



PENNSYLVANIA EMPLOYMENT FIRST **Oversight Commission**



2022 Report to Governor Wolf and the General Assembly

October 1, 2022

"Employment First ...competitive integrated employment is the first consideration and preferred outcome of publicly funded education, training, employment and related services, and long-term services and support for individuals with a disability."

- Act 36 of 2018

I. Introduction	6
A. Act 36 Summary and Purpose.....	6
B. How This Report Fits Into Act 36 Requirements	6
II. The Past Year	6
A. COVID-19 Pandemic.....	6
B. Appointments	7
C. Supported Employment Rates.....	7
D. Innovative Initiatives	8
1. Business Associate in Industry Initiative	8
2. Integrated Vocational Engagement & Support Team (InVEST)	8
3. Employment as a Social Determinant of Health	9
E. State Collaboration.....	9
1. Acknowledgement of Administration Staff who Provide Support to the Commission	9
2. State Agencies Feedback on EFOC Goals/Objectives/Recommendations	9
3. Act 36 of 2018 Applicability to All State Agencies.....	9
4. State Agencies' Assessment of Act 36 of 2018 Compliance	10
F. Governor's Office Report	10
III. Measurable Goals & Objectives	10
A. Employment Goals and Employment Services Authorized.....	10
B. OVR Case Status Definitions.....	16
C. 2380 and 2390 Definitions	19
IV. Recommendations.....	38
A. Recommendation for both Executive Branch and General Assembly.....	38
B. Recommendations for the PA General Assembly	38
C. Recommendations for state agencies in the executive branch: Governor's Office - Cross Agency Recommendations	41

Table of Contents

Page

D. Department of Education Recommendations	43
E. Department of Labor and Industry Recommendations	44
F. Department of Human Services Recommendations	45
V. Appendices	48
A. Act 36 of 2018	48
B. EFOC Resolution on Supported Employment Rates	55
C. PA DHS Secretary Snead Response to EFOC Resolution.....	56
D. Labor Participation and Unemployment Data for People with Disabilities.	57
E. State Agencies' Assessment of Act 36 Compliance	59
F. Governor's January 2022 Update and Progress Annual Report	75
G. Commissioners Names and Biographies	75

Table 1. Number and Percent of Individuals Enrolled with ODP Who Have Competitive-Integrated Employment	11
Table 2. Number of 511 Cases Referred, 2018-2021	14
Table 3. Section 511 Demographic Data (People in Workshops Seeking OVR Assistance in PA FY-2021	18
Table 4. Four Tables of Service Locations Licensed Under 55 Pa. Code Chapter 2390 (licensed Vocational Facilities).....	20
Table 5. Number and Percent of Working-age Individuals with Competitive-Integrated Employment and Number and Percent of Working-age Individuals Receiving Services in Settings Licensed under 55 Pa. Code Chapter 2390 - by County	21
Table 6. PA Organizations with 14c Certificates (or Applications) Under the Fair Labor Standards Act; and, Number of People Paid Subminimum Wage	25
Table 7. Number of People Paid Subminimum Wage	28
Table 8. Number of Students that had employment ‘upon exiting high school’ by type of school.....	29
Table 9. Number of “unique” student participants served	30
Table 10. Number of Unique HCBS Participants Aged 21-64 Enrolled in CHC by MCO in 2021	32
Table 11. Number of Unique HCBS Participants Aged 21-64 Enrolled in CHC by MCO in 2020.....	33
Table 12. Number of People Receiving Employment or Vocational Services Through County/Joinder Mental Health Program for State Fiscal Year 2020-21	36

Table 1. Number and Percent of Individuals Enrolled with ODP Who Have Competitive-Integrated Employment.....	11
Table 2. Number of 511 Cases Referred, 2018-2021	14
Table 3. Section 511 Demographic Data (People in Workshops Seeking OVR Assistance in PA FY-2021.....	18
Table 4. Four Tables of Service Locations Licensed Under 55 Pa. Code Chapter 2390 (licensed Vocational Facilities).....	20
Table 5. Number and Percent of Working-age Individuals with Competitive-Integrated Employment and Number and Percent of Working-age Individuals Receiving Services in Settings Licensed under 55 Pa. Code Chapter 2390 - by County	21
Table 6. PA Organizations with 14c Certificates (or Applications) Under the Fair Labor Standards Act; and Number of People Paid Subminimum Wage	25
Table 7. Number of People Paid Subminimum Wage	28
Table 8. Number of Students that had employment ‘upon exiting high school’ by type of school.....	29
Table 9. Number of “unique” student participants served	30
Table 10. Number of Unique HCBS Participants Aged 21-64 Enrolled in CHC by MCO in 2021	32
Table 11. Number of Unique HCBS Participants Aged 21-64 Enrolled in CHC by MCO in 2020.....	33
Table 12. Number of People Receiving Employment or Vocational Services Through County/Joinder Mental Health Program for State Fiscal Year 2020-21	36

I. Introduction

A. Act 36 Summary and Purpose

In 2018, Governor Wolf signed a bipartisan bill, with unanimous support from the General Assembly, into law. Act 36 of 2018 is known as the Employment First Act [PA Law 229]. The purpose of the Employment First Act (Act 36) is to “ensure that individuals with a disability be given the opportunity to achieve economic independence through jobs that pay competitive wages in community integrated settings.”¹

Act 36 defines Employment First and makes it the official policy of Commonwealth agencies. It addresses several key principles of Employment First regarding access for all Pennsylvanians with disabilities and insists on policy that states:

- 1) Competitive-integrated employment is the preferred outcome for all Pennsylvanians with disabilities receiving most forms of publicly-funded services
- 2) Any state and county agency and entities using public funds (education, training and employment related services, long-term services and supports) is required to make sure that Employment First is effectively implemented, and
- 3) State and county agencies will work together to ensure that resources are managed and allocated efficiently for the support of Employment First.

B. How This Report Fits into Act 36 Requirements

Section 6 of Act 36 creates the Pennsylvania Employment First Oversight Commission (Commission, or EFOC), which consists of mostly executive and some legislative appointees. The Commission is statutorily charged with the following:

- Establishing measurable goals and objectives governing the implementation of the Act
- Tracking the measurable progress of public agencies in implementing the Act, and
- Issuing an annual report that:
 - Details the progress made on each of the measurable goals and objectives during the preceding fiscal year, and
 - Includes recommendations to the Governor and the General Assembly for effective strategies and policies needed to support the implementation of this act.

II. The Past Year

A. COVID-19 Pandemic

The national and state public health emergencies (declared in early March 2020) continued into the twelve-month period covered by this report. In late fall of 2021, the COVID-19 “Delta variant” started to spread and caused case numbers to increase significantly into winter 2021/22. Generally, people who were able to be vaccinated did not experience severe symptoms or death as a result of contracting the virus. Some municipalities and businesses reinstated certain mandatory mitigation steps and restrictions, continuing uncertainty and disruptions in the economy and job market. COVID case numbers started to drop in February 2022, but supply chain disruptions in the economy were cemented, and in ensuing months inflation started to increase rapidly, hitting a 40-year high. In particular, wage inflation impacted business hiring decisions throughout the past 12 months. That said, national data indicates that the labor participation

¹ <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2018&sessInd=0&act=36>

rate and employment-to-population ratio for people with disabilities are both higher compared to the same time 12 months ago.²

B. Appointments

All of the appointments as outlined in Act 36 were filled during the past year with the exception of the one available to the Senate President Pro-Tem (which has yet to be filled since the EFOC was first convened in early 2019). The Commission feels strongly that this seat needs to be filled in order to be able to fulfill the duties as envisioned by the General Assembly when Act 36 was passed. We look forward to an appointment by the Senate President Pro Tem in the very near future.

C. Supported Employment Rates

The Department of Human Services (DHS) published proposed rates early in 2022 for services covered through its Office of Developmental Programs (ODP). The increase for Supported Employment services was 0.9%. Supported Employment is the primary service offered through ODP's Medicaid Home and Community-Based Service Waivers that helps people with intellectual disabilities and autism in getting and keeping competitive integrated employment (CIE). This was the first rate increase for Supported Employment since 2017. ODP's 6100 regulations do not require annual rate increases to keep up with inflation; rather, the regulations only require ODP to consider increases once every 3 years. So, it is conceivable that Supported Employment will not get another increase for 3 years (1 2025) at the earliest. That is 8 years Supported Employment service providers would have to live with a rate that only saw a 0.9% increase during that time.

Act 36 of 2018 established "employment first" as the commonwealth's policy, and Act 36 is clear that the state is required to provide financial incentives to promote competitive integrated employment if permitted by federal law. Members of the EFOC were concerned with the less-than-one-percent rate increase proposed by ODP, which is why it passed a resolution asking the DHS Secretary to revisit Supported Employment services rates before finalizing them (see resolution in appendices section).

On March 1, Acting Secretary of Human Services Meg Snead responded to the EFOC with a letter (see letter in appendices section), indicating that DHS would not increase the Supported Employment service rate and that the Medicaid waiver approved by the federal government did not provide for financial incentives. In fact, ODP establishes rates by using an external financial consultant that considers what they believe to be relevant data for purposes of establishing rates for services for which the state reimburses. In this case, DHS uses a company called Mercer. After Mercer enters what they believe are data, they come up with a range – a low end range and a high-end range of what the data would support. In other words, Mercer gives ODP the lowest possible rate the data would support, and they give ODP the highest possible rate the data would support. It is then a policy decision by ODP to pick a rate in between the low and high ends of the range.

A "Right To Know Act" request was submitted requesting from DHS all documents and information that informed ODP's policy decision to give Supported Employment services only a 0.9% rate increase. The state complied with the request. Included was the rate range provided by Mercer to ODP for Supported Employment services. According to the Mercer document, the data would have supported a policy decision by DHS (allowable under the existing approved Medicaid waiver) to increase Supported Employment service rates by as much as 36 percent. Instead, DHS chose a 0.9% increase as a matter of policy. The EFOC is not necessarily saying that Supported Employment service rates should have increased by 36%, but

² <https://kesslerfoundation.org/press-release/ntide-july-2022-jobs-report-employment-remains-high-people-disabilities-despite-july>

DHS had the policy-making authority to raise them significantly more than 0.9%. Employment service providers have shared with the Commission that a 36% rate increase – even a 10% rate increase – would have been considered a financial incentive”. A less-than-one-percent increase is clearly not a financial incentive to providers to deliver the services necessary to achieve CIE - indeed, it’s a disincentive. The EFOC believes the PA DHS failed to honor the letter and spirit of Act 36 of 2018 with its less-than-one percent rate increase over a period of 5 years and by failing to modify the rate after the Commission adopted a resolution requesting the Secretary of Human Services reconsider in light of the policy established by the legislature in the Employment First Act.

D. Innovative Initiatives

1. Business Associate in Industry Initiative

The PA Office of Developmental Programs (ODP) directed a portion of American Rescue Plan (ARPA) funding toward an innovative concept it called “Business Associate in Industry” (associate) that would assist more people with disabilities being hired in competitive-integrated employment (CIE). ODP permitted providers to request funds for this initiative and staff training initiatives equaling up to 1% of ODP-eligible service revenue or \$100,000, whichever was greater. As ODP described it, an associate is an embedded staff person within a typical community business whose role is to assist with hiring practices and supporting people with disabilities in the workplace. The associate is typically an employment specialist on a provider agency’s payroll but works on-site at the business. The associate provides training and technical assistance to human resources (HR) and other employees at the business in which it is embedded on the following: hiring practices, including job specification/description/posting language, methods of recruitment, application and interviewing practices, and onboarding practices; supporting or arranging supports for people with disabilities in the workforce; providing disability awareness training to the company’s workforce; being an in-house expert/resource to the business on all publicly-available programs (e.g., vocational rehabilitation), funding streams, and tax and other incentives for hiring and supporting people with disabilities; and workplace accommodations. The expected outcome for the business associate is an increase in the number of individuals with disabilities hired and retained in competitive-integrated jobs by the business, as well as permanent changes in the business’s HR policies and practices that reduce barriers for future applicants with disabilities to secure employment with the company. ODP is only providing one year of funding for the initiative, causing concern that few if any providers will apply for the funds since there are costs in the out years. Nevertheless, ODP is to be commended for directing some of its ARPA funds toward a new idea that can help to create permanent, positive change within the private sector when it comes to assisting qualified talent with disabilities get and keep CIE jobs. During the coming year, the Commission hopes to learn of any positive results from the initiative and if ODP will be able to direct funds to the initiative annually in hopes of increasing interest among employment service providers.

2. Integrated Vocational Engagement & Support Team (InVEST)

The Office of Vocational Rehabilitation (OVR), in close collaboration with the Office of Developmental Programs (ODP), applied for and was recently awarded a 5-year \$13.9 million grant through the federal Rehabilitation Services Administration’s Disability Innovation Fund – *Subminimum Wage to Competitive Integrated Employment Innovative Model Demonstration Project*. The application proposed a three-component model for assisting individuals moving from subminimum wage (SMW) to competitive, integrated employment (CIE) or encouraging those considering SMW employment toward CIE:

- i. CIE Engagement, including education, strategies, and supports to alleviate concerns around loss of benefits, safety, and logistics outside of a sheltered environment;
- ii. CIE Supports for both the participants pursuing CIE and the employer, including an embedded employer liaison; and
- iii. CIE Service/Resource Coordination, for the participant who achieves CIE this involves a resource team to identify and respond to employment-related needs.

The commission commends OVR for pursuing this federal innovation grant and looks forward to learning more about this recently unveiled initiative and hear about the progress made during the upcoming year.

3. Employment as a Social Determinant of Health

Through the utilization of American Rescue Plan Act (ARPA) funding, the Office of Long-Term Living (OLTL) allocated \$40 million dollars for home and community-based services (HCBS) providers to apply for funding of up to \$40,000 to enhance, expand, or strengthen their HCBS initiatives. The funding opportunity is focused on supplementing activities in a manner that improves and strengthens the quality of HCBS. Eligible providers, which includes employment and employment-related service providers, must utilize the funds to enhance the quality of services they deliver by addressing social determinants of health (e.g., employment), development or enhancement of trainings, purchase of remote technology, or purchase and implementation of new software or technology.

E. State Collaboration

1. Acknowledgement of Administration Staff who Provide Support to the Commission

The Commission would like to acknowledge and thank the staff in the Governor's Policy Office who have supported the work of the Commission over the past year by providing assistance with Commission data requests, coordinating Commission meeting attendance from the state agencies involved in disability employment. They have also supported: printing and distributing this report, and scheduling Commission meetings (and all that goes along with it, which includes arranging CART [real time captioning] service, meeting venues, publishing meeting notices as required by law, etc. The Commission would like to thank Tara Williams and Mary Dougherty in the Governor's Office; and, while too numerous to mention, thanks and appreciation go to everyone in the several state agencies who have been involved with the Commission and supported its work and purpose.

2. State Agencies Feedback on EFOC Goals/Objectives/Recommendations

The Commission initiated discussions with the Governor's Office to request that the administration share its views and positions on the Commission's several goals, objectives and recommendations as published in its annual report. During late spring, a series of calls and video meetings were held between a committee of the Commission and representatives of the administration. The feedback was helpful, and it was considered during the development of this October 2022 report.

3. Act 36 of 2018 Applicability to All State Agencies

A plain reading of the Act indicates that policy established via the Act is applicable to all state agencies. Section 4.a of the Act reads as follows: *"Employment First. Policy. --It shall be the policy of the Commonwealth that competitive integrated employment shall be the preferred outcome for all individuals with a disability eligible to work under Federal or State law, regardless of severity of disability and assistance required, and work-based learning experiences for all youth with a disability in collaboration with the Department of Labor and Industry. Employment services and opportunities must be offered to all*

individuals with a disability receiving publicly funded services, regardless of whether they live in their own home or in a residential setting.” Close involvement of several of the state agencies that have a direct programmatic role in disability employment (e.g., OVR, ODP, OLTL, OMHSAS, BSE, and OA) has occurred during the first four years of the Commission and is appreciated, and several additional agencies have been noted to participate in the quarterly meetings of the Governor’s Cabinet for People with Disabilities. Yet, the Commission understands Act 36 not to be limited to just those agencies. Rather, the Act is applicable to all state agencies as it establishes policy for all individuals with a disability eligible to work under state and federal law. Despite this belief, the Commission has not yet figured out how to get all state agencies to pay attention to Act 36 of 2018, including state agencies not under the Governor’s jurisdiction. It is the Commission’s understanding that some agencies other than those mentioned have participated in the quarterly meetings of the Governor’s Cabinet for People with Disabilities, but it is unclear to the Commission at this point what actions are being taken by those agencies around employment first. Additional time and effort will need to be put into this issue so that the intent and promise of Act 36 can be fully realized.

4. State Agencies’ Assessment of Act 36 of 2018 Compliance

The Commission requested from the Governor’s Office that it coordinate with the several state agencies to complete an assessment of each of the requirements in Act 36 to indicate whether and how each requirement is being implemented. That was completed and provided to the Commission in May 2022 (see Appendix). The EFOC will review this document in the fall of 2022 and work with the administration to ensure compliance.

F. Governor’s Office Report

In Section Four (specifically subsections f, g, i & j) of the Act, the Office of the Governor is required to develop an initial three-year plan to implement Employment First and submit it to the General Assembly. The plan is to identify specific policies and implementation dates for State agency compliance with the Act. This section of the Act also requires the Office of the Governor to submit an annual report to the General Assembly, and it should include:

- Clear outcome expectations for employment that include annual baseline employment data and specific percentage goals for individuals with a disability gaining competitive integrated employment developed by State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for individuals with a disability
- An assessment of progress toward meeting these goals annually, and
- Documentation of continued and improved State agency compliance with the Act.

During the past year, the Governor’s Office issued their annual report in January 2022. That report is included as an appendix.

III. Measurable Goals & Objectives

A. Employment Goals and Employment Services Authorized

1. By 2022, 30% of working age individuals (ages 18-64) who are on an Intellectual Disability/Autism waiver (enrolled with ODP) will have Competitive Integrated Employment.

This goal has existed for the four years of the Commission. Unfortunately, the goal of reaching 30% by 2022 was not met. The results of government actions to combat the COVID-19 pandemic, as well as health and safety concerns of individuals with disabilities during the pandemic, likely contributed to a lowering of the percentage during the ‘20 and ‘21 time period. With the efficacy of the vaccines and

rescission of government restrictions, economic activity and employment numbers have returned to the pre-COVID era. The Commission believes that the Office of Developmental Programs has made positive strides on many of its policies to promote employment as the first consideration and preferred outcome of its services. Yet, no one should be satisfied with the current level of competitive-integrated employment outcomes. In its next report, the Commission will update this measurable goal, most likely to an annual percentage increase (e.g., a target annual increase of 3% for the next five years). Table 1 below shows the number and percent of individuals enrolled with ODP who have competitive-integrated employment, from 2017 to 2021.

Table 1. Number and Percent of Individuals Enrolled with ODP Who Have Competitive-Integrated Employment

	Number and Percent of Working Age (18-64) Individuals Enrolled in an ODP Waiver (Consolidated, Community Living, P/FDS, or Adult Autism) that have Competitive Integrated Employment	Number and Percent of Working Age (18-64) Enrolled in Base-funded or SC services only that have Competitive Integrated Employment	Number and Percent of Working Age (18-64) Individuals Enrolled with ODP that have Competitive Integrated Employment³
As of December 31, 2017	3,614 13%	2,083 16%	5,671 14%
As of December 31, 2018	4,159 14%	2,338 19%	6,470 15%
As of December 31, 2019	4,762 15%	2,424 19%	7,136 17%
As of December 31, 2020	4,098 13%	2,190 18%	6,261 14%
As of December 31, 2021	4,890 15%	2,421 20%	7,279 17%

Data source: HCSIS & Individual Monitoring Employment Question #1 – “Is the individual working in a competitive-integrated job?”

³ The number of individuals enrolled in a Waiver and the number of individuals enrolled in base-funded or SC only services may not be equal to the total number of individuals enrolled with ODP since individuals can be enrolled in a Waiver and also receive base-funded services.

