

The time is now: Increasing competitive integrated employment opportunities for all Americans with disabilities

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We are pleased to share with you an important written testimony submitted for Senator Bob Casey's Hearing in the U.S. Senate on "All Means All: Empowering People with Disabilities in Careers and in the Workplace." This testimony was provided by Dr. Lauren Avellone, Associate Professor at the Virginia Commonwealth University–Rehabilitation Research and Training Center. This testimony took place on Thursday February 29, 2024. Her testimony focused on the positive impact of competitive integrated employment on people with high support needs working within the United States, the need to eliminate 14c certificates which enable subminimum wages to be paid to people with disabilities, and solutions for achieving greater employment outcomes for all people with disabilities who would like to obtain employment.

Statement from Dr. Paul Wehman, Editor-in-Chief of the *Journal of Vocational Rehabilitation*

Thank you, Chairman Casey, Ranking Member Braun, and members of the U.S. Senate Special Committee on Aging, for inquiring about a topic that I feel deserves renewed attention and pressing changes. My perspective is an aggregate of my experiences working in multiple professional settings. I worked in a sheltered workshop (now called work centers), which are facilities that separately employ people with disabilities and can obtain authorization to pay those individuals less than the federal minimum wage. I have also worked as a direct service provider in residential and hospital settings, and in a university postsecondary education program. Currently, I am a researcher in the area of disability and employment, but I also provide local consultation on behavioral services for transition-age youth in public schools and national consultation

on community-based employment supports. Therefore, my position on the employment possibilities for people with disabilities comes from my collective experiences serving in multiple capacities. My views reflect the voices and insight of those I have met over the course of my career.

1. Importance of competitive integrated employment

Employment is a major life activity for most adults. It is estimated that Americans spend approximately one third of our entire lives working. Employment provides a number of advantages associated with an overall increased quality of life (Lea & Meier, 2018). When a person is able to participate in employment aligned with their personal skills and interests, it can enhance a person's life through financial gains, access to social circles, the establishment of structure and routine, opportunities for personal growth,

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a sense of purpose, a chance to contribute meaningfully to one's community, and the ability to spend one's time in intrinsically rewarding ways. Not surprisingly, research confirms this to be true for those with even the most significant disabilities as well (Schall et al., 2020; Taylor et al., 2022). Young adults with disabilities who participate in competitive integrated employment show significant growth in personal independence in several major life areas. These include increases in home living, community engagement, lifelong learning, health and safety, socialization, and self-advocacy skills (Inge et al., 2023; Schall et al., 2020).

2. Current state of employment for people with disabilities

Unfortunately, Americans with disabilities participate in the United States workforce at much lower rates than their peers without disabilities. Only 40.5% of individuals with disabilities were employed in January of 2024, and while this is near historic highs, it is alarmingly low when compared to the 77.3% of people employed without disabilities (Center for Research on Disability, 2024). Individuals with disabilities are not only less likely to be employed, but they are also more likely to be working part-time rather than full-time, and working in jobs below their potential (U.S. Bureau of Labor Statistics, 2024). They also remain the only people in the U.S. legally allowed to be paid below the federal minimum wage as a condition of their employment through the issuance of 14c certificates (U.S. Department of Labor, 2024). Put plainly, people with disabilities are a massively underutilized group of talented individuals, many of whom want to work and could significantly contribute to our workforce.

3. Definition of competitive integrated employment

I have spent the majority of my career assisting those with the most significant support needs access education and employment. These are individuals who are skilled and capable people, but who also happen to need extra help in a variety of areas of daily life. Such areas include but are not limited to communication, socialization, personal independence, reduction of challenging behaviors, and employment. These individuals are at the highest risk of being excluded

from work. Therefore, I would like to be clear that when I say individuals with disabilities should have greater opportunities for workforce participation, I am including those with high support needs. I would also like to be clear that when I refer to work, I am referring to competitive integrated employment. The Workforce Innovation and Opportunity Act of 2014 designates key features of competitive integrated employment to be;

- full or part-time work;
- in an integrated setting among others who do not have disabilities;
- with pay at or above the federal minimum wage, and comparable to that received by other employees doing similar work with similar experience and credentialing,
- offering similar benefits as those received by other employees in similar positions; and
- includes opportunities for advancement similar to peers without disabilities in similar positions (WIOA, 2014).

In essence, I am referring to the same type of work any American without a disability would pursue, not work in segregated settings or those that pay below the federal minimum. The original purpose of the 14c certificate, made possible under the Fair Labor Standards Act of 1938, was made in good faith. It was intended to enable individuals with disabilities and returning veterans from war an opportunity to obtain work, but at reduced compensation (U.S. Commission on Civil Rights, 2020). However, we know substantially more today than we did in the 1930s about how to effectively serve individuals with disabilities, including those with the most significant disabilities. Findings from a report by the U.S. Commission on Civil Rights in 2020 found that the general profile of individuals receiving subminimum wages did not differ from those with the same disabilities earning competitive wages in integrated settings (U.S. Commission on Civil Rights, 2020). This finding is not surprising to the many of us regularly using the evidenced-based practices that help individuals with higher support needs access competitive integrated work.

