional post-secondary vocational programs. The review should consider whether these resources could be effectively re-directed to traditional OVR services and/or regional or county career technical programs and/or community colleges where individuals with disabilities can learn alongside other students, which will enhance their skills to work and stay in the communities where they live.
 - EFOC worked with an advocacy organization to share draft language with the House Labor and Industry Committee staff for a House Resolution that would create a Legislative Budget and Finance Committee study on this topic. Discussions with staff indicated a hearing would be held, but then the COVID-19 public health emergency was declared, and efforts were apparently tabled until a more appropriate time.
2. That state and county administrators should continue to increase and align, wherever possible, financial incentives for agencies/providers and Supports Coordinators to increase CIE outcomes. County-funded services under the jurisdiction of the state should have Memorandums of Understanding, agreements, or contracts in place requiring CIE policy been encouraged and followed.
 - This is a required activity within Act 36 of 2018 (see footnote), yet it is not clear any progress is being made on this. The Office of Development Programs should review its Administrative Entity agreements to determine if this is in the agreement and/or what if anything ODP is doing to enforce this provision. However, this is larger than ODP and not limited to instances involving counties or Supports Coordinators; rather, any situation that involves public funds ought to be one where financial incentives are increased and then aligned with other systems, e.g., PDE, OLTL, OMHSAS, and OVR.
3. That state systems support employees and businesses. Make Employment First a funding and policy priority for job retention and customers ready with employer. Identify the cost and staffing issues for people who are waiting on the OVR Order of Selection and serve them with additional state funding. No business will wait for these employees and valuable effort will be lost.
 - The OVR State Board and RSA approved the Job Retention provisional policy to start these services as of July 1st, 2020.
 - CareerLinks are supposed to support all customers with or without disabilities – data collected from Labor and Industry shows the number of people who have self-identified with a disability. Aside from initial customer education about CareerLinks, there does not seem to be any systemic plan to evaluate whether those waiting for OVR services are using the service and evaluating the experience. Given the delays, it should be a high priority to serve people with disabilities who are placed on the OVR waiting list, ensuring accommodation and support.

- Securing state-only funds to make up the lack of federal funds has not materialized; not clear whether OVR, L&I or Governor's Office ever requested such funds from the General Assembly.
4. The Commission supports the Department of Human Services implementing value-based purchasing arrangements in Managed Care Contracts in Behavioral Health that include addressing employment as a social determinant of health. Data should be collected and submitted by BHMCOs to DHS for publication similar to what is collected by ODP and OLTL and on an annual basis. The only employment services offered currently are at the county level on a voluntary basis. Some innovative employment supports are being offered, yet the types of services and their availability are not consistent statewide. Having a job can positively impact a person with behavioral health issues and making employment supports available to participants is likely to provide the Commonwealth a net positive return on investment.
 - The State Office of Mental Health and Substance Abuse Services informed the Employment First Oversight Commission that, based on the Medicaid waiver approved for the Behavioral Health Choices program, employment services are not permitted by the federal Centers for Medicare and Medicaid Services to be an in-plan service.
 - Employment services are pursued on a county-by-county basis by county mental health/behavioral health programs.
 - According to DHS, employment will be built into the Community-Based Care Management program, allowing BHMCOs to choose employment as a social determinant of health.
 - DHS should also consider alternatives, such as building employment into value-based payments.
 5. That OLTL develop a greater sense of urgency - holding Community HealthChoices MCOs accountable for employment-related requirements in their contracts. Employment services are currently in-plan services in the CHC program.
 - As confirmed by data provided in the OPS 22, employment services in extremely low, with totals of 78 services in January, 98 February and 128 in March. Pennsylvania must hold MCOs accountable for the requirements in their contracts and place appropriate pressure on MCOs to do more if employment is indeed an administration priority.
 6. That Workforce Development allocate funding for innovation statewide/regional for Employment First efforts –support promising practices that increase employment for people with disabilities within businesses. People with disabilities represent the largest untapped labor pool. Workforce Development dollars in each region should be prioritized to provide businesses and organization support mechanisms to develop and grow successful employment integration programs
 - During the spring of 2020, L&I issued a request for proposal (RFP) that would support promising practices by businesses when it comes to increasing the hiring of talent with disabilities. This RFP was very encouraging. Unfortunately, the grants were never awarded, apparently due to the COVID-19 public health emergency. It is hoped that L&I will resurrect this grant opportunity now while the entire state is in the “green” phase and state government has removed restrictions on most sectors of the economy, allowing them to reopen.
 7. That state government remove “fear of working” for those who need benefits. Develop consistent education and information systems that encourage employment and upward mobility. Support changes to the MAWD program. Barriers to work often begin with fear. *If I work or work too much or at all-- I will lose these life-sustaining benefits.* Compass and the Medicaid/Waiver and OVR systems should know if people are working, and how much they are earning. All systems should identify people who are working and arm them with information on the Medical Assistance for Workers with Disabilities (MAWD), connect individuals to OVR or waiver-funded Benefits Counselors or those available under Social Security's Work Incentives Planning Assistance (WIPA). Additional trainings, education, web pages and social media should be

developed to support all individuals to know they can in fact work and/or work and make more money, including those in a HCBS waiver program. More aggressive oversight and training of Service Coordinators (in CHC) and Supports Coordinators (in ODP) is needed, as benefits counseling has been a service in both systems' waivers for several years yet few if any benefits counseling services have been authorized. Anecdotal evidence suggests many SCs and county AEs still "haven't heard" of benefits counseling. Finally, current legislation in the General Assembly would increase the income limits currently imposed on MAWD so that people can continue to earn to their potential. The Commission supports this legislation.

- DHS supports Senate Bill 890 and House Bill 2202.
 - OVR requires VR counselors to connect customers with benefits counselors at the front end of the VR process.
 - Benefits counseling will be part of education transition services for the coming school year
 - After years of having benefits counseling as a waiver service in both CHC and ODP, few if any of these services have been authorized or provided. A survey should be given to SCs to determine if and to what extent they are aware that this service is available to waiver participants, and if they are what barriers still exist as to why this service is not being utilized.
8. That the General Assembly mandates the Pennsylvania Department of Education to require each school district to have a full-time dedicated and highly qualified and/or credentialed Transition Coordinator to support employment.
 9. That the Governor's Policy office in collaboration with OA and OVR convene a workgroup that includes external disability experts in the employment of people with disabilities and accessibility to review with a 6-month deadline. OA's existing: job classifications and job descriptions, recruitment communications/outreach, application process, testing/qualification determination process, applicant tracking, interview process, hiring/candidate selection, short-term onboarding, continuous support, reasonable accommodations, welcoming and functional workplace, and retention. After a comprehensive review, the panel of experts should develop recommendations on how to improve these processes and procedures to honor goals and objectives outlined in the ACT36 OF 2018 Employment First statute.
 - The Governor's Office of Administration has initiated a process that will undertake many of these activities. External disability stakeholders and experts should be brought in to advise as this process moves forward and not afterward.
 10. That the Administration develops a strategy to increase the labor participation rate for people with disabilities in Pennsylvania. And, that the PA Department of Labor and Industry track and publish the labor participation rate for Pennsylvanians with disabilities along with employment data for other Pennsylvania cohorts.
 - According to L&I, this can be challenging to develop at the state level because it is based on small sample sizes; the state does not publish because the data can be volatile.
 - EFOC recommends that the state publish the data, either by using national data or showing state data with the qualifiers included in a footnote. Having such data published alongside other mainstream data keeps the issue front and center – if it is never published, then it will be forgotten and not prioritized by policy makers.