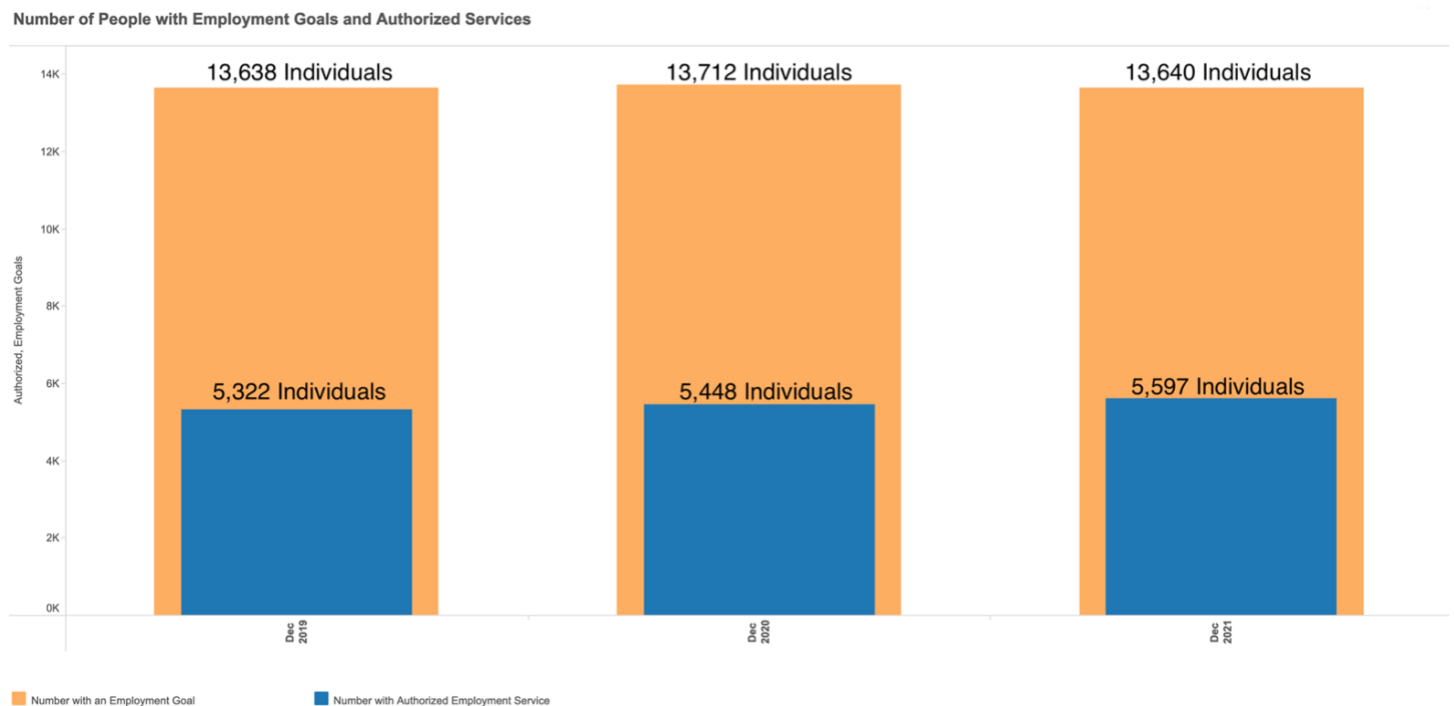
Number of individuals enrolled with ODP, served in the community, ages 18-64 as of December 31, 2021 = 43,609

Total includes individuals served in the Consolidated, Community Living, Person/Family Directed Support (P/FDS), and Adult Autism Waivers as well as those receiving base funding and Supports Coordination-only services

2. By 2022, 3000 more individuals (ID/Autism) who have an employment goal in their ODP Individual Support Plan (ISP) will be receiving employment services.

It is positive that the number of employment services authorized in ISPs for people receiving services through ODP increased. Yet, the Commission raises two concerns. First, the delta is significant between those with an employment goal and those who have employment services authorized. Second, the number of people who are actually receiving employment services is also needed to properly analyze the situation (i.e., services delivered, not just authorized). The Commission had said in its last report it needed such data but neglected to request it specifically. Next year, the Commission needs to better understand and share how the employment as a goal translates to services in the ISP, whether the participant has employment services authorized in their plan, and whether the participant has actually received employment services. Finally, to better evaluate whether a participant's employment goal is being acted upon, employment service authorized and provided is not enough. Data on whether the participant has been referred to the Office of Vocational Rehabilitation or to a Work Incentives Planning & Assistance program should also be known. Figure 1 below shows the number of ODP working-age individuals with an employment goal in their ISP and number of working-age individuals with authorized employment services.

Figure 1. Number of ODP Working-Age Individuals with an Employment Goal in their ISP and Number of Working-Age Individuals with Authorized Employment Services



- Includes individuals ages 18-64 served in the Consolidated, Community Living, Person/Family Directed Support (P/FDS), and Adult Autism Waivers as well as those receiving base funding and SC only services.
- “Authorized Services” includes Advanced Supported Employment, Supported Employment, Career Planning (AAW only), and Small Group Employment
- Some ODP services, such as Small Group Employment and Community Participation Support prevocational services, require the individual to have an employment outcome in their ISP in order to receive the service.
- Data source: HCSIS. Supports Coordinators have been instructed to use the following guidance: “Does this consumer have employment goals? Y or N (Goals could be whether the individual would like to: explore competitive integrated employment, increase or decrease hours of current employment, change jobs, career advancement, etc.)

3. (Changed language from last year). Within one year, 100% of all referrals to the Office of Vocational Rehabilitation (OVR) through Pennsylvania’s 511 efforts⁴ (persons requesting to leave sheltered workshops) will either achieve Competitive Integrated Employment (CIE), have an OVR Individualized Plan for Employment (IPE) in place with employment services authorized and being delivered, have an Individualized Support Plan through the Office of Developmental Programs (ODP) or Community HealthChoices with employment as a goal and employment services authorized and being delivered, or have been referred to a Work Incentives Planning and Assistance (WIPA) for benefits counseling.

This goal in the previous three years’ reports was for 100% of 511 referrals to achieve CIE within one year. After discussions with the administration, the Commission believes 100% is unrealistic due to several factors. Instead, the Commission believes that CIE is one outcome that can be achieved during a year but other actions within a year could also show acceptable progress.

Based on the aggregate data provided, the number of people who expressed interest in CIE via the 511 program went up from 135 to 314. This could be a result of sheltered workshops returning to full or partial capacity following the government restrictions due to the COVID-19 pandemic. While the increased number requesting more information about CIE is very positive, the outcomes data of those expressing interest necessitates further discussion.

Specifically, nearly two-thirds (197 out of 314) had their case closed due to “closed, ineligible”, “pre-application closure”, or “closed unsuccessfully before services.” This means that 63% of the time, someone in a sheltered workshop who expressed to OVR that they were interested in CIE had their cases closed before receiving any help from OVR or (likely) any system for that matter. The Commission believes more explanation is needed from OVR to help explain why so many individuals fell into these categories. Some immediate questions are the following:

- Who makes a pre-application closure determination?
- Regarding referrals, to whom are the persons being referred?
- Why are so many people being determined ineligible? What are the reasons?
- Were any of the “referrals” or “closures” referred to other systems, like ODP or Community HealthChoices where they can receive a full array of employment services paid via Medicaid waivers?

⁴ Section 511 of the Workforce Innovation and Opportunity Act Requires state Vocational Rehabilitation Offices to visit sheltered workshops and provide information to participants about competitive-integrated employment services and opportunities. <https://www2.ed.gov/about/offices/list/osers/rsa/publications/csavr-2016-section-511-subminimum-wage.pdf>

Finally, during 2022, the Commission requested that the 511 data be broken down and shown in Table 2 below by:

- County and by OVR district office. This was not provided - all that was provided was a list of counties that had a 511 referral. Rather, the Commission wants to see what is happening to 511 referrals and if there are disparities that can be determined based on their county services and/or by the OVR district office they are in.
- Race/ethnicity, gender, gender identity, and English as second language to determine if there are any disparities in how people are being served. OVR provided aggregate customer data by race/ethnicity and gender (see Section 511 Demographic Data, below) but was not able to provide additional breakdowns as requested. This information would be helpful for additional insight into equitable use of services.
- Outcomes and statuses; e.g., include those with an OVR Individualized Plan for Employment with active services or an ODP or CHC ISP with employment as a goal and employment services authorized. And, for each of these statuses/outcomes, the Commission requested that they be broken down by living situation of the person (e.g., living in a licensed community home, their own home, or with their family); i.e., show the living situation for each in CIE, IPE, ODP ISP or CHC ISP. Unfortunately, these data were not provided to the Commission.

Table 2. Number of 511 Cases Referred, 2018-2021

511 Case Referral Outcomes					
Most Recent SFY 2020 Status	Status Definition	Number of Cases SFY2018	Number of Cases SFY2019	Number of Cases SFY2020	Number of Cases SFY2021
-2	Pre-Application Closure	14	7	18	78
-1	Pre-Application	0	0	16	5
00	Referral	0	0	34	27
02	Applicant	0	0	4	12
06	Trial Work Experience	3	3	1	17
08	Closed, Ineligible	252	155	57	119
10	Acceptance	0	0	0	10

11	Waiting for Services	0	0	2	0
14	Counseling & Guidance	7	4	2	11
16	Physical & Mental Restoration	0	0	0	1
17	Training - High School	0	0	0	0
18	Training	23	22	0	24
20	Ready for Employment	1	1	0	0
22	In Employment	0	0	0	1
26	Closed, Rehabilitated	37	40	0	1
28	Closed Unsuccessfully After Services	91	132	0	6
30	Closed Unsuccessfully Before Services	18	17	1	1
32	Post-Employment Services	0	0	0	0
34	Post-Employment Closure	2	0	0	0
39	Training - College Bachelor's Degree	1	0	0	0
BBVS - S	Closed Successfully	3	2	0	1
BBVS - U	Closed Unsuccessfully	3	1	0	0
TOTAL		455	384	135	314

B. OVR Case Status Definitions

-01 Pre-application. An incomplete application for VR services that can be completed by OVR staff users or citizen users through PA CareerLink. Captures initial customer information in the following areas: personal, education, disability, employment, household, medical and other agency involvement. The form also contains a voter registration option.

-02 Pre-application Closed. A pre-application form that is manually closed by OVR staff in CWDS if the participant no longer applies for VR services. Pre-applications are also closed from status -01 if they are inactive after a period of 90 days.

00 Referral. Assigning a Primary Case Manager to a participant with an incomplete or complete pre-application moves the case into Referral status in CWDS.

02 Applicant. As soon as an individual signs the OVR-11, Rights & Responsibilities form requesting VR services, he or she is placed into status 02 and is designated as an applicant. While in 02, sufficient information is developed to make a determination of eligibility (status 10) or ineligibility for VR services (08), or a decision is made to place the individual into a Trial Work Experience (06) prior to making this determination.

06 Trial Work Experience. The VRC has certified how a customer's disabilities result in a substantial impediment to employment, and there is a need to provide services to help determine if the individual can benefit from VR services in terms of an employment outcome. Applicants leaving this status will be moved to status 10 (eligible) or closed from 08 (ineligible) within the 18-month period allowed to complete the eligibility determination.

07 Pending Eligibility Review. A Certificate of Eligibility and Order of Selection Form that has been completed by a VRC Trainee will advance to status 07 pending review and signature from their VR Supervisor.

08 Closed, Ineligible. This status is used to identify persons determined ineligible or who are otherwise not accepted for VR services, whether closed from referral status (00), applicant status (02), or extended evaluation (06).

10 Acceptance. The VRC has certified how the disabilities result in a substantial impediment to employment, and that the individual can benefit from VR services in terms of an employment outcome. The IPE has not been completed. While in this status, an assessment of the rehabilitation needs of the individual is completed to provide a basis for the formulation of the IPE. The individual remains in this status until the IPE is written and approved.

11 Waiting for Services. Participants are placed into status 11 when they have been determined to meet an impediment level that is currently not being served on the Order of Selection. Impediment levels include Most Significant Disability, Significant Disability and Non-Significant Disability.

12 Individual Plan for Employment (IPE) Completed. An IPE is complete, having been jointly developed by the VRC and customer to address those vocational issues identified as substantial impediments to employment, but services have not yet been initiated.

14 Counseling & Guidance. The IPE has started, and the only major service required to prepare the customer for employment is counseling and guidance.

16 Physical & Mental Restoration. The IPE has started, and the primary service is physical or mental restoration. Customers receiving any type of physical or mental restoration service(s) (e.g., surgery, psychiatric

treatment, being fitted with an artificial appliance, etc.) are placed into this status until services are completed or terminated.

17 Training - High School. The IPE has started, and the primary service is secondary (high school) training.

18 Training. The IPE has started, and the primary service is job coaching.

19 Training – College Certificate. The IPE has started, and the primary service is post-secondary training leading to a certificate.

20 Ready for Employment. A case is placed into this status when the customer has completed preparation for employment and is ready to accept a job, or has been placed into, but has not yet begun, employment.

22 In Employment. The individual's employment has started. The customer must be observed in this status for a minimum of 90 days before the case can be closed rehabilitated (status 26).

24 Services Interrupted. A VR case may be placed in this status when rehabilitation action is suspended temporarily but is expected to resume within six months or less. Cases may move into this status from statuses 14-22.

26 Closed, Rehabilitated. Successful case closure. A case is closed as a successful rehabilitation when substantial services have been provided and the customer has returned to work without interruption for 90 days or more. Cases closed as rehabilitated must, as a minimum, (1) have been declared eligible for services, (2) have received appropriate diagnostic and related services, (3) have had a program for VR services formulated, (4) have completed the program, (5) have been provided counseling and guidance, and (6) have been determined to be suitably employed in competitive, integrated employment for a minimum of 90 days.

28 Unsuccessful After IPE. Closed as not rehabilitated after the IPE has started (at least one IPE service was provided). Cases closed into this category from statuses 14 through 24 must have met criteria (1), (2) and (3) above, and at least one of the services provided for by the IPE must have initiated, but, for some reason, one or more of criteria (4), (5) and (6) above were not met.

29 Training – Associate Degree. The IPE has started, and the primary service is post-secondary training leading to an associate degree.

30 Unsuccessful Before IPE. Cases placed into status 30 are those which, although accepted for VR services, did not progress to the point that rehabilitation services were actually initiated under an IPE (closures from statuses 10, 11 and 12).

32 Post-Employment Services. A post-employment IPE is developed to maintain or regain employment after a rehabilitated closure (26).

34 Post-Employment Closure. Closure code used when a customer exits the program from post-employment services.

39 Training – College Bachelor's Degree. The IPE has started, and the primary service is post-secondary training leading to a bachelor's degree or higher.

Table 3 below shows the percentages of people in workshops seeking OVR assistance for the state fiscal year 2021.

Table 3. Section 511 Demographic Data (People in Workshops Seeking OVR Assistance in PA FY-2021)

Race	
Asian	0.3%
Black	10.9%
Multiracial	0.9%
Not Reported	18.5%
White	69.4%
Native American	0.0%
Native Hawaiian or Pacific Islander	0.0%
Total	100.0%
Ethnicity	
Non-Hispanic/Latino	75.2%
Do not wish to disclose	20.9%
Hispanic/Latino	3.9%
Total	100.0%
Gender	
Female	43.9%
Male	55.5%
Non-binary	0.3%
Not Reported	0.3%

Total	100.0%
English Language Learners - No English Language Learners were reported	

4. **Annually decrease segregated employment by a minimum of 10%. Map by county, the total number of individuals served by state and local dollars in competitive-integrated employment services versus number of individuals receiving services in a facility with a 14c certificate funded by state and local dollars.**

In the last few years, the Commission realized that the data it requested did not accurately count the number of people who are in segregated sheltered workshops receiving subminimum wages and therefore failed to successfully measure this goal. Simply having the number of licensed vocational facilities that may pay subminimum wages (2390s), and the number and percent of ODP waiver participants receiving prevocational services does not tell the full story. For example, in "Erie County ", the data shows zero 2390s in Erie County and zero people receiving prevocational services. At the same time, the Commission knows there are 14c certificate holders in Erie County and there are people in Erie County being paid subminimum wage in a licensed facility supported with ODP waiver or county base funding. The Commission requested that in 2022 the data would need to be expanded to include licensed 2380 Adult Training Facilities and include any ODP-funded service in either a 2380 or 2390 that supports a person in an activity that pays subminimum wage. The Commission was given the following explanation regarding data collection on this item:

"ODP does not collect wage data, including information on who is receiving subminimum wage. This is a casualty of the deficiencies that were identified in the DHS data sharing agreement with OVR, as mentioned at the last meeting. DHS believes the underlying issue is resolved and has updated the agreement, but making this process work in order to identify sub-minimum wage workers in 2380s will take some time and will not be available for the EFOC report deadline."

C. 2380 and 2390 Definitions

Adult training facility or facility (2380)—A building or portion of a building in which services are provided to four or more individuals, who are 59 years of age or younger and who do not have a dementia-related disease as a primary diagnosis, for part of a 24-hour day, excluding care provided by relatives. Services include the provision of functional activities, assistance in meeting personal needs and assistance in performing basic daily activities.⁵

Vocational facility (2390)—A premise in which rehabilitative, habilitative or handicapped employment or employment training is provided to one or more disabled clients for part of a 24-hour day.⁶

The Commission believes that ODP should know how many people are getting ODP-funded services that support a person in a subminimum wage activity, and that ODP should have this information by location (e.g., licensed 2380 facilities, licensed 2390 facilities, or any other location). There are 147 license holders for 2390 Vocational Facilities and there are 457 license holders for 2380 Adult Training Facilities in Pennsylvania.⁷ The Commission requests that this data be collected and provided to the Commission next year because the potential is so large for people to be receiving subminimum wage compensation in a 2380 given the large number of them in Pennsylvania.

⁵ <https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/chapter2380/s2380.3.html&d=>

⁶ <https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/chapter2390/s2390.5.html&d=>

⁷ [https://www.dhs.pa.gov/coronavirus/Documents/Licensed%20Chapter%202380%20Programs%20_March17%20\(1\).pdf](https://www.dhs.pa.gov/coronavirus/Documents/Licensed%20Chapter%202380%20Programs%20_March17%20(1).pdf)

In addition, starting in 2023, the Commission will likely change this measurable goal to show the data not just by county but also by the Supports Coordination Organization (SCO) authorizing the service and by OVR District Office in which the person lives. Having this information is vitally important so that outcomes can be seen and further analyzed to determine if disparities can be identified simply by which SCO is handling a person's ISP and/or by which OVR District Office a person is required to work with before getting ODP-funded employment services.

The Commission also believes that data showing people being paid subminimum wage should be shown by the person's living arrangement (e.g., licensed community "group" home, their own home, or living with a family member, etc.). The Commission is interested in seeing if there are disparities in subminimum wage activities versus CIE based on a person's living arrangement so it can make policy recommendations accordingly.

In Table 4 below, the Commission shows the data that were provided, but additional data is required for a more complete understanding.

Table 4. Four Tables of Service Locations Licensed Under 55 Pa. Code Chapter 2390 (licensed Vocational Facilities)

<u>Central Region</u>		<u>Northeast Region</u>		<u>Southeast Region</u>		<u>Western Region</u>	
<u>Adams</u>	<u>1</u>	<u>Berks</u>	<u>2</u>	<u>Bucks</u>	<u>8</u>	<u>Allegheny</u>	<u>10</u>
<u>Blair</u>	<u>1</u>	<u>Lackawanna</u>	<u>1</u>	<u>Chester</u>	<u>13</u>	<u>Armstrong</u>	<u>1</u>
<u>Cambria</u>	<u>4</u>	<u>Lehigh</u>	<u>3</u>	<u>Delaware</u>	<u>6</u>	<u>Beaver</u>	<u>1</u>
<u>Centre</u>	<u>1</u>	<u>Luzerne</u>	<u>5</u>	<u>Montgomery</u>	<u>14</u>	<u>Butler</u>	<u>1</u>
<u>Columbia</u>	<u>1</u>	<u>Monroe</u>	<u>1</u>	<u>Philadelphia</u>	<u>12</u>	<u>Clearfield</u>	<u>1</u>
<u>Cumberland</u>	<u>2</u>	<u>Northampton</u>	<u>2</u>	<u>Total</u>	<u>53</u>	<u>Crawford</u>	<u>1</u>
<u>Dauphin</u>	<u>2</u>	<u>Pike</u>	<u>1</u>			<u>Elk</u>	<u>2</u>
<u>Franklin</u>	<u>2</u>	<u>Schuylkill</u>	<u>6</u>			<u>Greene</u>	<u>2</u>
<u>Huntingdon</u>	<u>1</u>	<u>Tioga</u>	<u>3</u>			<u>Indiana</u>	<u>1</u>
<u>Juniata</u>	<u>1</u>	<u>Wayne</u>	<u>1</u>			<u>Jefferson</u>	<u>1</u>
<u>Lancaster</u>	<u>7</u>	<u>Wyoming</u>	<u>1</u>			<u>Lawrence</u>	<u>3</u>

<u>Lebanon</u>	<u>1</u>
<u>Mifflin</u>	<u>2</u>
<u>Northumberland</u>	<u>1</u>
<u>York</u>	<u>2</u>
<u>Total</u>	<u>29</u>

<u>Total</u>	<u>26</u>
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<u>McKean</u>	<u>1</u>
<u>Mercer</u>	<u>2</u>
<u>Venango</u>	<u>1</u>
<u>Warren</u>	<u>0</u>
<u>Westmoreland</u>	<u>9</u>
<u>Total</u>	<u>37</u>

Statewide = 145 (an increase of 3 from 2020)

Data Source: ODP Data Compiled for EFOC July 2022 (These facilities in use as of July 2022)

Table 5 below describes the number and percent of working-age individuals with competitive-integrated employment and number and percentages of working-age individuals receiving services in settings licensed under 55 PA. Code chapter 2390, by county.