4. Evidenced-based pathways to employment

We now have over 40 years of research identifying evidence-based practices that lead to competitive integrated employment outcomes for those with even the highest needs (Wehman, 2023).

These interventions include, but are not limited to supported-employment, customized employment, inclusive postsecondary education programs, and transition-to-employment internship models (Avellone et al., 2021; 2023; Inge et al., 2024; Wehman et al., 2017; Wehman, 2023). These interventions all share several critical characteristics that make them particularly effective.

- All adhere to a “place-then-train” approach which encompasses placing an individual in a job and then installing the proper supports needed to help them be successful. This approach negates the need for spending time in preparatory activities prior to beginning work.
- A job coach or other employment support staff serves as a facilitator, advocate and liaison between the business and the individual with a disability during the entire employment process.
- Supports are individualized to meet the personal needs of each person with a disability. There is not a one-size-fits-all approach.
- All involved, which includes the person with a disability, employment support staff, businesses and sometimes educators work collaboratively to “think outside the box” and identify how an individual job seeker’s strengths, interests and preferences can be aligned with the needs of a business.
- The needs of a business are given equal consideration to those of the job seeker with a disability resulting in a good job match that is mutually advantageous for both the person with a disability and the employer.

There is an antiquated view that a person who has high support needs who wants to work, can’t work. This view often showcases the many ways a person might struggle to job search, interview, onboard, learn the job once employed, and to do what is necessary to keep the job long-term. Simply put, that isn’t how the evidenced-based practices used to successfully transition a person to employment operate. Rather, the evidenced-based practices shown to be effective for people with significant support needs require more flexible approaches, creativity and different ways of thinking on the part of all involved.

This is the case for A.J. and Damien, two autistic individuals with significant support needs who work at a large hospital in the Richmond area. Both work in jobs that add true value to their employer and the mission to serve their patients.

A.J. works to ensure that special carts containing gowns, gloves, masks and other protective equipment are fully stocked throughout the hospital. Before he was hired, these carts were often depleted of needed supplies during the day. The hospital was found deficient in this area on their accreditation review. As a result, they decided to create a position that involved these tasks and hire A.J. to do the work. His dedication and attention to detail make him a model employee, but more importantly, his efforts make co-workers and patients safer by ensuring they have necessary protective equipment.

Damien works in the hospital pharmacy where he ensures that all medications are stored properly. He also removes out-of-date medication. In addition, he is responsible for delivering chemotherapy medicines to the outpatient infusion center in the hospital. These were jobs that previously had to be done by the pharmacists and pharmacy techs when they had the time. The problem was that these employees never had the time and so these tasks were not getting done as needed. Because of Damien’s work, the hospital has been able to decrease the number of incidents of medication errors and reduce the wait time experienced by chemotherapy patients.

If you were to meet these young men, you might think their disability would make work like this too difficult for them. However, they possess significant strengths that when aligned with the needs of the business resulted in highly beneficial outcomes for A.J., Damien, and the hospital. It should be a national priority to create changes that enable more individuals like the ones showcased here opportunities to secure competitive integrated employment.

5. Recommendations for change

Given that we have known about effective strategies to increase employment outcomes for nearly four decades, how is it that we still manage to see persistently low employment rates for people with disabilities? Based on a combination of the research conducted at the Rehabilitation Research and Training Center at Virginia Commonwealth University in the area of disability and employment, and my clinical experience working with service provider agencies, I can identify a number of factors that consistently act as barriers to competitive integrated

employment for people with disabilities. It is difficult to see how the needle will be moved if these areas are not addressed in the future. They include:

- Increasing specialized transportation options;
- Professionalizing the role of employment support providers;
- Funding long-term supports;
- Increasing work-based learning opportunities for youth and young adults;
- Increasing funding for Inclusive Postsecondary Education Programs;
- Addressing concerns about keeping disability benefits while working;
- Eliminating 14c certificates that enable workers with disabilities to be paid less than the federal minimum wage.

One the most commonly cited impediments to competitive integrated employment for people with disabilities is transportation (Sabella & Bezyak, 2020). I have heard repeatedly from service providers that *“Getting a person with significant support needs a job is often not the problem. Rather, it is finding a way to get them to and from that job that results in the inability for them to secure or retain that position.”* While transportation is a pervasive issue for many people with disabilities, and frankly many American workers without disabilities, it presents a particular challenge for individuals with high support needs. These are often job seekers who do not, and will not, have a license or personal vehicle to help them get to work. A lack of transportation inhibits their ability to become employed. This often unfairly places the burden of transportation on the families of people with disabilities and discourages those with economic challenges from opting to pursue work – the very economic opportunity that could better their circumstances.