Table 5. Number and Percent of Working-age Individuals with Competitive-Integrated Employment and Number and Percent of Working-age Individuals Receiving Services in Settings Licensed under 55 Pa. Code Chapter 2390 - by County

County/ Joinder	Number of Individuals Enrolled with ODP December 31, 2020	Number of Individuals Enrolled with ODP December 31, 2021	Number of Individuals that received CPS prevoc services 2020	Percent age of Individuals that received CPS prevoc services 2020	Number of Individuals that received CPS prevoc services 2021	Percent age of Individuals that received CPS prevoc services 2021	Number of Individuals with Competitive Integrated Employment December 31, 2020	Percent age of Individuals with Competitive Integrated Employment December 31, 2020	Number of Individuals with Competitive Integrated Employment December 31, 2021	Percent age of Individuals with Competitive Integrated Employment December 31, 2021
Allegheny	4,731	4,803	275	5.8%	281	5.9%	726	15.3%	874	18.2%

Armstrong/ Indiana	561	560	85	15.2%	75	13.4%	41	7.3%	52	9.3%
Beaver	595	608	80	13.4%	74	12.2%	89	15.0%	95	15.6 %
Bedford/ Somerset	482	486	13	2.7%	16	3.3%	49	10.2%	63	13.0 %
Berks	1,386	1,395	16	1.2%	19	1.4%	187	13.5%	233	16.7 %
Blair	556	561	42	7.6%	43	7.7%	71	12.8%	85	15.2 %
Bradford/ Sullivan	340	335	0	0.0%	0	0.0%	39	11.5%	40	11.9 %
Bucks	1,719	1,755	172	10.0%	261	14.9%	315	18.3%	353	20.1 %
Butler	586	590	43	7.3%	56	9.5%	100	17.1%	108	18.3 %
Cambria	472	463	88	18.6%	98	21.2%	33	7.0%	47	10.2 %
Cameron/Elk	115	114	19	16.5%	18	15.8%	20	17.4%	18	15.8 %
Carbon/ Monroe /Pike	919	915	31	3.4%	41	4.5%	100	10.9%	102	11.1 %
Centre	367	353	31	8.4%	30	8.5%	78	21.3%	95	26.9 %
Chester	1,413	1,472	106	7.5%	176	12.0%	263	18.6%	347	23.6 %
Clarion	183	180	**	**	0	0.0%	**	**	23	12.8 %
Clearfield/ Jefferson	397	394	27	6.8%	27	6.9%	58	14.6%	58	14.7 %
Columbia/ Montour/ Snyder/Union	564	568	18	3.2%	21	3.7%	96	17.0%	114	20.1 %
Crawford	374	381	71	19.0%	71	18.6%	45	12.0%	55	14.4 %

Cumberland/ Perry	798	816	78	9.8%	85	10.4%	173	21.7%	170	20.8 %
Dauphin	1,001	998	37	3.7%	38	3.8%	205	20.5%	242	24.2 %
Delaware	1,755	1,747	45	2.6%	47	2.7%	285	16.2%	355	20.3 %
Erie	1,917	1,956	0	0.0%	0	0.0%	283	14.8%	329	16.8 %
Fayette	453	444	**	**	**	**	48	10.6%	54	12.2 %
Forest/ Warren	155	157	**	**	**	**	13	8.4%	12	7.6%
Franklin/ Fulton	494	485	68	13.8%	84	17.3%	47	9.5%	54	11.1 %
Greene	93	97	**	**	19	19.6%	**	**	**	**
Huntingdon/ Mifflin/ Juniata	443	455	54	12.2%	51	11.2%	54	12.2%	66	14.5 %
Lackawanna/ Susquehanna	886	909	64	7.2%	78	8.6%	90	10.2%	97	10.7 %
Lancaster	1,419	1,443	118	8.3%	32	2.2%	244	17.2%	282	19.5 %
Lawrence	369	363	83	22.5%	84	23.1%	53	14.4%	64	17.6 %
Lebanon	409	425	26	6.4%	**	**	115	28.1%	121	28.5 %
Lehigh	1,145	1,169	101	8.8%	109	9.3%	153	13.4%	199	17.0 %
Luzerne/ Wyoming	1,296	1,288	93	7.2%	63	4.9%	147	11.3%	165	12.8 %
Lycoming/Cli nton	531	526	0	0.0%	0	0.0%	72	13.6%	71	13.5 %
McKean	219	217	**	**	0	0.0%	11	5.0%	16	7.4%
Mercer	466	466	78	16.7%	92	19.7%	59	12.7%	65	13.9 %

Montgomery	2,510	2,600	219	8.7%	281	10.8%	412	16.4%	494	19.0%
Northampton	800	825	71	8.9%	69	8.4%	111	13.9%	130	15.8%
Northumberland	402	388	31	7.7%	29	7.5%	68	16.9%	77	19.8%
Philadelphia	5,827	5,781	152	2.6%	310	5.4%	693	11.9%	761	13.2%
Potter	43	43	0	0.0%	0	0.0%	**	**	12	27.9%
Schuylkill	497	496	38	7.6%	62	12.5%	46	9.3%	60	12.1%
Tioga	159	163	47	29.6%	45	27.6%	21	13.2%	27	16.6%
Venango	220	222	28	12.7%	**	**	27	12.3%	26	11.7%
Washington	493	507	18	3.7%	21	4.1%	75	15.2%	70	13.8%
Wayne	188	188	0	0.0%	**	**	33	17.6%	40	21.3%
Westmoreland	1,107	1,132	215	19.4%	181	16.0%	166	15.0%	203	17.9%
York/Adams	1,418	1,408	46	3.2%	82	5.8%	234	16.5%	248	17.6%
Statewide	43,273	43,647⁸	2,844	6.6%	3,184	7.3%	6,269	14.5%	7,279	16.7%

****Numbers less than 11 have been suppressed to protect the confidentiality of the individuals served.**

- Data above includes working age (18-64) individuals in the Consolidated, Community Living, P/FDS, and Autism Waivers as well as those receiving base funding and SC only services
- By county with which they are registered⁹
- Data source for competitive integrated employment: HCSIS; Individual Monitoring Employment Question #1 – “Is the individual working in a competitive-integrated job?” (Point in time as of December 31)

⁸ The number of unique individuals ages 18-64 as of December 31, 2021, was 43,609. Some individuals enrolled in the Adult Autism Waiver may also be registered with the County ID Program for Intellectual Disability/Autism services and therefore would be counted twice in this total.

⁹ Participants in the Adult Autism Waiver are included by residential county since they did not register with a county MH/ID office in order to receive AAW services.

- Data source for CPS prevocational services: PROMISE; at least one paid claim in a CPS setting licensed under 55 Pa. Code Chapter 2390 (relating to Vocational Facilities) between October 1 and December 31

The Number of individuals (all ages) that received CPS prevocational services in a setting licensed under 55 Pa. Code Chapter 2390 at least once between October 1, 2021, and December 31, 2021, is: 3,471 Individuals

Even though additional data is needed to ascertain all publicly-funded services supporting subminimum wage compensation in licensed 2380s and 2390s, the Commission did find data at the federal level that shows how many organizations in Pennsylvania hold 14c certificates and how many people are being paid subminimum wage (below). Next year it will be helpful to know not only which organizations hold 14c certificates and how many people are being paid subminimum wage, but also to what extent ODP's base and waiver dollars are being used to support the people earning subminimum wage (this should include by location, including both 2380s and 2390s and any other setting the Commission is not aware of).

The data in Table 6 below from US DOL shows the Number of People Paid Subminimum Wage by PA Organizations, as of April 1, 2022, by organization and county.

Table 6. PA Organizations with 14c Certificates (or Applications) Under the Fair Labor Standards Act; and Number of People Paid Subminimum Wage

Organization & County	Status	14c Certificate Starting Date	14c Certificate Ending Date	Number of People Paid Subminimum Wages
Occupational Development Center, Lancaster	Issued	10/1/2020	9/30/2022	61
Vision Resource Center of Berks County, Berks	Issued	3/1/2022	2/29/2024	8
Access Services, Inc., Montgomery	Issued	1/1/2021	12/31/2022	38
Allied Services-Scranton Vocational Rehab Center, Lackawanna	Issued	11/1/2020	10/31/2022	100
Associated Production Services, Bucks	Issued	9/1/2020	8/31/2022	501
Barber National Institute, Erie	Issued	1/1/2021	12/31/2022	279
Beaver County Rehabilitation Center, Inc., Beaver	Issued	9/1/2020	8/31/2022	98
Burnley Workshop of the Poconos, Monroe	Issued	10/1/2020	9/30/2022	56
Cambria County Association for the Blind and Handicapped, Cambria	Issued	9/1/2020	8/31/2022	14
Citizen Care, Inc., Allegheny	Issued	11/1/2020	10/31/2022	98
CTC Manufacturing, Inc., Bradford	Issued	8/1/2020	7/31/2022	13
Devereux Foundation, Montgomery	Issued	11/1/2020	10/31/2022	101

Dickinson Center Inc., Elk	Issued	2/1/2022	1/31/2024	9
Dr. Warren E. Smith Health Centers, Inc., Philadelphia	Issued	7/1/2020	6/30/2022	48
Elcam, Inc. Elk	Issued	8/1/2020	7/31/2022	12
Elwyn of Pennsylvania and Delaware, Delaware	Issued	12/1/2020	11/30/2022	328
Ephrata Area Rehab Services, Lancaster	Issued	11/1/2020	10/31/2022	78
Futures Rehabilitation Center, Inc., Bradford	Issued	6/1/2020	5/31/2022	131
Habilitation, Inc., Schuylkill	Issued	8/1/2020	7/31/2022	127
Hanover Adams Rehabilitation & Training Center, Adams	Issued	6/1/2020	5/31/2022	129
Helping Hands, Inc., Berks	Issued	9/1/2020	8/31/2022	17
Human Resources Center, Inc., Wayne	Issued	7/1/2020	6/30/2022	50
ICW Vocational Services, Inc., Indiana	Issued	5/1/2020	4/30/2022	65
Indiana Creek Industries, Montgomery	Issued	8/1/2020	7/31/2022	61
Keystone Community Resources, Inc. Lackawanna	Issued	10/1/2020	9/30/2022	305
Lark Enterprises, Inc., Lawrence	Issued	10/1/2020	9/30/2022	92
LifePath, Inc., Lehigh	Issued	1/1/2021	12/31/2022	24
Life's Work of Western Pennsylvania, Allegheny	Issued	2/1/2022	1/31/2024	84
Lighthouse, Vocational Services, Lancaster	Issued	2/10/2021	10/31/2022	0
Milestone Centers Inc., Allegheny	Issued	12/1/2020	11/30/2022	65
Novice Workshop, Clarks Summit State Hospital, Lackawanna	Issued	9/1/2020	8/31/2022	30
Occupational Services, Inc., Franklin	Issued	12/1/2020	11/30/2022	80
Partners In Progress, Inc., Tioga	Issued	11/1/2020	10/31/2022	42
Path, Inc., Philadelphia	Issued	8/1/2020	7/31/2022	72
Progressive Workshop of Armstrong Co, Inc., Armstrong	Issued	8/1/2020	7/31/2022	75
Prospectus Associates, Inc., Berks	Issued	9/1/2020	8/31/2022	99

Rehabilitation Center & Workshop, Inc., Westmoreland	Issued	2/1/2022	1/31/2024	35
S. Wilson Pollock Center for Industrial Training, Cumberland	Issued	8/1/2020	7/31/2022	76
Skills of Centralized PA, Center	Issued	7/1/2020	6/30/2022	216
South Mountain Workshop, Berks	Issued	8/1/2020	7/31/2022	34
SpArc Services, Philadelphia	Issued	2/1/2022	1/31/2024	67
SUNCOM Industries, Inc., Northumberland	Issued	7/1/2020	6/30/2022	160
The Arc of Butler County, Butler	Issued	9/1/2020	8/31/2022	78
The Arc of Northeastern Pennsylvania, Lackawanna	Issued	11/1/2020	10/31/2022	23
Clelian Center, Westmoreland	Issued	3/1/2022	2/29/2024	64
The Shadowfax Corporation, York	Issued	9/1/2020	8/31/2022	106
Threshold Rehabilitation Services, Inc., Berks	Issued	6/1/2020	5/31/2022	57
Vallonia Industries, Crawford	Issued	12/1/2020	11/30/2022	82
Venango Training & Developmental Center, Venango	Issued	2/1/2022	1/31/2024	34
Via of the Lehigh Valley, Inc., Lehigh	Issued	8/1/2020	7/31/2022	96
Wesley Family Services, Allegheny	Issued	1/1/2022	12/31/2023	64
Westmoreland County Blind Association, Westmoreland	Issued	3/1/2022	2/29/2024	76
Warren State Hospital, Warren	Issued	8/1/2020	7/31/2022	27
BARC Developmental Services, Bucks	Pending			
Developmental Enterprises Corporation, Montgomery	Pending			
Handi-Crafters.org, Chester	Pending			
ICW Vocational Services, Inc., Indiana	Pending			
Wood Services, Bucks	Pending			

TOTAL				4685 ¹⁰
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As of April 1, 2022, PA has 58 organizations that have issued or pending 14c certificates. Of these, 2 are business establishments, 2 are hospital/patient programs, and the remainder are Community Rehabilitation Programs. According to these data, at least 4,685 people in PA are being paid subminimum wage compensation.

The data in Table 7 below from US DOL shows the Number of People Paid Subminimum Wage by PA Organizations, as of April 1, 2022, by county.

Table 7. Number of People Paid Subminimum Wage

# By County	Bradford - 144	Cumberland - 76	Lackawanna 458	Northumberland- 160	Wayne - 50
Adams - 129	Bucks* - 501	Delaware - 328	Lancaster - 139	Philadelphia - 187	Westmoreland- 175
Allegheny - 311	Butler - 78	Elk - 21	Lawrence - 92	Schuylkill - 127	York - 106
Armstrong 75	Cambria - 14	Erie - 279	Lehigh - 120	Tioga - 42	* Counties with asterisk & Chester have people not counted due to pending status
Beaver - 98	Center - 216	Franklin - 80	Monroe - 56	Venango - 34	
Berks - 215	Crawford - 82	Indiana* - 65	Montgomery - 200	Warren - 27	

5. By 2022, no student who is being educated in an inclusive setting will transition to a more segregated setting (i.e., from pre-school to school age; school age to middle school; middle school to high school).

Current success in an inclusive setting should indicate opportunity for future success in the community, especially given the right educational program supports.

The Commission recognizes there is publicly available data, but it requires analysis and support from the Department to understand when these transitions to segregation are happening for students. Anecdotally, the Commissioners are aware that parents and/or school teams may push for more segregated settings due to any number of factors. For example, several parents have reported schools claiming they don't have the resources to support a student as they were previously supported and included; parent and school fears about 'safety' as children get older move to new environments with peers (middle/high school); not the right program (i.e., segregating students previously taught in typical peer classroom) moving to Life Skills with all students with disabilities for middle and/or high school. There are a lot of factors to evaluate.

The Commissioners still need clarification on the students that transfer to more segregated Approved Private Schools at these junctures. The Commission understands that families are part of the decision-making process, but it is important to know if adequate resources were used to ensure full participation.

¹⁰ USDOL 14C Certificate Data above do not include individuals in programs with a pending certificate

The Commission is making another request for a report from PDE/BSE for its January 2023 meeting and will make itself available to provide input on information needed. The report should include what the Department is doing to mitigate segregation at these junctures and their action plan for improvement.

6. **By 2022, 20% of all high school graduates (senior year up to age 21) receiving transition services from PDE, OVR and/or ODP will be competitively employed in an integrated setting within 3 months of graduation.**

OVR (in cooperation with PDE) reported in Figure 2 below that in the program year 2021, 1446 unique students entered competitive integrated employment within 3 months of graduation. The total number of students that received transition services from OVR that year was 6,151 (23%).

Figure 2. Numbers of unique students entered competitive integrated employment in 2021, within 3 months of graduation

High School Students with Disabilities Who Entered Competitive Integrated Employment within Three Months of their Graduation			
PY2018	PY2019	PY2020	PY2021
36	96	96	1,446

PDE also provided data and description (below) for the year that showed 13,814 students had employment ‘upon exiting high school’ but does not specify the number of ‘total exiting students’ to measure the percentage. The EFOC will likely need to increase its measurable goal to support continued growth for employment. Going forward, the EFOC will require the annual number of exiting students to make this deduction and will keep both results here as a benchmark in meeting the 20% outcome as reported by OVR and PDE.

PDE provided note and information: Earlier this year, PDE submitted 2019-20 data to OVR for inclusion to meet Act 26 reporting requirements. As such, PDE’s data is included in the OVR data submission to EFOC.

Table 8 below is that same data broken down by LEA type (school district, brick-and-mortar charter school, cyber charter school) as requested by the EFOC.

Table 8. Number of Students that had employment ‘upon exiting high school’ by type of school

	Students age 14+ that have a transition plan as part of their IEP (field 45)	Student (age 14+) participated in a competitive integrated paid work experience (field 73)	Student (age 14+) participated in individual job coaching services funded by the school in a paid work experience (field 74)	Student (age 14+) has an outcome goal of competitive integrated employment (field 75)	Upon exiting high school, the student (age 14+) was employed in a competitive integrated setting (field 76)
School District	100,741	8,541	8,036	67,059	13,292
Charter School	5,819	508	1,351	4,790	312
Cyber School	7,823	338	423	6,825	210
Total	114,383	9,387	9,810	78,674	13,814

PDE is collecting 2021-22 data now and will provide that final data to OVR when the collection is complete. Act 26 does not require OVR to display the PDE data as shown above. PDE will provide the EFOC with a similar table for 2021-22 in a few months that they can use to inform their 2023 Annual Report.

- 7. Each year, the Commonwealth will steadily increase access to competitive-integrated public and private employment for high school students with disabilities with funding and/or support from either OVR or PDE. This can be in the form of a Work-Based Learning Experience or a job with job coaching and/or other supports. First year goal 2000 students; Second year goal 2500 students; 3rd year goal 3000 students.**

This year, OVR and Pre-ETS data for Act 26 includes the total of “unique” student participants served for this measure, which will be the baseline going forward. At last year’s report OVR served 1141 students with part time or summer jobs, Act 26 data for 2021-2022¹¹ reflects 2001 unique individual students across quarters and a slight drop to 854 students from 862 who received job coaching.

Similar to number 6, data from PDE is a year earlier than this reference, however, the number of students who received job coaching and other supports funded by the school is reported as 9,810 and warrants that this goal be increased by the Commission.

Table 9. Number of “unique” student participants served

¹¹ <https://www.dli.pa.gov/Individuals/Disability-Services/Documents/Act-26-SFY-2021-2022-Q4-Report.pdf>

	Students age 14+ that have a transition plan as part of their (field 45)	Student (age 14+) participated in a competitive integrated paid work experience (field 73)	Student (age 14+) participated in individual job coaching services funded by the school in a paid work experience (field 74)	Student (age 14+) has an outcome goal of competitive integrated employment (field 75)	Upon exiting high school, the student (age 14+) was employed in a competitive integrated setting (field 76)
School District	100,741	8,541	8,036	67,059	13,292
Charter School	5819	508	1,351	4,790	312
Cyber School	7823	338	423	6,825	210
Total	114,383	9,387	9,810	78,674	13,814

PDE is collecting 2021-22 data now and will provide that final data to OVR when the collection is complete. Act 26 does not require OVR to display the PDE data as shown above. PDE will provide the EFOC with a similar table for 2021-22 in a few months that they can use to inform their 2023 Annual Report.

- 8. (Revised measurable goal). Annually each of the Community HealthChoices (CHC- AmeriHealth Caritas, PA Health and Wellness, Keystone First, UPMC) OLTL managed care organizations will increase by 50 percent the number of working-age participants who are either employed in competitive-integrated employment, receiving CHC-funded employment services, or are documented to have been referred to either the Office of Vocational Rehabilitation (OVR) or a Work Incentives Planning and Assistance (WIPA) program for benefits counseling.**

Employment services are required under the CHC contract and part of the capitated payments managed care organizations receive to support individuals with disabilities.¹² During the first three EFOC reports, the Commission established a goal of 200 additional CHC participants per year achieving CIE because it believed it was a reasonable and attainable goal given the infancy of the CHC program. Yet, with four years having passed since the existence of the EFOC and since the CHC started its rollout, little to no material progress has been or is being made.

There are 58,689 participants ages 21-64 enrolled in CHC [data for ages 18-20 not included because CHC only serves people ages 21 and older].) According to data provided by OLTL, only 433 CHC participants ages 21-64 were employed in competitive-integrated employment¹³. While this is up from 266 reported in last year's report, the 433 represents only 0.74 percent of working-age CHC participants.

¹² CHC Agreement: <https://www.dhs.pa.gov/HealthChoices/HC-Providers/Documents/2021%20CHC%20AGREEMENT.pdf> The CHC-MCO must include employment-related needs and service requirements of Participants as part of the person-centered service plan. Details are found on page 118.

¹³ OLTL "Ops 22" and Standard CHC Enrollment Reports for calendar year 2021

In addition, only 1074 participants (1.8%) had an employment goal in their person-centered support plan, which raises questions as to what barriers may be preventing effective conversations about employment on a regular basis. Further, only 205 of the 1074 had employment services authorized (that's only 20% of those with an employment goal, only 0.3% of the total working-age participants). While the Commission understands that employment services may not always follow a linear path due to a focus on person-centered planning and individualized circumstances, this data begs the question why a participant would tell their Service Coordinator that they have a goal of employment, but the Service Coordinator would not have any employment services authorized in the support plan.

It's possible that, before having employment services authorized, the participant would be referred to either a WIPA program (to determine to what extent earning money might jeopardize their health care or HCBS) or to OVR (as federal rules only permit Medicaid funds to pay for employment services only after the person has tried to get assistance from OVR). However, when counting all participants' employment outcomes, employment services authorized, or referrals to either OVR or WIPA, the numbers don't really improve. The total number of participants who meet one of those categories totals 1546, or a mere 2.6 percent of all working-age participants enrolled in CHC.

Managed Care Organizations (MCOs) under contract with OLTL to provide in-plan services are the following:

- AmeriHealth Caritas (also known as Keystone First CHC in parts of the state)
- PA Health and Wellness
- UPMC

The low results shown by OLTL by the three MCOs, in Table 10 below, is why the Commission has urged the General Assembly to hold hearings for the purpose of holding OLTL and the MCOs accountable (see recommendation 3) to the requirements of Act 36 and the MCO provider agreements.

Table 10. Number of Unique HCBS Participants Aged 21-64 Enrolled in CHC by MCO in 2021

2021			
Measures	AHC/KF	PHW	UPMC
Total Unique HCBS Participants Aged 21-64	32,361	10,542	15,786
Goal Documented on PCSP Count	582	279	213
Goal Documented on PCSP %	1.80%	2.65%	1.35%
Authorizations Count	63	24	118
Authorizations %	0.19%	0.23%	0.75%
Employed Count	330	86	113
Employed %	1.02%	0.82%	0.72%
Confirmed CIE Count	303	84	46

Confirmed CIE %	0.94%	0.80%	0.29%
CIE – No	27	*	12
CIE – Not Confirmed	*	*	55
Referred to Employment Services – OVR	15	*	24
Referred to Employment Service - Benefits Counseling	*	*	*

Source: Ops 22 and Standard CHC Enrollment Reports for CY2021 (CIE: Competitive Integrated Employment)

All percentage calculations are based on "Total Unique HCBS Participants Aged 21-64" as denominator

Counts 1-10 and related percentages are suppressed with use of '*' for confidentiality purposes.

Where applicable, 2nd lowest percentages are also suppressed to avoid reverse engineering.

Table 11. Number of Unique HCBS Participants Aged 21-64 Enrolled in CHC by MCO in 2020

2020			
Measures	AHC/KF	PHW	UPMC
Total Unique HCBS Participants Aged 21-64	30,455	12,420	14,776
Goal Documented on PCSP Count	532	209	61
Goal Documented on PCSP %	1.75%	1.68%	0.41%
Authorizations Count	51	11	102
Authorizations %	0.17%	0.09%	0.69%
Employed Count	299	19	73
Employed %	0.98%	0.15%	0.49%
Confirmed CIE Count	241	18	*
Confirmed CIE %	0.79%	*	*

Data Source: Ops 22 and Standard CHC Enrollment Reports for CY2020 (CIE: Competitive Integrated Employment)

All percentage calculations are based on "Total Unique HCBS Participants Aged 21-64" as denominator

Counts 1-10 and related percentages are suppressed with use of '*' for confidentiality purposes.

Where applicable, 2nd lowest percentages are also suppressed to avoid reverse engineering.

Figure 3. Percentages of Employment by Race, by MCO – December 2021

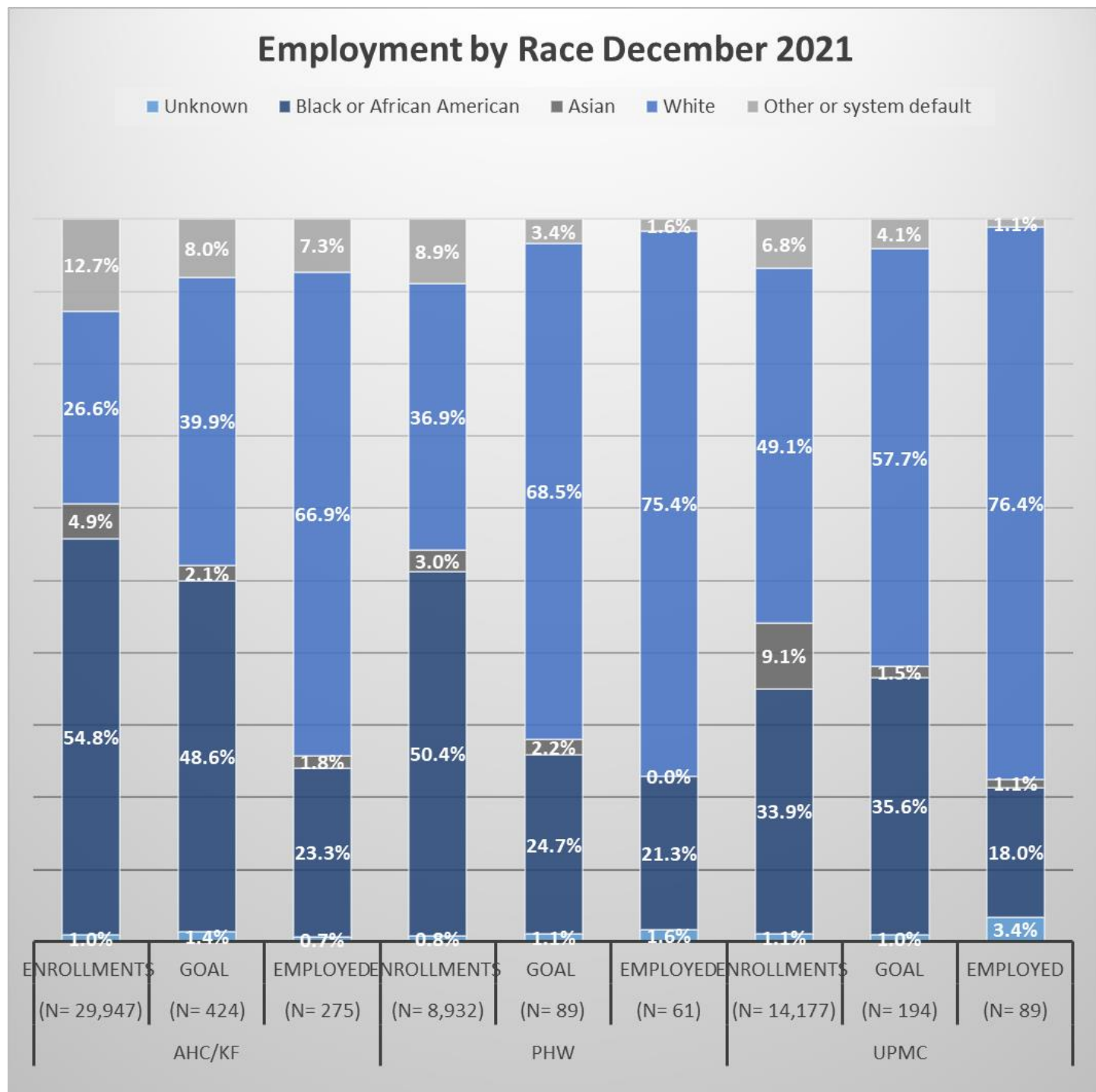
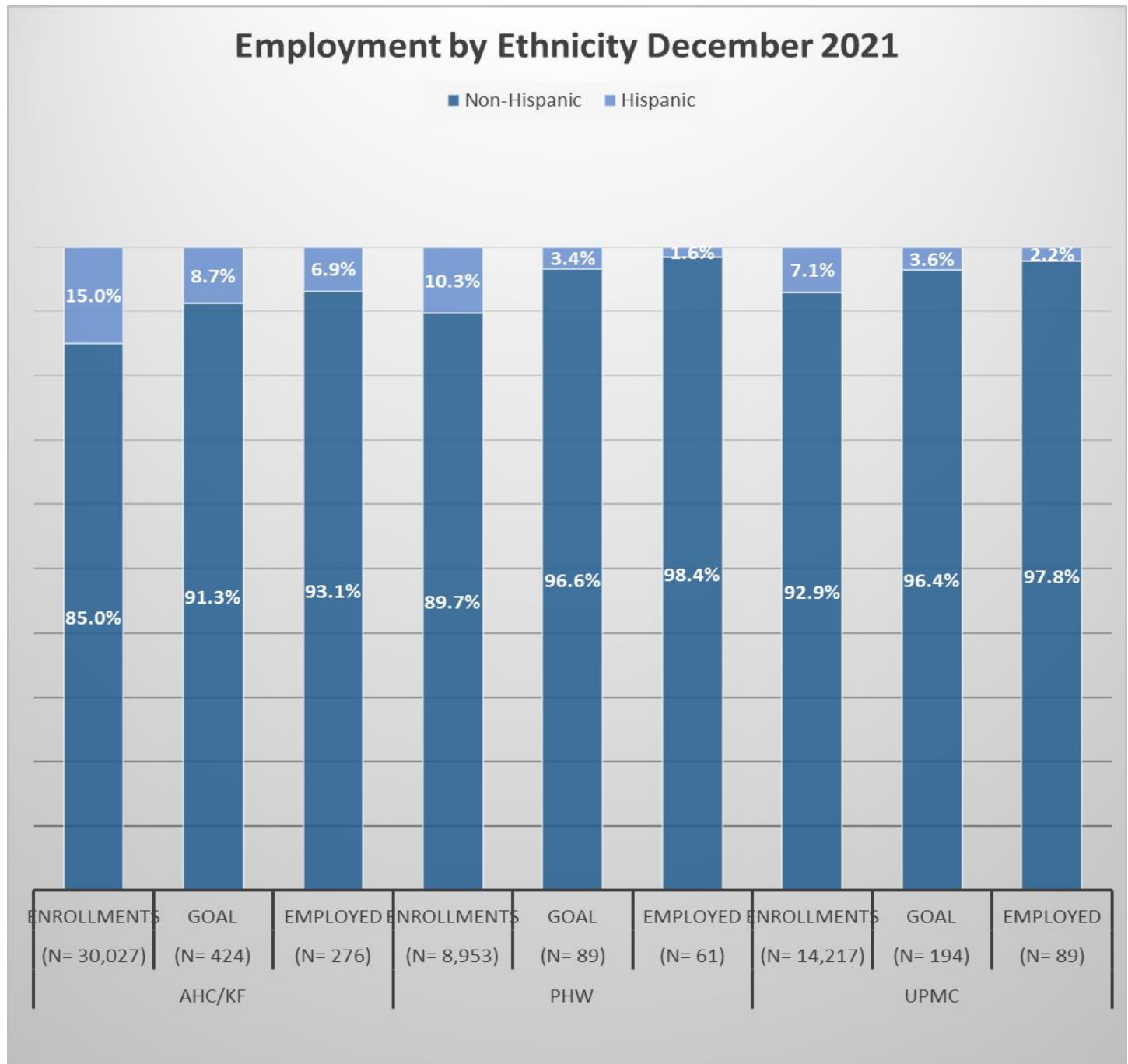


Figure 4. Percentages of Employment by Ethnicity, by MCO – December 2021



Finally, for this report, the Commission asked for all data submissions to be broken down by race and ethnicity for the purpose of determining whether any potential disparities exist. The numbers of participants employed or with employment goals in their plans are very low which makes it challenging to draw accurate conclusions without further analysis. Yet within the data provided, it appears that disparities may exist between white participants and those in minority populations. Every MCO seems to show fewer Black/African American participants and fewer Hispanic participants having an employment goal relative to the overall percentage of enrollees in the group, as well as fewer having employment relative to the number who have an employment goal in their plan. The Commission urges OLTL and the MCOs to examine these numbers, confirm whether disparities do exist, identify causes for such disparities, and take remedial steps.

9. OMHSAS (Office of Mental Health and Substance Abuse Services) will annually report and employ at least 600 additional people receiving services to employment.

Last year, the Commission was informed by the state that the data source used was not reliable for complete information and so the Commission did not report on any measurable progress in the 2021 report. The Commission was informed that OMHSAS was now requesting a more comprehensive set of employment data through their annual county report, which were due to be returned at the end of July 2021. For its 2022 report, the Commission received the information below pertaining to employment/vocational services received by county or county joinder. The Commission had requested data for the total number and percentage employed in competitive-integrated employment, and then that data disaggregated by those with mental health only and those with substance use disorder only. The Commission did not receive the data as requested; rather, it only received data on the number of people receiving employment/vocational services (not necessarily in CIE) and it was not disaggregated between mental health only and substance use only.

Table 12. Number of People Receiving Employment or Vocational Services Through County/Joinder Mental Health Program for State Fiscal Year 2020-21

County/Joinder	# People
ALLEGHENY	323
ARMSTRONG/INDIANA	24
BERKS	49
BLAIR	48
BUCKS	73
CAMBRIA	20
CARBON/MONROE/PIKE	11
CHESTER	39
CUMBERLAND/PERRY	63
DAUPHIN	37
FAYETTE	36
FRANKLIN/FULTON	<11
LACKAWANNA/SUSQUEHANNA	<11
LAWRENCE	<11
LEBANON	<11
LEHIGH	39

LUZERNE/WYOMING	<11
MONTGOMERY	113
NORTHAMPTON	57
PHILADELPHIA	114
SCHUYLKILL	36
TIOGA	<11
WARREN	<11
WASHINGTON	101
YORK/ADAMS	99
Total	1347 ¹⁴

10. By 2022, the Pennsylvania state workforce [includes state agencies and state colleges/universities] will exceed a 7% hiring goal.

Workforce: In 2019, the Commonwealth reported surveying its 77,000-person workforce and received responses from roughly 14% of employees, indicating approximately 4.8% of Commonwealth employees identified as having a disability. OA told the Commission it had planned to send out the survey and assess again in October 2020 but that did not happen as a result of new steps being taken to better understand the makeup of the state workforce. In response to the Commission’s 2022 data request, OA said,

“We do not have an updated estimated number of state workers who have a disability. (The initial survey had a low response rate resulting in too small of a sample size to convey an accurate/usable data point. A new survey has not been conducted at this time, as the focus has been on the new questions included at application and during onboarding).”

Application: For the 2021 report, OA reported that the Commonwealth had added a question about disability to its applicant tracking system in 2020, which would provide *“a solid annual comparative data point starting in 2022.”* In response to the Commission’s 2022 data request, the following was provided:

- As of July 25, 2022, 6.2% of applicants who have applied to Commonwealth jobs report having a disability.

Onboarding: For the 2021 report, OA reported it would add a question about disability to its new hire onboarding process, saying it would provide a “corroborating data point to enable consistent year-to-year analysis.” According to OA, the self-disclosure-of-disability question was added to the Commonwealth’s online onboarding process effective June 2021. In response to the Commission’s 2022 data request, the following was provided:

¹⁴ According to data provided by OMHSAS, 55% male and 45% female; 68% White; 24% Black/African American; 1.2% Asian; 5% “Other”; 1.7% unknown; and, no data provided for Hispanic.

- Since July, 1, 2021, 5% of Commonwealth new hires report having a disability.

11. All counties will have (or be part of) at least one Local Cross-Disability Employment Coalition.

As of July 16, 2022, the Department of Human Services reported that 54 out of 67 counties have created or participate in an existing local-level interagency employment coalition. This is the same number as reported the same time last year. It is the Commission’s understanding that Local Transition Coordinating Councils are counted as an employment coalition (the Commission agrees that an LTCC can function as an effective employment coalition so long as it includes adult disability service providers and other relevant stakeholders). The Commission requests that a list of the 13 counties that still do not have or are not part of a local employment coalition be provided, along with a summary of the reasons why, in the state agencies’ estimation, progress has not been made in those counties and what if any plans are underway to create or connect employment coalitions to those counties.

IV. Recommendations

A. Recommendation for both Executive Branch and General Assembly

- 1. Recommendation. That state contractors under Section 520 of the Procurement Code be prohibited from delivering goods and services using subminimum wage labor under 14c certificate authority (if this can be done without statutory change, then the Commission recommends that the PA Department of General Services implement the change administratively); in addition, that the General Assembly review whether and to what extent the direct labor percentage requirement of 75% contained in Section 520 of the Procurement Code may be inconsistent with the Employment First policy established by Act 36 of 2018; and, that the General Assembly consider reducing the direct-labor percentage in a manner that promotes integrated work settings as defined by the Act.**

Section 520 provides a “no competitive bid” construct that enables businesses that affirmatively employ workers with disabilities to secure state contracts for products and services at a fair market price as determined by the PA Department of General Services (DGS). Current law requires that 75% of the direct labor used to make the products or deliver the services must be people with disabilities. The 75% direct labor ratio has led to questions of how competitive-integrated employment can be achieved when 75% of direct labor employees make up the workforce per contract. While most businesses operating under 520 pay competitive wages, a few still utilize federal 14c certificates to pay subminimum wage (estimated under 2% of direct labor). By ending subminimum wage for Section 520 contracts and revising the direct-labor ratios, the benefits of 520’s affirmative employment for Pennsylvanians with disabilities would continue and only jobs that provide competitive wages and integrated (not segregated) work environments will be advanced. For illustration purposes, one approach might be to establish a minimum and maximum direct-labor percentage (with a time-limited margin of error permitted so a company doesn’t become ineligible if the percentage briefly goes under or over the designated ratio ranges). The Commission believes any direct-labor ratio that results in or has the effect of promoting congregate work settings where the majority of all workers in a work environment have disabilities is inconsistent with Employment First policy and should be discouraged.

B. Recommendations for the PA General Assembly

- 2. Recommendation. That Act 36 of 2018 be amended to create and fund the position of “Executive Director, Employment First Oversight Commission” that is a salaried state employment position, located either in the Governor’s Office, Department of Labor and Industry, or Department of Human Services.**

Now in its fourth year, it has become clear that, given the complexities of the issue, policy considerations, data demands, and agency coordination requirements to fulfill the requirements of the

Act, the Commission's duties as outlined by the Act require dedicated staff to perform in a manner consistent with the expectations of the legislature. Convening and preparing for Commission meetings and the meetings of its committees, requesting, analyzing and monitoring data requests of the executive branch agencies, reviewing and analyzing employment first plans published by the executive branch as required by the Act, and drafting, finalizing, and publishing the Commission's annual report are the kinds of duties and responsibilities that are simply too much for volunteer Commissioners. If the legislature wants the Commission to be effective, a dedicated paid staff member is needed. In the alternative, contracted staff support to perform the aforementioned duties, paid for by either L&I or DHS, might suffice.

- 3. Recommendation: That the Employment and Unemployment Subcommittee of the House Labor and Industry Committee and the Disability Employment and Empowerment Caucus hold annual hearings to examine employment data, employment service utilization, and employment outcomes for working-age participants in the Community HealthChoices (CHC) program. In its testimony, OLTL should be asked to delineate the steps it has taken during the last year to increase employment outcomes for its working-age CHC participants and the results of those steps.**

According to its own data, OLTL is not making adequate progress when it comes to increasing employment service utilization and employment outcomes for working-age people with disabilities served in CHC. Data reported for the 2022 EFOC report continue to show low outcomes.

According to data provided by OLTL, very few participants in CHC are working and/or receiving employment services. There are 58,689 working-age people enrolled in CHC, but only 433 have a competitive-integrated job (less than one percent, at 0.74%). And only 1074 participants have an employment goal in their Individualized Service Plan (1.8%).

While the CHC MCOs, as well as OLTL, are quick to point out the many current and historical barriers to employment within the diverse population being served, there are basic concrete advances that could be made. For example: improving the rates paid to employment service providers and matching them to similar employment services paid by other programs within DHS like ODP; addressing the dearth of OLTL employment providers by specifically incentivizing ODP employment providers to become OLTL-approved; and, implementing (at least piloting) innovative value-based purchasing (VBP) strategies rather than relying strictly on traditional fee-for-service. (Regarding VBP, data exists showing that individuals gaining employment will show decreases in behavioral and physical health utilization and costs. The tracking of those indicators could be part of the VBP solution.)

Finally, it's the Commission's understanding that OLTL has proposed that there be a waiver to the federal requirement that a referral be made to OVR for Benefits Counseling before CHC could pay for the service itself. This would be a good step in overcoming an existing systemic hurdle.

- 4. Recommendations. That the General Assembly study and issue a report on the return on investment of the Office of Vocational Rehabilitation's Hiram G. Andrews Center (HGAC) as compared to traditional customer services delivered by OVR.**

There are only 7 other known facility-based programs remaining in existence like HGAC nationally. The Commission continues to believe an in-depth review of this facility-based program and its return on investment (ROI) ought to be conducted by the General Assembly. Approximately \$23 million is directed from OVR's traditional services to fund this 24/7 campus operation. OVR's per-customer cost for HGAC students is significantly higher than its traditional customers, yet it is unclear what value graduates of HGAC are getting as compared to OVR's traditional customers or OVR customers who

attend typical 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 live in their community. This recommendation has been included in each of the four EFOC reports.

5. Recommendations. That the General Assembly pass legislation and the necessary funding that requires each school district to have (according to population size) one or more full-time dedicated and highly qualified and/or credentialed Transition Coordinator to support employment, and requires the Pennsylvania Department of Education to ensure compliance with that requirement.

The Commission understands that meeting staffing needs at the local education agency (LEA) level is challenging and mandating certain positions will cost money, yet at the same time the Commission believes that the status quo fails to deliver on Employment First policy as established by the legislature in Act 36 of 2018. Too many LEAs assign “transition coordinator” responsibilities as an “additional duty” to staff who have other full-time jobs within the LEA. Simply “complying” with current rules to have a transition coordinator is not getting the job done. Based on the size of the student population served, LEAs should have at minimum one transition coordinator whose full-time role is to perform transition coordinator duties, individualizing community-based activities, especially employment. The new requirement should be supported with new financial resources.

6. Recommendation. That the General Assembly amend Act 36 of 2018 or the state Civil Service Reform Act to remove roadblocks to employment and ensure access and inclusion for people with disabilities to be hired by state government agencies.

By creating something similar to the federal government’s “Schedule A” process¹⁵ (a special appointing authority that agencies can use to non-competitively hire individuals who have a significant disability), qualified applicants with a disability would have bureaucratic barriers eliminated or mitigated, giving them access to good jobs in state government. It may be possible for the Executive Branch to implement such improvements without legislation, but it remains unclear and the General Assembly may want to hold hearings on this topic. Finally, in addition, if the General Assembly pursues such legislation, it ought to also include a section that implements the Commission’s recommendation on “customized employment”, which is simply to permit state agencies to create a “customized employment” job classification beyond the current OA pilot of customized employment, which would enable people with disabilities to be hired who can perform some of the duties listed in a canned job description but not all - developing a “customized” position that marries the abilities of a person with a disabilities with the needs of a state agency would create employment opportunities for otherwise qualified applicants with disabilities who, due to the disability, may be able perform some duties but not all as arbitrarily written into a state job description. (The Governor’s Office of Administration is piloting one customized employment position in the Department of Revenue, which is commendable; yet, the EFOC believes the model should be taken to scale in a timely manner across all state agencies – legislation would help make this happen.)

¹⁵ <https://www.usajobs.gov/Help/working-in-government/unique-hiring-paths/individuals-with-disabilities/>

C. Recommendations for state agencies in the executive branch: Governor’s Office - Cross Agency Recommendations

7. Recommendation. That real cross-agency collaboration and coordination be a core value of any and all activities undertaken by state agencies in their pursuit of Act 36 of 2018 compliance.

8. Recommendation. Public Surveys:

- a. **Customer feedback system should be created and an impartial, outside evaluator (across systems) be hired.** It is imperative for Pennsylvania to establish a cross-department, customer response system and/or surveys for all publicly-funded services regarding Employment First. Pennsylvanians with disabilities are in the best position to know and understand which systems or services are working (and where) and what challenges continue to exist, including response time for employment services from state agencies and providers. These data and comments should be shared publicly after names and identities are redacted.
- b. **Expectations for Employment (starting in Early Intervention)** Youth and adults with disabilities and family members/caregivers should be surveyed to determine expectations for employment (starting in Early Intervention) to understand the misperceptions about the ability of adults with disabilities to be employed (irrespective of the impact of one’s disability. The survey should assess the real or perceived impact of earning money on life-sustaining public services, and other barriers that exist for people who want to work. The Commission is available to support this process.

9. Recommendation. Measure “on-time delivery” of all state-funded services and implement management plans for continuous improvement.

People with disabilities who have signed up or requested employment services in any state agency or program should be served within 3 months. Multiple measures, including outcomes by department, should be created by individuals’ case numbers (across all departments) to track time, use of services, and employment outcomes/retention.

While OVR already has timelines required by federal law, the data that is collected may not be sufficient to understand customer issues that are known to persist. Moreover, it is not clear whether any other state agency-funded system has service timelines and collects/reviews data.

In addition (about any agency), it is not known what if any satisfaction measures are given and reviewed. All employment-related systems should have consistent satisfaction and timeline measures for the individuals who use their services. Data should be publicly available (redacted for personal information), and state agencies should use this data to make cross-system policy and program improvements.

10. Recommendation. In alignment with Goal 11, every county should have or be a member of a Local Employment Coalition that brings together relevant parties to consider and implement new or improved ways that lead to more competitive-integrated employment outcomes for people with disabilities.

If Local Transition Coordinating and Employment Councils (LTCCs) are going to be utilized as a Local Employment Coalition, then the LTCCs need to have all adult disability service systems, providers and county representatives attending regularly.

- 11. Recommendation.** The state’s publicly available Employment First “data dashboard” for disability employment-related data should include the number of 14c certificates that are approved in Pennsylvania (and the number “pending”), the counties in which they are located, and the number of people with disabilities earning wages calculated in a manner prescribed by the employer’s 14c certificate authority.

While the number and percentage of people getting and holding competitive-integrated employment is the most important metric policy makers ought to be monitoring, the number and percentage of people getting paid subminimum wage is probably the second more important metric. The number of 14c certificate holders in Pennsylvania and the number of Pennsylvanians being paid subminimum wage are publicly available data from the U.S. Department of Labor.

- 12. Recommendation.** Strategies to collect and report better data on people with disabilities who are considered employed but not meeting the definition of competitive-integrated employment should be established through data-sharing arrangements between state agencies, especially for outcome data via Community HealthChoices; and such data should be shared publicly.

In data provided for this report, OLTL reported that a total of 433 participants were employed with confirmed competitive-integrated employment, while another 94 were reported to have either non-CIE or employment that could not be confirmed to be CIE. OLTL should provide additional information about the kinds of jobs and compensation for those 94 participants, why 39 of the 94 had confirmed non-CIE jobs, and what steps the MCOs are taking to make “competitive-integrated employment the first consideration and preferred outcome” for those 39 to 94 participants as required in Act 36 of 2018.

- 13. Recommendation.** That data collected on all disability employment-related programs should be reported broken down by race/ethnicity and other demographic groups.

Data to implement the Act should be collected and reported showing people with disabilities by race/ethnicity, gender, gender identity, sexual orientation, and English as a second language to ensure the needs of all Pennsylvanians with disabilities are being met. The 2022 report includes some beginning efforts that agencies have made to capture this data. All data provided by the Commonwealth should be broken down by these categories so that potential disparities can be identified, evaluated, and addressed.

- 14. Recommendation.** That the Governor’s Policy Office, in collaboration with OA and OVR, convene a work group that includes external disability experts in the fields of disability employment and workplace accessibility to review the state’s existing job classifications and job descriptions, recruitment process, application process, testing/qualification determination process, interview process, hiring/candidate selection process, onboarding and new-hire training process, accommodation process, physical site and information technology accessibility issues, and retention efforts.

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 Act.

- 15. Recommendation.** That the Governor’s Disability Cabinet makes transportation a higher priority; and that PennDOT regularly attends Commission meetings and be an active member of the Governor’s Office team of agencies actively working on employment first.

Despite efforts by the administration to date, transportation continues to be a significant barrier for people with disabilities who want to work in a competitive-integrated job and need to get to and from work on time, every time.

- a. Surveys and data collection should be undertaken that inform policy and program decisions pertaining to publicly-funded programs within PennDOT and the Department of Human Services (DHS).
- b. DHS should amend its Home and Community-Based Waiver programs to make it easier for Medicaid Home and Community-Based Service waiver participants to access and pay for transportation-on-demand services (e.g., Uber, Lyft, etc.) on their mobile phones using waiver funds allocated in their service plan.
- c. PennDOT should allow, encourage and fund pilot programs across Pennsylvania within the Shared Ride Program for People with Disabilities to test and evaluate transportation on demand. Shared Ride providers are already Medicaid-enrolled providers (Uber and Lyft are not), making it more feasible to test new and innovative transportation models for participants enrolled in Medicaid HCBS waivers who want to work.

16. Recommendation. That financial education becomes an employment service that is included in the offerings to eligible customers/participants by the Office of Vocational Rehabilitation (OVR) and Home and Community-Based Services (HCBS) waiver programs (in both the Office of Developmental Programs and the Office of Long-Term Living), as well as in special education programs for transition-age students who have Individual Education Programs (IEPs).

Financial education (also referred to as financial literacy) is key for people with disabilities who want to work to become independent. All people, including people with disabilities, must have the information they need to make decisions about budgeting, earning money, saving safely, paying taxes, building positive credit, protecting against identity theft, etc., as well as knowing how earnings and assets might impact eligibility for life-sustaining benefits such as Medical Assistance and HCBS waivers and the opportunity to participate in the Medical Assistance for Workers with Disabilities (MAWD-Medicaid) program. Understanding the ABLE savings program and supported decision-making vs guardianship are also vitally important to those who want to consider working or for those who have jobs and want to continue working.

D. Department of Education Recommendations

17. Recommendation. That the PA Department of Education publish Act 26 data in a way that separates results between cyber schools, brick-and-mortar schools, and by LEA.

Data on support and employment on students receiving transition services in a cyber compared to students in home & charter schools should be reported separately so that potential disparities can be identified, evaluated and addressed.

18. Recommendation. That local education agencies (LEA) establish as a goal for every student with an IEP measured in the IEP meeting process: that they lead their own meetings; encourage and support self-advocacy; permit (if they choose and if necessary) students to disclose their disability and identify the types of accommodations they need to be successful in a job.

The Commission believes PDE should set these goals and research and report on skills across all students and districts. These measures should be taken at least once while the student is in school and 12 months after graduation. This is critical as successful outcomes are likely to lead to strong self-advocacy and leadership skills, both of which are needed during adult life to secure and keep

competitive-integrated employment.

19. Recommendation. All students with a disability who are likely to rely on Medical Assistance for their health care and Medicaid-funded Home and Community-Based Service waiver should be referred to a WIPA program for benefits counseling before they leave high school.

Benefits counseling has been shown to be a promising practice in vocational rehabilitation and has had a demonstrated impact on positive employment outcomes for adults with disabilities receiving SSA benefits.¹⁶ Transition-age students through age 26 are already a priority population for WIPA benefits counseling, yet not all students are aware of the no-cost service. Earning “too much” and the resultant fear of losing life-sustaining health care and home-based services are one of the biggest reasons many people with disabilities will not pursue employment. Yet, it’s a myth that people with disabilities cannot both work and receive benefits, and the new MAWD legislation and changes to waivers have helped to increase potential. Both young people with disabilities and their parents should be referred to WIPA before the student leaves school so that informed decisions about having paid work experiences during high school and getting competitive-integrated employment after high school can be made.

20. Recommendation. That 100% of students with an IEP, when they leave high school, either have a competitive-integrated job, a post-secondary education placement, or a plan in place with OVR, ODP, or OLTL-funded program for services intended to lead to competitive-integrated employment or a post-secondary education placement.

The Commission requests that some measure, even a random sampling of students and/or IEPs, be monitored (and the results made available to the Commission) to ensure students are connecting to an actual job, an educational placement, or an employment service when they transition from secondary education to adult life.

- The Commission would like this to be a measurable goal in the next plan.

E. Department of Labor and Industry Recommendations

21. Recommendation. That Workforce Development allocates funding for innovation for Employment First efforts that support promising practices that increase employment for people with disabilities within businesses.

People with disabilities represent arguably the largest untapped labor pool. Workforce Development dollars in each region should be prioritized to provide businesses and provider organizations with mechanisms to develop new and innovative ways to help businesses recruit, support and retain qualified people with disabilities to meet workforce needs.

For example, 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

¹⁶ Schlegelmilch, Amanda et al. ‘The Impact of Work Incentives Benefits Counseling on Employment Outcomes of Transition-age Youth Receiving Supplemental Security Income (SSI) Benefits’. 1 Jan. 2019 : 127 – 136.- The study shows significant increases in employment outcomes for transition-aged youth with disabilities who received work incentive benefits counseling services. Not only were youth who received benefits counseling more than twice as likely to secure employment than those who had not, they were also more than four times as likely to earn over substantial gainful activity (SGA). This outcome is significant as it underscores the importance of work incentives focused benefits counseling as an employment intervention for youth.

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.

22. Recommendation. That the PA Department of Labor and Industry track the labor participation and unemployment rates for Pennsylvanians with a disability and publish the data (i.e., press releases, etc.) at the same time it publishes similar data for other Pennsylvania cohorts.

- a. L&I's Center for Workforce Information and Analysis provided data for this topic to the Commission (see appendix 4), and information is also available on the public Employment First data dashboard, which is appreciated; yet the recommendation is for this data to be published alongside other mainstream employment data. Having such data published alongside other mainstream workforce data keeps the issue front and center.

F. Department of Human Services Recommendations

23. Recommendation. That Supports Coordinators/Service Coordinators be financially incentivized to promote employment with participants in publicly-funded home and community-based service programs.

By definition, "employment first" requires that competitive-integrated employment be the first consideration and preferred outcome of several publicly-funded services. The Supports Coordinator (SC) in the Intellectual Disabilities/Autism program and the Services Coordinator (SC) in the Community HealthChoices program, both of which are funded by the PA Department of Human Services, are the first and primary place where employment can and should be discussed with the program participant. SCs have the ability to encourage and promote employment with participants, yet not enough improvement in the numbers are being realized, specifically in the following areas that can be tracked by SC and SC Organizations:

- Employment as a goal in participants' Individualized Support Plan (ISP)
- Employment services authorized in the ISP
- Employment services provided
- Referrals to the Office of Vocational Rehabilitation
- Referrals to Work Incentive Program Assistance (for benefits counseling), and
- Competitive-integrated employment outcomes.

SCs are busy, and there is high turnover in this profession. On its face, it is "easier" on the SC when a participant chooses a facility-based program rather than trying CIE. Financial incentives should be offered so that SCs are rewarded for their performance when it comes to meeting "employment first" performance indicators. Doing so is also in line with the overall movement in the field to Value Based Payment (VBP) initiatives, which is paying for services in an alternative manner and incentivizing quality and outcomes.

24. Recommendation. That rates for supported employment services paid via the Office of Developmental Programs and Office of Long-Term Living (Community HealthChoices) be increased, and that it's done annually, so that there is no longer a financial disincentive for providers to deliver CIE-related services.

In OLTL's Community HealthChoices program, the numbers of participants working or receiving employment services are poor - one of the complaints often heard is that rates are low and few if any providers want to get into the business of providing employment services. In ODP, three of the four supported employment service codes received only a 0.9% rate increase - this increase was the first in

five years! And ODP regulations do not require that rates even be looked at for another three years. Supported employment service providers need rate increases to keep up with the cost of delivering services. With labor cost inflation, fuel inflation, health care inflation, etc. the Commission fails to see how the state can claim it is complying with Act 36 by providing financial incentives to make competitive integrated employment a priority. Rates, at the very least, should keep up with inflation, and providers should be able to count on annual rate increases, not increases every 5 to 8 years.

25. Recommendation. Examine which licensed facilities are permitted to support subminimum wage activities and then consider limiting the use of base or waiver funding to pay for services that support subminimum wage activities to only licensed 2390 Vocational Facilities (and not permit such funding to support subminimum wage activities in licensed 2380 Adult Training Facilities).

DHS should clarify where its funding is being used to support subminimum wage activities and ensure that the people receiving such funding are doing so in the most appropriate licensed facility. State law defines 2380s and 2390s. A plain reading of the definitions suggests the most appropriate site for subminimum wage activity is a 2390. Allowing services to support subminimum wage activities in other facilities may cause confusion for regulators, funders, and those monitoring services, and raises the question of whether appropriate health and safety protections afforded in 2390s are being provided in 2380s. If the analysis suggests there are no differences, then why are there two separate types of facilities?

26. Recommendation. Increase systems and public awareness regarding Medical Assistance for Workers with Disabilities (MAWD) and the MAWD/Workers with Job Success” statute.

MAWD: Workers with Job Success (Act 69 of 2021) creates a new category for eligibility under MAWD, allowing workers with disabilities to earn more and save assets. Public awareness and outreach is essential. Education on these changes should be provided annually to disability advocacy and service organizations, county assistance offices, OVR customers, and people with disabilities.

27. Recommendation. ODP should reexamine and reform, if necessary, the service definition for “Advanced Supported Employment”, including eligibility, rate amounts, and the method of service reimbursement.

Utilization of this service is extremely low, which the Commission believes could be a result of a) the limitations contained in the service definition in terms of the pre-conditions required before a person is eligible for the service b) and b) the fact that the rate is paid on an outcome basis, which may serve as a disincentive for providers to provide the service.

28. Recommendation. ODP should report separately on use of base dollars to support non-CIE outcomes.

It is still unclear whether and to what extent county base dollars are being used to pay for services to support a person in an activity that pays subminimum wage. ODP should report, by county, the amount of state-allocated base dollars used, and how many people it is used for, to support people performing subminimum wage activities for a 14c certificate holder.

29. Recommendation. That the state include percentages (instead of “zero”) when numbers need to be suppressed due to confidentiality concerns.

Including a percentage in these cases could support the Commission and other evaluators with performing oversight roles without giving the actual number.

30. Recommendation: That Community Autism Peer Specialist Program (CAPS) be expanded to other regions of the Commonwealth, with funding coming from Behavioral HealthChoices, ODP, and/or OVR.

CAPS is an innovative initiative developed by Community Behavioral Health (CBH), the behavioral health managed care organization overseeing Behavioral HealthChoices in Philadelphia. It is based on the Certified Peer Specialist Model and specifically targets employment services as a positive outcome for young adults (ages 14-17) and adults.

31. Recommendation. The Commission supports the Department of Human Services efforts to implement value-based purchasing arrangements in the Behavioral HealthChoices program that include addressing employment as a social determinant of health.

Data should be collected and submitted by Behavioral Health Managed Care Organizations (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 ensuring employment supports are available to participants is likely to provide the Commonwealth a net positive return on investment. Moreover, failing to do so is inconsistent with the Act's Employment First policy, which requires that publicly funded programs make employment the first consideration and preferred outcome.

The State Office of Mental Health and Substance Abuse Services (OMHSAS) informed the Employment First Oversight Commission that, based on the Medicaid waiver approved for the Behavioral HealthChoices program, employment services are not permitted by the federal Centers for Medicare and Medicaid Services to be an in-plan service. Therefore, employment services are pursued on a county-by-county basis by county mental health/behavioral health programs. However, this is under the base fee-for-service HealthChoices program in place.

To address this issue, according to DHS/ OMHSAS employment services will be built into the "Community-Based Care Management" program, allowing BHMCOs to choose employment as a social determinant of health. DHS can further support this effort by building it into the oversight of the Regional Accountable Health Councils (RAHCs) that are being developed statewide as part of its Healthcare Reform Plan.

DHS should also consider alternatives, such as building employment into value-based payment programs. Specifically, BHMCOs are being required- at an increasing amount/percentage of provider payments each year- to implement creative alternatives to traditional fee-for-service reimbursement. Under this scenario, BHMCOs can incorporate employment as a process and an outcome to reward successful, quality providers and pay for these services. As an example, the successful initiation of employment could be tracked as an offset to decreased behavioral and physical health expenditures. This is an area for further discussion and exploration given the limitations of the existing Medicaid waiver.

V. Appendices

A. Act 36 of 2018

EMPLOYMENT FIRST ACT - ENACTMENT

Act of Jun. 19, 2018, P.L. 229, No. 36

Cl. 35

An Act

Providing for competitive integrated employment in State and county agencies and any entity providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability; establishing Employment First, the Governor's Cabinet for People with Disabilities and the Employment First Oversight Commission and providing for their powers and duties; and conferring powers and imposing duties on the Governor and the Office of the Governor.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Employment First Act.

Section 2. Findings and declarations.

The General Assembly finds and declares as follows:

- (1) It is the purpose of this act to ensure that individuals with a disability be given the opportunity to achieve economic independence through jobs that pay competitive wages in community integrated settings.
- (2) The current work force participation rate for individuals with a disability is 20%.
- (3) Pennsylvanians with a disability are valued members of society, and all members of society deserve to have the opportunity to work.
- (4) Significant changes have occurred and are continuing to evolve with advances in effective support strategies and technology.
- (5) Each year throughout this Commonwealth, thousands of high school students with a disability who use plans developed in accordance with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) or qualify under the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) graduate from special education programs and are ready and able to work at competitive wages in private sector and public sector jobs.
- (6) The Commonwealth can realize a return on its significant investment in young adults with a disability who have benefited from a free and appropriate public education and other State services by adopting policies that further the goal of competitive integrated employment for individuals with a disability.

(7) Hundreds of thousands of job openings are listed every day, reflecting the challenges faced by employers in finding and keeping a dedicated work force, which could be resolved, in part, through the hiring of individuals with a disability.

(8) Recognition and furtherance of the benefits of meaningful work applies to all working individuals, including the opportunity for competitive integrated employment for individuals with a disability.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Cabinet." The Governor's Cabinet for People with Disabilities established under section 5.

"Commission." The Employment First Oversight Commission established under section 6.

"Competitive integrated employment." As defined in section 7 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 705(5)).

"Disability." As defined in governing statutes and regulations of each State agency.

"Employment First." The policy of State agencies which provides that competitive integrated employment is the first consideration and preferred outcome of publicly funded education, training, employment and related services, and long-term services and support for individuals with a disability.

"State agency." Any office, department, authority, board, multistate agency or commission of the executive branch, an independent agency or a State-affiliated entity. The term includes:

- (1) The Governor's Office.
- (2) The Office of Attorney General.
- (3) The Department of the Auditor General.
- (4) The Treasury Department.
- (5) An organization established by the Constitution of Pennsylvania, a statute or an executive order which performs or is intended to perform an essential government function.

Section 4. Employment First.

(a) Policy. --It shall be the policy of the Commonwealth that competitive integrated employment shall be the preferred outcome for all individuals with a disability eligible to work under Federal or State law, regardless of severity of disability and assistance required, and work-based learning experiences for all youth with a disability in collaboration with the Department of Labor and Industry. Employment services and opportunities must be offered to all individuals with a disability receiving publicly funded services, regardless of whether they live in their own home or in a residential setting.

(b) Implementation.--State and county agencies and entities providing publicly funded education, training, employment and related services, and long-term services and support for working-age Pennsylvanians with a disability that provide services and support to individuals with a disability who are eligible to work under

Federal or State law shall comply with the requirements of Employment First and ensure that the requirements of Employment First are effectively implemented in agency programs and services to the extent practicable.

(c) Collaboration.--State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for working-age Pennsylvanians with a disability that provide services and support to individuals with a disability shall coordinate efforts and collaborate to ensure that State programs, policies, procedures and funding support competitive integrated employment for individuals with a disability who are eligible to work under Federal or State law.

(d) Policies. --

(1) State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability shall review their respective policies relating to payment of service providers, including supports coordinators, to align payment policies with the requirements of Employment First. Financial incentives, when allowable under Federal funding rules for employment services, shall be granted to providers who support the placement and continued employment of individuals with a disability in competitive integrated employment.

(2) State agencies shall provide the designation of employment champions, consistent with the designation utilized by the Department of Human Services, to providers of service coordination, case management and authorization services funded through the State Medicaid program, including home and community-based waiver programs, who demonstrate commitment to Employment First and successfully support the placement and continued employment of individuals with a disability in competitive integrated employment. Employment champions shall be provided increased technical assistance to further support employment services. A complete list of employment champions shall be made available on the State agencies' websites.

(e) Staff. --State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for working-age Pennsylvanians with a disability shall implement the requirements of Employment First with trained and certified staff that are in compliance with governing statutes and regulations of each State agency.

(f) Assessment. --State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for individuals with a disability shall develop clear outcome expectations for employment that include annual baseline employment data and specific percentage goals for individuals with a disability gaining competitive integrated employment. Each agency shall complete an assessment of its progress toward meeting these goals annually and ensure that the information is publicly available and posted on its publicly accessible Internet website.

(g) Progress. --State agencies are authorized to share general, nonindividualized data and information across systems in an effort to track implementation of Employment First. State agencies are encouraged to adopt measurable goals and objectives to promote the assessment of progress under this subsection.

(h) State agency compliance. --The following shall apply:

(1) State agencies shall make an effort to employ individuals with a disability in no less than 7% of the overall State work force.

(2) State agencies shall review on a biannual basis, the adequacy of hiring, placement and advancement practices with respect to individuals with a disability.

- (3) No State agency shall be required to give preference in hiring to individuals with a disability.
- (4) The Office of Administration shall develop a framework for individuals to self-report a disability.
- (5) The State Civil Service Commission shall review and consider changes in its policies and procedures in order to support progress towards the initial goal established under this subsection.
- (i) Initial plan.--No later than one year after the effective date of this subsection, the Office of the Governor shall develop an initial three-year plan based upon information provided by the State agencies for implementing Employment First for submission to the General Assembly. The plan shall identify the specific policies and implementation dates for State agency compliance with this act.
- (j) Annual report.--The assessment information compiled by each State and county agency and any entity providing publicly funded education, training, employment and related services and long-term services and support for working-age Pennsylvanians with a disability under subsections (f) and (g) and any other information deemed necessary shall be sent to the Governor's Office of Policy and Planning no later than October 1 of each year for consideration and inclusion in an annual report by the Office of the Governor to the General Assembly that documents continued and improved State agency compliance with this act. The report shall be submitted to the General Assembly no later than January 30 of each year.

Section 5. The Governor's Cabinet for People with Disabilities.

- (a) Establishment. --The Governor shall establish the Governor's Cabinet for People with Disabilities. The Governor shall appoint the members of the cabinet.
- (b) Composition. --The cabinet shall consist of the following members, who may not delegate their duties to other members, except for good cause:
 - (1) Secretary of Human Services or a designee who shall be an employee of the Department of Human Services.
 - (2) Secretary of Labor and Industry or a designee who shall be an employee of the Department of Labor and Industry.
 - (3) Secretary of Health or a designee who shall be an employee of the Department of Health.
 - (4) Secretary of Education or a designee who shall be an employee of the Department of Education.
 - (5) Secretary of Transportation or a designee who shall be an employee of the Department of Transportation.
 - (6) Secretary of the Budget or a designee who shall be an employee of the Office of the Budget.
 - (7) Secretary of Aging or a designee who shall be an employee of the Department of Aging.
 - (8) Secretary of Military and Veterans Affairs or a designee who shall be an employee of the Department of Military and Veterans Affairs.
 - (9) Secretary of State or a designee who shall be an employee of the Department of State.
 - (10) Secretary of Policy and Planning or a designee who shall be an employee of the Office of Policy and Planning.

(11) Secretary of Community and Economic Development or a designee who shall be an employee of the Department of Community and Economic Development.

(12) Executive Director of the Pennsylvania Human Relations Commission or a designee who shall be an employee of the Pennsylvania Human Relations Commission.

(13) Executive Director of the State Civil Service Commission or a designee who shall be an employee of the State Civil Service Commission.

(14) Executive Director of the Pennsylvania Housing Finance Agency or a designee who shall be an employee of the Pennsylvania Housing Finance Agency.

(15) Executive Director of the Pennsylvania Developmental Disabilities Council or a designee who shall be an employee of the Pennsylvania Developmental Disabilities Council.

(16) Executive Director of the Commonwealth of Pennsylvania Council on the Arts or a designee who shall be an employee of the Commonwealth of Pennsylvania Council on the Arts.

(c) Powers and duties. --The cabinet shall have the following powers and duties:

(1) To conduct:

(i) a detailed review of existing regulations, policies and procedures relating to the goal of competitive integrated employment for individuals with a disability; and

(ii) a review and alignment of service definitions, policies and payment structures within and across State agencies.

(2) To develop:

(i) recommendations to the Governor, the Secretary of Education, the Secretary of Human Services, the Secretary of Labor and Industry, the Secretary of Administration and the Secretary of General Services for changes in regulations, policies and procedures necessary to ensure implementation of Employment First;

(ii) recommendations to the Governor, the Secretary of Education, the Secretary of Human Services, the Secretary of Labor and Industry, the Secretary of Administration and the Secretary of General Services for the consistent collection of data and the enforceable sharing of data; and

(iii) recommendations to the Governor for legislative changes necessary to support and implement this act.

(d) Collaboration. --The cabinet shall encourage the development and adoption of agreements among local entities of the State agencies to promote collaboration among agencies at regional and local levels across this Commonwealth.

(e) Meetings. --The cabinet shall meet quarterly and shall be responsible for coordinating the development of policies designed to implement this act by each State agency providing services to an individual with a disability.

Section 6. Employment First Oversight Commission.

- (a) Establishment and composition. --An independent Employment First Oversight Commission is established. The commission shall consist of the following members, at least 51% of whom must have disabilities, who shall serve for a three-year term:
- (1) Four members, not under the employ of the Commonwealth, who are individuals with a disability or individuals who are knowledgeable about the employment of individuals with a disability. The following shall apply:
 - (i) One shall be appointed by the President pro tempore of the Senate.
 - (ii) One shall be appointed by the Minority Leader of the Senate.
 - (iii) One shall be appointed by the Speaker of the House of Representatives.
 - (iv) One shall be appointed by the Minority Leader of the House of Representatives.
 - (2) Two individuals with a disability, appointed by the Governor.
 - (3) Two parents or family members of individuals with a disability, appointed by the Governor.
 - (4) Two individuals who have successful experience in providing services and support to high school students and recent graduates with a disability, leading to competitive employment in an integrated setting, appointed by the Governor.
 - (5) A representative of Disabilities Rights Pennsylvania, appointed by the Governor.
 - (6) A representative of the Pennsylvania Rehabilitation Council, appointed by the Governor.
 - (7) A representative of the Pennsylvania Statewide Independent Living Council, appointed by the Governor.
 - (8) A representative of the Pennsylvania Client Assistance Program, appointed by the Governor.
 - (9) A representative of a State association of organizations that provides competitive integrated employment services, among other services, in the community for individuals with disabilities, appointed by the Governor.
 - (10) A representative of an organization that partners with private businesses or State agencies, or both, to deliver services that create competitive employment opportunities in the community for individuals with disabilities, appointed by the Governor.
- (b) Meetings. --The Governor shall designate one member to convene and organize the first meeting of the commission at which the commission shall elect a chairperson and other officers as it deems necessary from among its members. The commission shall meet at least four times each year or at the call of the chairperson. A quorum shall consist of a majority of the members of the commission. All actions of the commission shall be taken only after approval by a majority vote of the members present after a quorum is established during a lawful meeting of the commission.
- (c) Reimbursement.--Each member of the commission shall be reimbursed normal and customary travel expenses in accordance with Commonwealth travel policies for attendance at meetings of the commission.

(d) Progress. --The commission shall establish measurable goals and objectives governing the implementation of this act. The commission shall track the measurable progress of public agencies in implementing this act. All State agencies shall fully cooperate with and provide data and information to assist the commission in carrying out its duties.

(e) Annual report. --The commission shall issue an annual report on October 1 of each year, detailing the progress made on each of the measurable goals and objectives during the preceding fiscal year. The annual report shall also include recommendations to the Governor and the General Assembly for effective strategies and policies needed to support the implementation of this act.

(f) Support. --The Office of the Governor shall ensure that reasonable staff and support are made available to the commission to carry out its duties under this section. The Office of the Governor shall also ensure that administrative costs, including money for travel expenses authorized under subsection (c) and money for the distribution of the annual report and other related administrative costs, are made available to enable the commission to carry out its duties under this section. The commission may seek the attendance and participation of members of the cabinet in meetings of the commission in order to assist the commission in carrying out its responsibilities under this section.

Section 7. Training and outreach.

All State agencies providing services to individuals with a disability who are eligible to work under Federal and State law shall establish systems of outreach and training that provide information to the following individuals about Employment First and available opportunities for participation in competitive integrated employment:

- (1) Individuals with a disability and their families.
- (2) Providers of employment services for individuals with a disability.
- (3) Education, vocational rehabilitation and human service officials responsible for services to individuals with a disability.

Section 8. Applicability.

Nothing under this act shall be interpreted to supersede or preempt Federal or State law. Nothing in this act shall be construed to change, supersede, preempt or otherwise redefine the term "age of majority" as it applies to individuals who qualify under the provisions of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) pursuant to 22 Pa. Code § 11.12 (relating to school age). This act is not intended to create and does not create a prohibition of existing employment options and opportunities or of the informed choices of individuals with a disability made through a person-centered planning process.

Section 9. Effective date.

This act shall take effect in 60 days.

B. EFOC Resolution on Supported Employment Rates

Pennsylvania Employment First Oversight Commission
Harrisburg, Pennsylvania

January 26, 2022

The Honorable Meg Snead
Pennsylvania Secretary of Human Services
3rd Floor, Health and Welfare Building
Harrisburg, Pennsylvania 17120

Dear Secretary Snead:

The following motion was approved by the PA Employment First Oversight Commission during its January 26, 2022 meeting.

*"That the rate increase proposed by the Office of Developmental Programs of less than one percent for supported employment services - specifically career assessment, job finding and development, and job coaching and support - is a disincentive, not an incentive as required by Section 4.d.1. of Act 36 of 2018, to providers who support the placement and continued employment of individuals with a disability in competitive integrated employment and is inconsistent with Employment First policy established by the governor and legislature in Act 36 of 2018; and further, that the Employment First Oversight Commission urges the **Secretary of Human Services, Meg Snead**, to direct her staff to revisit and significantly increase rates for supported employment services before rates are finalized."*

As you know, Act 36 of 2018 establishes "Employment First" as the policy of the Commonwealth and created the Employment First Oversight Commission, the role of which is to, in part, provide recommendations to the Governor and General Assembly for effective strategies and policies needed to support the implementation of Act 36 of 2018. This motion will be submitted as a comment via the department's public comment process, but since this specifically mentioned you we wanted to be sure you received it directly. If I can answer any questions you might have, please do not hesitate to contact me.

Sincerely,



Stephen H. Suroviec
Chair, PA Employment First Oversight Commission

cc: Governor's Office
General Assembly Leadership
EFOC Commissioners

C. PA DHS Secretary Snead Response to EFOC Resolution



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES

March 1, 2022

Dear Chairman Suroviec:

I am writing in response to your letter informing me of the Pennsylvania Employment First Oversight Commission's (the "Commission") approved motion regarding the Office of Developmental Program's ("ODP") proposed supported employment services rates. As urged by the Commission, I did ask that ODP staff revisit the proposed rates for supported employment services in light of your charge of a violation of Act 36 of 2018.

The commission's motion asserts that the proposed rate increases for supported employment services are a disincentive, not an incentive as required by Section 4(d)(1) of Act 36 of 2018. The Act 36 provision you cited reads:

(1) State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability shall review their respective policies relating to payment of service providers, including supports coordinators, to align payment policies with the requirements of Employment First. Financial incentives, when allowable under Federal funding rules for employment services, shall be granted to providers who support the placement and continued employment of individuals with a disability in competitive integrated employment.

Contrary to the Commission's claim, Act 36 requires financial incentives to be granted when allowable under Federal funding rules for employment services. The Federally approved 1915(c) Home and Community-Based Services Waivers (the "Waivers") do not provide for financial incentives. Rather, in accordance with the Waivers and 55 Pa. Code § 6100.571, fee schedule rates for ODP's services are established using a market-based approach so that payments are consistent with efficiency, economy and quality of care and sufficient to enlist enough providers so that services are available to at least the extent that such services are available to the general population in the geographic area. The proposed rates to which the Commission objects were developed by the Department's actuary and followed the established process for updating the data used in the rate setting process.

Notwithstanding, it should be noted that, though not required to do so, in alignment with the objectives of Act 36, the supported employment services rates are significantly higher (almost \$25 per hour higher) than rates for prevocational services. ODP is also actively

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-2-

reviewing policies related to the payment of service providers to continue alignment with the Employment First policy identified in Act 36. As stated by Rick Smith, Fiscal Director for the ODP, during the January 26, 2022 Commission meeting, ODP will be working with a consultant toward the development and implementation of selective contracting and alternative payment methodologies. ODP is hopeful this will help to drive employment outcomes in line with Act 36.

Sincerely,

A handwritten signature in dark ink, appearing to read "Meg Snead", written over a horizontal line.

Meg Snead
Acting Secretary of Human Services

D. Labor Participation and Unemployment Data for People with Disabilities.

CPS 12 Month Averages for Total PA Labor Force and People with Disabilities						
Month	People with Disabilities Participation Rate	People with Disabilities Unemployment Rate	Total PA Labor Force Participation Rate	Total PA Labor Force Unemployment Rate	PA Labor Force for People without Disabilities Participation Rate	PA Labor Force for People without Disabilities Unemployment Rate
July-19	22.3	9.0	63.1	4.1	69.9	3.8
August-19	22.4	8.8	63.1	4.0	70.0	3.8
September-19	22.4	8.7	63.2	4.0	70.0	3.8
October-19	22.5	8.6	63.3	4.1	70.0	3.9
November-19	22.4	8.4	63.2	4.1	70.0	3.9
December-19	22.2	8.2	63.2	4.2	70.1	4.0
January-20	22.0	8.1	63.3	4.4	70.1	4.2
February-20	21.8	7.8	63.3	4.4	70.2	4.2
March-20	20.9	7.5	63.3	4.6	70.3	4.4
April-20	17.3	7.5	63.2	5.6	70.3	5.5
May-20	16.1	7.4	63.2	6.4	70.4	6.3
June-20	17.0	7.9	63.2	7.1	70.4	7.0
July-20	19.7	8.2	63.0	7.7	70.3	7.7
August-20	19.4	9.0	62.8	8.3	70.1	8.2
September-20	19.0	9.8	62.7	8.5	70.1	8.5

October-20	18.5	10.6	62.5	8.7	69.9	8.6
November-20	18.3	11.3	62.4	8.8	69.8	8.7
December-20	17.7	11.8	62.1	9.0	69.6	8.9
January-21	17.2	12.7	61.9	9.3	69.4	9.2
February-21	16.7	13.9	61.7	9.6	69.4	9.4
March-21	16.1	14.5	61.6	9.6	69.3	9.4
April-21	15.9	14.6	61.5	8.8	69.3	8.6
May-21	15.9	14.5	61.4	8.2	69.2	7.9
June-21	16.5	14.9	61.4	7.7	69.1	7.4
July-21	16.9	15.4	61.4	7.2	69.1	6.9
August-21	17.4	15.4	61.5	7.0	69.1	6.7
September-21	18.0	14.7	61.5	6.9	69.0	6.6
October-21	18.4	14.4	61.4	6.8	68.9	6.5
November-21	19.0	13.5	61.4	6.7	68.6	6.4
December-21	19.5	13.2	61.3	6.5	68.4	6.2
January-22	20.0	13.3	61.3	6.3	68.3	6.0
February-22	20.6	12.9	61.1	6.0	68.0	5.7
March-22	21.4	12.4	61.2	5.8	67.9	5.4
April-22	22.4	12.5	61.3	5.6	67.9	5.3

May-22	22.9	12.5	61.4	5.5	67.9	5.1
June-22	22.7	11.9	61.4	5.2	67.9	4.9
Source: Current Population Survey 12-Month Averages - Center for Workforce Information and Analysis 7-14-22						

E. State Agencies' Assessment of Act 36 Compliance

Act 36 of 2018 – Employment First Act – Inventory of State Agency Requirements and Status (FOR EFOC REVIEW)

The below information represents general information and examples of state agency implementation of Act 36. The state does not have oversight or authority over every entity providing publicly funded education, training, employment, and related services.

Act 36 Requirement Imposed on State Government Agencies	Administration Compliance – (Is this provision being implemented and if so, how?)
Section 4(a). It shall be the policy of the Commonwealth that competitive integrated employment shall be the preferred outcome for all individuals with a disability eligible to work under Federal or State law, regardless of severity of disability and assistance required, and work-based learning experiences for all youth with a disability in collaboration with the Department of Labor and Industry.	<p>The preferred outcome of competitive integrated employment (CIE) is established as the official policy of the Commonwealth under Governor Wolf's Executive Order 2016-03 and Act 36 of 2018.</p> <p>The state has an Employment First website and a data dashboard documenting the policy, implementation, and progress. The PA WIOA Combined State Plan also cites Employment First policy implementation. Many agencies and offices have materials noting Employment First policy, employment services, and reporting to document progress. Examples are available; several are indicated in this document.</p>

Section 4(a).

(continued).

Employment services and opportunities must be offered to all individuals with a disability receiving publicly funded services, regardless of whether they live in their own home or in a residential setting.

The state agencies under the Governor’s jurisdiction that primarily provide or oversee publicly funded services and support to people with disabilities incorporate employment activities into their service delivery, starting at the earliest ages and going through adulthood. Several implementation measures are available on the [data dashboard](#) while other measures are available in state reports on the [Employment First website](#) and individual agency reports.

Education and employment pathways are socialized with families with young children of disabilities through the Office of Child Development and Early Learning’s (OCDEL) [early intervention \(EI\) services](#) to create a culture of empowerment to position families to access opportunities. EI services also support children transitioning to preschool and other community services.

Employment services for K-12 students with disabilities are provided through mandatory transition planning beginning at the age of 14, or younger if determined appropriate by the student’s Individualized Education Program (IEP) team, in PA. The process may include postsecondary education, employment, and independent living. In addition, the Office of Vocational Rehabilitation (OVR) provides Pre-Employment Transition Services. The Pennsylvania Department of Education (PDE) coordinates with the Pennsylvania Training and Technical Assistance Network (PaTTAN) and Intermediate Unit Transition Consultants to provide local education agencies with [targeted, sustained professional development](#) regarding effective secondary transition practices that will reasonably enable students to meet post-secondary outcomes and engage in employment activities. The state’s [transition website](#) provides information on these services. [Act 26 reports](#) document the outcome of transition services in PA as coordinated by OVR and PDE.

Employment services are offered to Pennsylvania’s youth and adult populations as a core function of the PA Department of Labor & Industry (L&I), as indicated on the [Pennsylvania CareerLink website](#). Within L&I, OVR focuses solely on supporting people with disabilities through employment services, which can be found on the [OVR website](#). The [Employment First website](#) lists a variety of state, regional, and national resources to assist individuals in their educational and employment journey.

Employment services are offered in waiver programs serving people with autism, developmental and intellectual disabilities as part of the Everyday Lives framework, regardless of residential setting, through the Office of Development Programs (ODP) in the Department of Human Services (DHS). 55 Pa Code Ch 6100.262 requires that enrolled ODP providers “shall provide active and ongoing opportunities, information about employment options appropriate for the individual and the services necessary to seek and retain competitive integrated employment.” The Administrative Entity (AE) Operating Agreement requires each AE to develop and maintain an employment protocol that complies with the Employment First Act and that each AE ensures that CIE is the first consideration and preferred outcome for all waiver participants. Upon

	<p>enrollment to provide a waiver service, including Supports Coordination, providers must sign a standardized Provider Agreement that includes the requirement to comply with all federal and state statutes and regulations, including Act 36. ODP provides DHS leadership with reports throughout the year to evidence the implementation of employment services. Employment services are provided to waiver participants of the Community Health Choices (CHC) program within DHS’s Office of Long Term Living (OLTL), primarily serving people with physical disabilities and older Pennsylvanians. OLTL affirms that employment services are to be offered to CHC participants as a service that is detailed in the 1915(c) HCBS waiver and in Section V.FF on employment supports in the CHC Agreement. Additional information about these employment services can be found here. The three Managed Care Organizations implementing CHC are required to complete quarterly reporting on employment activities to document progress. OLTL provides DHS leadership with reports throughout the year on implementation of employment services. Employment services and connections are gradually increasing among people receiving mental health and substance abuse services programming. As of 2021, counties are now required to report on employment services in their annual reports to DHS through the Office of Mental Health and Substance Abuse Services (OMHSAS). Additional information about employment services for people with Serious Mental Illness can be found here.</p> <p><i>Area of opportunity: continue to review mental health and employment initiatives, integrated services in the PA CareerLink® system, and postsecondary education.</i></p>
<p>Section 4(b). State and county agencies and entities providing publicly funded education, training, employment and related services, and long-term services and support for working-age Pennsylvanians with a disability that provide services and support to individuals with a disability who are eligible to work under Federal or State law shall comply with the requirements of Employment First and ensure that the requirements of Employment First are</p>	<p>See Section 4(a), above, regarding how the state agencies under the Governor’s jurisdiction are implementing the Employment First Act. As indicated, administration and agency reporting processes are in place to document Employment First implementation progress. Examples:</p> <ul style="list-style-type: none"> • Employment First Cabinet 3-year plan and annual reports • Employment First data dashboard • Act 26 quarterly reports on transition services • CHC MCO quarterly reports • County Human Services annual reports • WIOA state plan <p><i>Area of opportunity: although the state does not have jurisdiction over every entity, the state could potentially increase communication to ensure awareness of the Act and component requirements within the Act. These efforts could include identifying specific entities, such as the PA Workforce Development Board, to review policies regarding reporting and implementation.</i></p>

effectively implemented in agency programs and services to the extent practicable.	
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<p>Section 4(c). State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for working-age Pennsylvanians with a disability that provide services and support to individuals with a disability shall coordinate efforts and collaborate to ensure that State programs, policies, procedures and funding support competitive integrated employment for individuals with a disability who are eligible to work under Federal or State law.</p>	<p>The state agencies under the Governor’s jurisdiction that primarily provide or oversee publicly funded services and support to people with disabilities regularly collaborate both formally and informally to coordinate services, policies, training, and funding that support CIE.</p> <p>Examples:</p> <p><u>There are numerous Memoranda of Understanding (MOU) in place to formally support coordination among state agencies:</u></p> <ul style="list-style-type: none"> • OLTL and OVR have an MOU to enhance understanding of the employment status of CHC participants and the employment services’ effectiveness. • ODP has two MOUs with OVR that focus on collaboration to increase employment outcomes for individuals with Intellectual Disabilities or Autism. One MOU allows ODP and OVR to exchange data on shared consumers to increase coordination of services. The other MOU allows ODP and OVR to work together to increase the financial resources available to assist individuals with intellectual disabilities and autism secure and maintain CIE and increases OVR staff access to shared consumers’ information allowing for better service coordination between systems. • OVR and PDE’s Bureau of Special Education (BSE) have an MOU to support transition services coordination. The MOU was established in response to The Individuals with Disabilities Education Act (IDEA) and Title IV of WIOA, which both require coordination and collaboration between OVR and BSE. As a result, students with disabilities are provided with pre-employment transition services to offer seamless access to services and support to achieve their transition goals. More information can be found here. • OMHSAS is currently seeking to establish an MOU with OVR to identify an individual’s workforce training participation, employer, wage, and industry information, which will allow OMHSAS to improve insight into the population that is being served. <p><u>Joint initiatives and training:</u></p> <ul style="list-style-type: none"> • Community of Practice on Secondary Transition. • Connections for Employment. • County ID Programs/Administrative Entities collaborate on a local level as part of their employment coalitions and transition councils. • Several agencies participated in a National Governor’s Association SEED cohort to develop initiatives pertaining to employer engagement and Commonwealth employment. • OVR and the Office of Administration (OA) are piloting a customized employment position in the Commonwealth. • OVR and OA partner to offer a summer internship program for students with disabilities. • OVR partners with L&I’s Workforce team to ensure accessibility for customers with disabilities. • PDE and OVR are collaborating with Intermediate Units to train personnel to assist with transition service provision to students 14 and up.
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<p>Section 4(d)1. State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability shall review their respective policies relating to payment of service providers, including supports coordinators, to align payment policies with the requirements of Employment First.</p>	<p>See Section 4(a) regarding contract and reporting requirements that include employment services. In addition, the state agencies under the Governor’s jurisdiction that primarily provide or oversee publicly funded services and support to people with disabilities continue to support education and advocacy for CIE pathways and are moving away from use of 14c licenses.</p> <p>ODP and OVR jointly contracted with nationally recognized experts to hold provider transformation leadership “boot camp” sessions that delivered training to help providers of facility-based services transform their business model to one that supports CIE.</p> <p>ODP no longer uses 14c licenses in any of its state centers.</p> <p>OMHSAS no longer uses 14c licenses in any of its state hospitals.</p> <p>OLTL is using American Rescue Plan Act (ARPA) Home and Community Based Services FMAP increase funds to issue grants to providers, including employment service providers, to increase service delivery quality.</p> <p>OVR is currently in the process of reviewing and editing its policy regarding the provision of supported employment services, with the expectation that the policy will be presented to the State Vocational Rehabilitation Board for review and approval.</p>
<p>Section 4. (d)1.(continued). Financial incentives, when allowable under Federal funding rules for employment services, shall be granted to providers who support the placement and continued employment of individuals with a disability in competitive integrated employment.</p>	<p>Under Act 36 and as described in sections above, agencies’ employment services are implemented and tracked with CIE as the preferred outcome (see Section 4(d)1). Therefore, agency funding is, in general, going to providers who support CIE. Examples of <i>additional</i> financial investments include:</p> <p>DHS is offering additional grants from ARPA federal Match funds to increase service quality. These will be available to OLTL employment service providers among others.</p> <p>Submitted plan to Centers for Medicare and Medicaid Services also includes a rate refresh for ODP providers.</p> <p>For the past several school years, BSE administered a Competitive Integrated Employment Grant program for local education agencies interested in establishing or expanding effective, school-based community-based paid work experiences for youth with disabilities during the school year. The program continues this year with a focus on systematic change and capacity in transition related to educational programming in Pennsylvania.</p> <p>Note that federal funding rules may limit the provision of financial incentives. For example, federal funding rules for OVR would not allow for federal funding or OVR state match funding to be spent on anything other than Vocational Rehabilitation (VR) related expenses. Federal funding rules also require competitive contract and grant procedures when possible.</p>

<p>Section 4(d)2. State agencies shall provide the designation of employment champions, consistent with the designation utilized by the Department of Human Services, to providers of service coordination, case management and authorization services funded through the State Medicaid program, including home and community-based waiver programs, who demonstrate commitment to Employment First and successfully support the placement and continued employment of individuals with a disability in competitive integrated employment.</p>	<p>The designation of employment champions is a goal listed on the state's Employment First 3-year plan. However, the employment champion designation has a specific use within DHS's OLTL that may not be applicable to other offices and agencies; it is a designation internal to the CHC-MCOs for the staff focused on improving access to employment services through the service coordination provided to CHC participants. This is not a public-facing role. Participants work with Service Coordinators, and Service Coordinators interface with the Employment Providers. Publicizing the list could undermine the Service Coordinator relationship. Clarity is needed regarding what constitutes an Employment Champion if this is to be used more broadly and not conflict with current use in OLTL or cause unintended consequences.</p> <p>OVR currently does provide Supported Employment services through providers for OVR customers when it's an appropriate goal.</p> <p><i>Area of opportunity: work to identify intention of this provision of the act and options for application to other offices and agencies.</i></p>
<p>Section 4(d)2. (continued). Employment champions shall be provided with increased technical assistance to further support employment services.</p>	<p>Technical assistance for providers related to Employment First is available in various ways. Examples:</p> <p>OLTL communicates regularly with the CHC-MCO designated employment champions on an internal listserv to provide updated information, funding opportunities, and promising practices in Employment First and supporting people with disabilities in attaining employment.</p> <p>A variety of resources for educators is available online to support educators and students with employment services. The annual PA Community of Practice Transition Conference provides multiple sessions on career development, career and technical education, summer employment, on-the-job training, apprenticeships, and Pre-Employment Transition Services for individuals with disabilities. Effective and compliant secondary transition practices also are available online.</p> <p>A Provider page is available on the Employment First website with various resources.</p> <p>See also information pertaining to section 7(b) regarding outreach to providers.</p>
<p>Section 4(d)2. (continued). A complete list of employment champions shall be</p>	<p>See above section regarding Employment Champion designation.</p>

made available on the State agencies' websites	
<p>Section 4(e). State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability shall implement the requirements of Employment First with trained and certified staff that are in compliance with governing statutes and regulations of each State agency.</p>	<p>The state agencies under the Governor’s jurisdiction that primarily provide or oversee publicly funded services and support to people with disabilities have requirements for staff who provide employment services, and continue to ensure opportunities are available for training and certification. Additional data/information on credentialed providers is available in the Employment First report. Examples: The CHC agreement requires employment service provider qualifications through APSE, ACRE and/or CRC, BC-SSA. ODP has provider qualifications that include nationally recognized training or credentials for Supported Employment, Advanced Supported Employment, Small Group Employment, Benefits Counseling, and prevocational services in Community Participation Support. OVR has 21 District Offices staffed with trained Vocational Rehabilitation Counselors. Counselors must meet minimum standards for employment found here.</p>
<p>Section 4(f). State and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for individuals with a disability shall develop clear outcome expectations for employment that include annual baseline employment data and specific percentage goals for individuals with a disability gaining competitive integrated employment.</p>	<p>Data is available in multiple reports: The state’s annual report, as required by Act 36; the EFOC annual report, as required by Act 36; Act 26 on transition services; and the data dashboard. The state agencies under the Governor’s jurisdiction that primarily provide or oversee publicly funded services and support to people with disabilities also have individual reporting requirements to establish data and continued reporting. For example: OLTL has baseline data and goals by CHC-MCO for the following measures:</p> <ul style="list-style-type: none"> • Employment as goal on PCSP • Participants employed • Participants in CIE • Total Service authorizations <p>ODP collects baseline information on the following measures:</p> <ul style="list-style-type: none"> • Number and percent of working age individuals enrolled with ODP that have CIE • Authorized/utilized services <p>OMHSAS annual county planning now includes question on employment service funding to enable annual goal setting. OVR is required to track CIE for customers as part of the reporting requirements to the Rehabilitation Services Administration. <i>Area of opportunity: review initial 3-year plan goals and annual reports to update specific goals and targets aligned with current workforce changes and trends for 2022-23 and beyond.</i></p>

<p>Section 4(f). (continued). Each agency (state and county agencies and entities providing publicly funded education, training, employment and related services and long-term services and support for individuals with a disability) shall complete an assessment of its progress toward meeting these goals annually and ensure that the information is publicly available and posted on its publicly accessible Internet website.</p>	<p>The state agencies under the Governor’s jurisdiction that primarily provide or oversee publicly funded services and support to people with disabilities regularly collect and report data. See previous responses regarding reports available.</p>
<p>Section 4(g). State agencies are authorized to share general, non-individualized data and information across systems in an effort to track implementation of Employment First.</p>	<p>Agencies share data in accordance with state and federal requirements and policies for data sharing to track implementation of Employment First while ensuring protection of individuals’ information.</p> <ul style="list-style-type: none"> • Multiple interagency MOUs support data sharing between agencies to enhance service delivery. • State agencies routinely share non-individualized data with the Employment First Oversight Commission to inform annual reports and progress towards goals for state implementation of Employment First. • State agencies provide non-individualized data updates for required reporting to the legislature, such as Act 26. • State agencies provide non-individualized data updates for the state’s annual report and the new data dashboard.
<p>Section 4(g). (continued). State agencies are encouraged to adopt measurable goals and objectives to promote the assessment of progress under this subsection.</p>	<p>Under Cabinet leadership, state agencies developed a set of goals and objectives as part of the required 3-year plan under Act 36. Agencies provide annual updates to the plan in the annual reports. The initial plan and reports can be found on the Employment First website. <i>Area of opportunity: The 3-year plan developed in 2018 as required by Act 36 should be reviewed to set updated goals and objectives reflecting 2022 and beyond.</i></p>
<p>Section 4(h)(1). State agencies shall make an effort to employ individuals with a disability in no less than</p>	<p>See annual Employment First report. Effective November 2020, job applicants can choose to self-identify as having a disability. This helps inform and assess the effectiveness of commonwealth recruitment efforts for people with a disability. Preliminary data from November 1, 2020 – June 30, 2021, tentatively indicates that 8% of applicants who completed</p>

<p>7% of the overall State work force.</p>	<p>an employment application identified as a person with a disability. OA has also added self-identification to the commonwealth's online onboarding program, effective June 2021.</p>
<p>Section 4(h)(2). Review on a biannual basis, the adequacy of hiring, placement and advancement practices with respect to individuals with a disability.</p>	<p>OA reviews data collected through recently implemented processes to assess progress with recruiting, hiring, and promotions. See Section 4(h)(5) for additional information.</p>
<p>Section 4(h)(4). The Office of Administration shall develop a framework for individuals to self-report disability.</p>	<p>See Section 4(h)(1) regarding new methods implemented to collect data regarding the framework developed by OA for individuals to self-report a disability.</p>
<p>Section 4(h)(5). The State Civil Service Commission shall review and consider changes in policies and procedures in order to support progress towards the initial goal established under this subsection.</p>	<p>Pursuant to the Civil Service Reform Act (CSRA), OA took over the Commonwealth's merit system recruitment and hiring operations, effective December 13, 2018. Under the CSRA, the State Civil Service Commission retained only its adjudicatory function.</p> <p>OA's Employment First Steering Committee meets throughout the year to assess progress in hiring and retention to increase hiring and support of people with disabilities. The Bureau of Enterprise Recruitment hired a Disability Recruiter to focus on connecting with various organizations and schools to advertise open jobs and recruit job candidates with disabilities. In April 2018, OA established a website for recruiting applicants for commonwealth employment opportunities, which was reviewed by OVR to ensure accessibility. Since April 2018, open positions are posted on this website, and applicants no longer need to worry about the distinction between civil service and non-civil service when applying for positions – both application processes are the same. By having just one site to visit and simplifying the application process, it is easier for individuals to explore employment opportunities with the commonwealth. Traditional multiple-choice civil service exams have been almost completely phased-out in favor of vacancy-based hiring, which utilizes Experience and Training (E&T) exams, where applicants apply online and respond to questions intended to draw-out their work-related experience and education. This helps with accessibility by not requiring applicants to travel to distant test locations. The Bureau of Talent Acquisition has converted nearly 450 written exams to E&T exams. As part of the accommodation process, applicants who are unable to travel for an interview can be interviewed utilizing Teams or other available technology.</p> <p>OA and OVR, in collaboration with the Department of Revenue are piloting the application of customized employment concepts within state government for non-civil service positions. In addition, the summer</p>

	internship program for college students with disabilities will resume in 2022.
Section 4(i). No later than one year after the effective date of this subsection, the Office of the Governor shall develop an initial three-year plan based upon information provided by the State agencies for implementing Employment First for submission to the General Assembly.	The initial 3-year plan can be found on the Employment First website .
Section 4(i).(continued). The plan shall identify the specific policies and implementation dates for State agency compliance with this act.	The initial 3-year plan included specific policies; annual reports also incorporated additional information regarding timelines and progress.

<p>Section 4(j). The assessment information compiled by each state and county agency and any entity providing publicly funded education, training, employment and related services and long-term services and support for working-age Pennsylvanians with a disability under subsections (f) and (g) and any other information deemed necessary shall be sent to the Governor’s Office of Policy and Planning no later than October 1 of each year for consideration and inclusion in an annual report by the Office of the Governor to the General Assembly that documents continued and improved state agency compliance with this act.</p>	<p>See previous responses regarding data and reporting. The state agencies under the Governor’s jurisdiction that primarily provide or oversee publicly funded services and support to people with disabilities provide information to update the state’s annual report, as well as for measures included in the state’s publicly available data dashboard.</p> <p>L&I provides county breakdown of individuals receiving employment training or pre-employment training.</p> <p>BSE provides data for school age students with disabilities in accordance with Act 26. There are five questions asked related to services that students with disabilities receive to support CIE. BSE collects the response to those questions in July-Aug and provides it after October 1 due to the data not being in finalized form until then. BSE reports the data to OVR, and OVR reports the final data, per the data-sharing agreement between BSE and OVR.</p> <p>IDEA also requires states to develop a six-year plan to measure the state’s efforts toward meeting federally identified indicators of compliance and performance designed to improve the education of students with disabilities. Indicator 14 focuses on the secondary transition and the extent to which students are achieving transition outcomes within a year of exiting high school as stated in a student’s IEP. To meet this requirement, PDE BSE surveys local education agencies every five years using the Pennsylvania Post-School Outcome Survey.</p> <p>Under WIOA, one of the participant characteristic elements under individuals with barriers to employment is Individuals with Disabilities (including youth). The Division of Adult and Basic Education at PDE reports outcomes for that subgroup on its annual State Performance Report (SPR): Here is a link to the SPR submitted in 2019, which is publicly available: https://nrs.ed.gov/rt/pa/2019/table-spr.</p> <p>Individuals with Disabilities is under “By Employment Barrier.”</p> <p>OMHSAS county reports are collected annually in response to the annual County Block Grant plan requirements. It includes figures for individuals served in supported employment, the level of employment these individuals have and demographic information.</p>
<p>Section 4(j). (continued). The report shall be submitted to the General Assembly no later than January 30 of each year.</p>	<p>In accordance with Act 36, the 3-year plan and annual reports are submitted to the General Assembly and also posted on the Employment First website.</p>

<p>Section 5 (a) &(b). The Governor shall establish the Governor’s Cabinet for People with Disabilities. The Governor shall appoint the members of the cabinet. The cabinet shall consist of [16 specified positions]; who may not delegate their duties to other members, except for good cause.</p>	<p>The Governor’s Cabinet was established in 2018. <i>Area of opportunity: review list to confirm current members and designees.</i></p>
<p>Section 5(c)(1)(i). The cabinet shall have the following powers and duties: To conduct a detailed review of existing regulations, policies and procedures relating to the goal of competitive integrated employment for individuals with a disability</p>	<p>The Governor’s Cabinet works with agency subject matter experts to implement Employment First, identify barriers, and advance policies and procedures related to the goals of CIE. Initiatives are outlined in the annual report; progress is captured on the report and the data dashboard, in addition to individual agency reports. The Cabinet meets quarterly to discuss Employment First implementation concerns and progress.</p>
<p>Section 5(c)(1)(ii). The cabinet shall have the following powers and duties: To conduct review and alignment of service definitions, policies and payment structures within and across State agencies.</p>	<p>See section 5(c)(1)(i).</p>
<p>Section 5(c)(2)(i). The cabinet shall have the following powers and duties: To develop recommendations to the Governor, the Secretary of Education, the Secretary of Human Services, the Secretary of Labor and Industry, the Secretary of Administration and the</p>	<p>See section 5(c)(1)(i), as well as the 3 year plan and annual reports, which include recommendations.</p>

Secretary of General Services for changes in regulations, policies and procedures necessary to ensure implementation of Employment First	
Section 5(c)(2)(ii) The cabinet shall have the following powers and duties: To develop recommendations to the Governor, the Secretary of Education, the Secretary of Human Services, the Secretary of Labor and Industry, the Secretary of Administration and the Secretary of General Services for the consistent collection of data and the enforceable sharing of data	See section 5(c)(1)(i), as well as the 3 year plan and annual reports, which include recommendations.
Section 5(c)(2)(iii). The cabinet shall have the following powers and duties: To develop recommendations to the Governor for legislative changes necessary to support and implement this act.	See section 5(c)(1)(i), as well as the 3 year plan and annual reports, which include recommendations.
Section 5(d). The cabinet shall encourage the development and adoption of agreements among local entities of the State agencies to promote collaboration among agencies at regional and local levels across this Commonwealth.	See sections 4c and 4g pertaining to MOU development and collaboration between various agencies.

<p>Section 5(e). The cabinet shall meet quarterly.</p>	<p>The Cabinet has held quarterly meetings since its establishment, with the exception of the first Covid year (2020), as attention of Cabinet members focused on mitigating the impact of the global pandemic. Staff continued Employment First work during this challenging time, and the January 2021 annual report reflects this continued work. Beginning in March 2021, the Cabinet resumed quarterly meetings.</p>
<p>Section 5(e). (continued). The cabinet shall be responsible for coordinating the development of policies designed to implement this act by each State agency providing services to an individual with a disability.</p>	<p>See section 5(c)(1)(i), as well as the 3 year plan and annual reports, which include policies and recommendations.</p>
<p>Section 6(f). The Office of the Governor shall ensure that reasonable staff and support are made available to the commission to carry out its duties; shall ensure that administrative costs, including money for travel expenses and money for the distribution of the annual report and other related administrative costs are made available to enable the commission to carry out its duties.</p>	<p>The Governor’s Office has provided staffing to the Commission to coordinate meetings, requests of agencies, and support for the annual report. Travel to in-person meetings has been coordinated and reimbursed by the state. Staff is working to refine the processes for travel expenses for in-person meetings once they resume at the direction of the Commission.</p>

<p>Section 7(a). All State agencies providing services to individuals with a disability who are eligible to work under Federal and State law shall establish systems of outreach and training that provide information to individuals with a disability and their families about Employment First and available opportunities for participation in competitive integrated employment.</p>	<p>See Section 4(a) and the Employment First annual report.</p> <p>DHS created the We Can Work website and launched a several month campaign in 2021 as an outreach strategy to encourage exploration of work and employment services for people with disabilities. L&I also hosts the Employment First website with various resources for individuals.</p> <p>OCDEL provides trainings on inclusion and Early Intervention (EI) services. ODP and OCDEL continuously integrate the Charting the LifeCourse principles into service delivery systems by providing access to resources and trainings. ODP collaborates with the PA Family Network (PAFN), which includes Family Advisors across the state, and Self Advocates United as part of the Supporting Families Initiative to support this work.</p> <p>ODP has a Trainings and Communication division that established and maintains the systems that are used for outreach to all stakeholders, including individuals and families, providers, county agencies, and the public. This system includes but is not limited to: ODP listservs (email distribution groups), websites, MyODP website, DHS website, MyODP online news, Virtual Targeted Trainings, Virtual Office Hours, in-person training, handouts, manuals, and other written resources.</p> <p>PDE: PATTAN provides regular systemic training and outreach through its secondary transition and family engagement initiatives. The Pennsylvania Youth Leadership Network is a group of young adults with disabilities that promote successful post-school outcomes and opportunities in education, employment and independent living.</p> <p>OVR provides regular outreach to parents and families through Early Reach Coordinators and Vocational Rehabilitation Counselors. Using a person-centered approach, OVR provides career counseling sessions to individuals in sheltered workshops on the benefits of CIE and how to use OVR services. Data can be found on the annual Employment First report.</p> <p>OLTL: The process for updating participant Person Centered Service Plans takes place at least annually and includes discussion script for outreach to be had on potential employment goals and services.</p>
<p>Section 7(b). All State agencies providing services to individuals with a disability who are eligible to work under Federal and State law shall establish systems of outreach and training that provide information to providers of employment services for individuals with a disability about Employment First and available opportunities for participation in</p>	<p>See Section 4(a) and the Employment First annual report.</p> <p>PDE: PATTAN provides regular systemic training and outreach through its secondary transition and family engagement initiatives. A recorded webinar about Employment First is posted online.</p> <p>OMHSAS: Counties are in charge of outreach and training within their county to providers who are eligible for employment</p> <p>OLTL/ODP/BSE/OVR: Staff actively participate on the leadership team for the statewide Community of Practice (CoP) on Secondary Transition, where they engage with education, OVR, and various other stakeholders. They exchange information through this network daily, at a minimum, and in turn, send appropriate information out to respective networks. They participate and lead workgroups through the CoP that develop and disseminate information that supports the unified mission of Employment First. DHS is represented on each subcommittee of the CoP including the workgroup that developed the PA Secondary Transition website as well as the planning for the annual Secondary Transition conference.</p>

competitive integrated employment.	Dering Consulting ensures OLTL's online Comprehensive Employment Training is up to date in support of the Employment First Legislation, the CHC Employment Innovator and most importantly competitive integrated employment. OLTL tracks participants that take their online training. Additionally, Dering does onsite training for the CHC-MCOs, SCs etc. inclusive of employment, CIE.
Section 7(c). All State agencies providing services to individuals with a disability who are eligible to work under Federal and State law shall establish systems of outreach and training that provide information to education, VR, and human service officials responsible for services to individuals with a disability about Employment First and available opportunities for participation in competitive integrated employment	See section 7(b). Information and updates are also exchanged between agencies at Cabinet meetings, EFOC meeting, and interagency staff workgroups.

F. Governor's January 2022 Update and Progress Annual Report

<https://www.dli.pa.gov/Individuals/Disability-Services/employment-first/Documents/2022%20Employment%20First%20Annual%20Report%202.3.2022.pdf>

G. Commissioners Names and Biographies

Stephen Suroviec, Commission Chair, is President and Chief Executive Officer of Achieva. Before joining Achieva in January 2018, Steve held several disability-related positions in both the public and non-profit sectors, including Chief Operating Officer and Intellectual/Developmental Disabilities Division Director for the Rehabilitation and Community Providers Association, Special Advisor to the PA Secretary of Human Services (for "Employment First" policy), Deputy Secretary for Developmental Programs, Executive Director for the PA Office of Vocational Rehabilitation, Executive Director of The Arc of PA, Deputy Secretary and Policy Director at the PA Department of Health, and Director of the Erie County Department of Human Services. He was a Legislative Assistant for then-Congressman Tom Ridge from 1991 through 1994 and served on the President's Committee for People with Intellectual Disabilities from 2006 to 2008. Steve is a veteran of the U.S. Air Force and holds a Master's Degree in Public and International Affairs from the University of Pittsburgh.

Dale Verchick, Commission Vice Chair, has been an advocate at Disability Rights Pennsylvania since 2008, working for the rights of people with disabilities in various matters, particularly addressing barriers to employment for beneficiaries of Social Security. She also assists people with tools to achieve successful results by using self-advocacy methods. Prior to her life as an advocate, Dale was an elementary school teacher

accredited through the American Montessori Society. Dale and her family were refugees in the Persian Gulf War when they were forced to relocate to India. She is an immigrant, now US Citizen and she resides in Schuylkill County with her husband, their son Andrew and daughter Lucy who has congenital femoral deficiency and fibular hemimelia. Dale presently serves on the Board of Pennsylvania Assistive Technology Foundation. She co-authored “NRI- the Improbable Adventures of a Non-Resident Indian” which tells the story of non-resident Indians caught between countries and cultures.

Dr. Josie Badger DHCE, CRC, Commission Secretary, received her Bachelor’s degree from Geneva College in Disability Law and Advocacy, a Master’s from the University of Pittsburgh in Rehabilitation Counseling, and a Doctorate from Duquesne University in Healthcare Ethics. In 2012, Dr. Badger was crowned Ms. Wheelchair America. In 2014 Josie founded J Badger Consulting Inc. where she provides youth development and disability consulting services for organizations, on transition and leadership development. She is the National Transition Director for SPAN Parent Advocacy Network, working with RAISE and the National Healthcare Transition Center for Youth with ID/DD. She is the Campaign Manager of the United Way of Southwestern PA’s #IWantToWork Campaign, to improve the employment of people with disabilities, is the lead Field Organizer for the Family Care Act that supports paid family leave, and is the developer of TRAIL, a statewide advocacy and lobbying training program. She serves as a board member of the United Way of Southwestern Pennsylvania, The Woodlands Foundation, the Mary Grace Hospice Foundation, PA Assistive Technology Foundation, and is the Secretary of FISA and co-chair of the Grants Committee.

Mary Hartley (Inaugural Chair of the Commission) is the Executive Director of the Parent Education and Advocacy Leadership (PEAL) Center. She has led statewide policy and legislative change as well as projects supporting transition to adulthood and employment, most notably, the self-advocate managed #IWantToWork campaign at United Way of Southwestern Pennsylvania. With United Way and county leadership, she initiated and launched a successful new model of employment collaboration (now in multiple businesses), the Career Transition Project. Mary is a parent advocate who got her start volunteering with the Local Task Force on the Right to Education. She lives with her husband and two children in Pittsburgh; her son is advocating on his own behalf through transition.

Cindy Duch is the Director of Parent Advising for the PEAL Center, where she has been for 14 years. Cindy lives in Hampton Township with her husband Jim and their two sons, Andrew and Alex. Her career in advocacy began when her older son was diagnosed on the Autism Spectrum. In addition to her work at the PEAL Center, Cindy is a member of the PA Rehabilitation Council and chairs the IDEA/Transition Committee. She is the current Co-Chairperson for the Local Task Force (LTF) on the Right to Education in Allegheny County, IU 3. She believes that the LTF is one of the greatest hidden resources for parents of children with disabilities in the public school system. Cindy also served the disability community as the Co-Chairperson of the Western PA Coalition of Education Advocates and as a Peer Monitor assisting the PA Department of Education in monitoring the Special Education Departments of School Districts in Pennsylvania. She has a B.S.B.A. in Economics from Robert Morris University.

Amiris Dipuglia obtained her degree as a medical doctor in 1991 from the Pontificate Catholic University Mother and Master in the Dominican Republic. When her eldest son Alexander was diagnosed with autism, she abandoned her medical career and pursued her certification as a behavior analyst. Amiris has dedicated the past twenty years to serving children with autism and other developmental delays by providing training and consultation to staff members in educational programs as well as homebound service providers on the implementation of evidence-based interventions derived from the field of applied behavior analysis. She also provides training to family members in order to promote and facilitate collaboration as well as optimize outcomes. She is currently one of the lead consultants for the Pennsylvania Training and Technical Assistant Network (PaTTAN) Autism Initiative and serves as a parent consultant.

Richard S. Edley, PhD, is the lead executive for the Rehabilitation and Community Providers Association (RCPA) in Pennsylvania, one of the largest state trade associations in the country representing providers of mental health, drug and alcohol, intellectual and developmental disabilities, children's, brain injury, medical rehabilitation, and physical disabilities and aging services. The association includes over 350 members. His professional career began in 1988 and prior to leading the association he was President and CEO of PerformCare/Community Behavioral HealthCare Network of Pennsylvania (CBHNP), a national, full-service, behavioral health managed care organization. Most recently, Dr. Edley was named to the Board of Directors of the National Council, a Washington DC based organization representing behavioral health providers and associations throughout the country. He also is a member of the PA Medical Assistance Advisory Committee (MAAC) and numerous other state task forces. Dr. Edley's baccalaureate degree is from Boston University and he holds master's and doctorate degrees in clinical psychology from Emory University. He was an intern and post-doctoral fellow at McLean Hospital, where he held a faculty appointment at Harvard Medical School, Department of Psychiatry. Dr. Edley is a national presenter and is published in a broad variety of health care areas.

Heidi Tuszynski MS, NCC, LPC is a person with a visual disability and resides in Erie, PA with her husband and daughter. She is a Nationally Certified Counselor and a Licensed Professional Counselor and holds a Bachelor's degree in Social Work and Masters in Counseling. She has over 25 years of experience working for nonprofits in the Erie community working with grieving children, individuals who are visually impaired and blind, individuals with mental health issues, and advocating for parents and children with disabilities in the educational system. Heidi is the former Chair of the Pennsylvania Rehabilitation Council and a member of The Governor's Advisory Committee for Persons with Disabilities.

Susan Miller Tomasic graduated from Messiah (College) University with a B.S. in education. After more than a dozen years as a classroom teacher, Susan made a career change to corporate training coordination. Susan began working for the PA Statewide Independent Living Council, was later appointed by Gov. Rendell to the PA SILC board, and now serves as its chair. Susan has been an active advocate for the disability community at local, state, and national levels for more than 22 years. Susan, her husband, Frank, and their children, Jason and Leah, reside in South Hanover Township, Pennsylvania.

Susan Tachau is founder and Chief Executive Officer of Pennsylvania Assistive Technology Foundation (PATF). PATF is a Community Development Financial Institution that focuses its lending on helping individuals with disabilities finance assistive technology devices and services. PATF is also Commonwealth's Alternative Financing Program, as designated by the federal Assistive Technology Act. Susan is the co-author of several PATF publications, including *Cents and Sensibility: A Guide to Money Management and Funding Your Assistive Technology*, *A Guide to Funding Resources in Pennsylvania*. Susan serves on several Boards of Directors including National Disability Institute, National Disability Finance Coalition, and PA Statewide Independent Living Council. She received a B.A. from Colorado College, a M.A. from Rutgers University, and an honorary Doctor of Humane Letters from Colorado College. Susan and her husband are the parents of an adult son who has a disability and lives in his own home and works for The Arc of Philadelphia.

Andrew Pennington is the Deputy Director of the Pennsylvania Client Assistance Program (CAP). He is a council member of the PA Rehabilitation Council and serves on multiple Citizens Advisory Councils that meet to discuss potential barriers within the Vocational Rehabilitation Process at the district office level. He participates in the policy development process for the Office of Vocational Rehabilitation. He is an advocate for individual seeking services from the Office of Vocational Rehabilitation, Centers for Independent Living, and programs, projects and facilities funded under the Rehabilitation Act of 1973 as amended. He also provides individuals and programs training on services funded under the Act and Title 1 of the ADA throughout Pennsylvania.

State Representative Dan Miller. As the eldest child of immigrant parents, Dan was the first member of his family born in America. Having a strong appreciation of the special opportunities America offers, he has made public service part of his life. He enlisted in the Army National Guard after high school. While his military service was cut short due to injury, he found another way to engage in service. Dan was a volunteer firefighter with Mt. Lebanon Fire Department for 14 years, and also was elected as a municipal commissioner. Dan earned undergraduate degrees in education and history and a law degree from Catholic University. He was first a public defender focusing on juveniles and later was a county solicitor where he worked to make sure kids were safe in their homes and received a proper education. Dan was elected to the House of Representatives in 2013 and in 2020 he became Caucus Chair of the Democratic Caucus.

Lisa Biggica is the President/CEO of UniqueSource Products and Services, the Central Non-Profit Agency operating under Pennsylvania's preferred purchasing program, whose mission is to advance employment opportunities for Pennsylvanians with disabilities. She is also a governor-appointed Commissioner of Pennsylvania's Employment First Oversight Commission. Lisa also serves as the President of the State Use Program Association (SUPRA), providing a consolidated source of information and support for State Use Programs nationwide. Lisa is a graduate of Elizabethtown College, with a BS in Business. She also holds Project Management certifications from Villanova University.

Cheryl Bates-Harris is a Senior Disability Advocacy Specialist for the Training and Advocacy Support Center (TASC) of NDRN where she has 23 years of experience and expertise working with people with disabilities. She has an in-depth knowledge of cross disability issues and focuses on employment issues of people with disabilities, including Vocational Rehabilitation, Social Security and Return to Work (PABSS), and other work programs that impact people with disabilities, including DOL OneStops. Since the passage of Ticket to Work and Work Incentive Improvement Act she has conducted national training on TWWIA and Vocational Rehabilitation Services and has conducted extensive training on the intersection issues of the Ticket to Work with state vocational rehab services. She was appointed by President Bush to the Ticket to Work and Work Incentives Advisory panel in 2004. A prime impetus behind *Segregated and Exploited; the Failure of the DD System to Provide Meaningful Work*, she provides training and technical assistance to the protection and advocacy and Client Assistance Programs nationwide and has been an invited speaker at many national conferences.

Julia Barol is at Temple University Institute on Disabilities working on employment systems issues. She is also President of Transition Consults where her work focuses on giving people the opportunity to live and work in their community, self-directing their lives. She is President of the Pennsylvania chapter of APSE (Association of People Supporting Employment First) and has been working to advance Employment First in Pennsylvania since 2012. She serves on the national APSE Board of Directors as the Mid-Atlantic Delegate. Julia was a part of the initial cohort of the BPAOs and the roll out of the TWWIA and was certified as a benefits counselor in 2001. She has counseled many hundreds on work and its impact on benefits so that people can make informed decisions about their future. She has trained groups on work incentives, SSA benefits, and healthcare options for many years. Julia holds a Masters in Secondary Special Education and Transition from The George Washington University.

Thanks and appreciation go to the following individuals who left the Commission during the past year:

- **Zach Hicks**
- **Vince Loose**
- **Donna Partin**
- **Steve Pennington**
- **Paul Stengle**