There is also a need to professionalize the role of the employment specialist (Ham et al., 2023). There is a research-to-practice gap when it comes to implementation of evidenced-based practices. In controlled research settings, where interventions such as supported and customized employment are provided, we see high rates of employment outcomes for those with high support needs ranging from 60% to 90% (Avellone et al., 2023; Wehman et al., 2017; 2019). In applied settings outside of the research context, we don’t see the same impressive outcomes. There are not nation-wide credentials required for the role that ensure providers are trained in a minimum number of competencies necessary to provide effective

employment supports. Further, this lack of professionalization results in service providers unfairly being asked to perform above their level of training and skillset, which leads to unnecessary stress and high turnover.

There is a need to fund long-term supports to ensure job retention (Brooke et al., 2018). While growth and independence will occur on-the-job as a person becomes comfortable, natural supports within the workplace are not enough to ensure long-term success. A person with significant support needs is likely to require periodic check-ins from a service provider to ensure their employment is going smoothly. Changes occur in every workplace over time. A person with significant support needs may require specialized assistance adjusting to changes in supervisors, protocols, the physical workspace, or supplies. This support needs to be addressed by a highly trained employment service provider who understands evidenced-based strategies. Some states have addressed this need with state-level funding by ensuring there is a smooth transition from Vocational Rehabilitation Services to Home and Community-Based Medicaid Waiver Services, but these states are the exception and not the rule (Friedman & Rizzolo, 2017). Instead, my colleagues and I have seen an individual’s successful employment become at risk due to a lack of long-term support.

There is a need to increase work-based learning opportunities. Participation in paid work during high school is a significant predictor of obtaining competitive integrated employment after leaving high school (Avellone et al., 2023; Carter et al., 2012; Wehman et al., 2015; Roux et al., 2015). Nothing prepares a transition-age youth for becoming employed as a young adult better than spending actual time immersed in a work setting performing real job duties for an employer. Work-based learning experiences allow a young adult to engage in job exploration, develop marketable skills, establish a resume and references, and build a network of professionals who can connect the person to future job opportunities (Wehman et al., 2019). This positions the youth to be better prepared for immediately entering the workforce. In my research, work-based learning experiences are the least likely received pre-employment transition service specified in The Workforce Innovation and Opportunity Act of 2014 (Avellone et al., 2024).

There is a need for funding to increase access to inclusive postsecondary education programs for students with intellectual and developmental disabilities

(Avellone et al., 2021). These programs provide specialized college experiences for students that enable them to receive advanced academic and applied work training in a specific area of interest. Grant funded demonstration projects have sometimes covered tuition. However, as these models move to be sustainable without that level of financial assistance, the burden of cost falls on families which makes this option out of reach for many young adults with intellectual and developmental disabilities who would like to receive postsecondary training. Contributions from Vocational Rehabilitation and private donors have helped cover tuition costs but these resources are limited and inconsistent.

While this is not my area of expertise, I have heard from many individuals and families about their concerns regarding obtaining employment or working additional hours due to fears that it will place receipt of their disability benefits at risk (Olney & Lyle, 2021). I have also heard from affected parties that as states raise their minimum wage rates this has created more concern about the impact of work on maintaining benefits. I recommend the committee seek expert guidance on this matter.

Lastly, it is time to end the practice of paying people with disabilities subminimum wages through the use of 14c certificates. This practice falsely communicates that people with disabilities are not capable or competent enough to perform high quality work among the rest of society. It also erroneously assumes that their work isn't worth as much as the work of other Americans without disabilities. These views are misaligned with what we know from extensive research and success stories of those with even the highest support needs who have entered competitive integrated employment and contribute meaningfully in their communities every day.

6. Conclusion

I believe that addressing the issues outlined in this statement will significantly enhance the unnecessarily poor employment outcomes currently experienced by Americans with disabilities. Addressing each of these areas will provide Americans with disabilities, particularly those with the most significant support needs, more choice over the services they can access and the future they want to hold. It is my position that nearly anyone who wants to work, *can* work, regardless of the type or severity of their disability. It is time we stop thinking dichotomously about

who can work, and who cannot work, and instead be thinking about what we can do to help all people with the desire to work to become employed. A person with higher support needs may require more time and resources in order to gain access to competitive integrated employment, but it is possible and we have seen it done through flexible approaches and individualized supports.

The evidenced-based methods used to successfully employ those with significant support needs also considers the unique needs of businesses which results in an advantageous arrangement for all parties. In a post-pandemic world, the employment landscape has changed dramatically. Not only are employers more in need of reliable and motivated workers than ever before, but they have also become more accustomed to making accommodations like offering telework options, shift changes, and redistribution of tasks to employees. These are the sorts of accommodations that already greatly benefit individuals with disabilities. Therefore, it is a particularly optimal time for change. As we look to the future, I hope to see employment outcomes for all individuals with disabilities greatly improved. Not only in terms of simply becoming employed, but also in terms of higher quality employment outcomes that reflect higher wages, more full-time employment, long-term job retention, greater access to fringe benefits, more advancement and upward mobility, and the securement of more diverse jobs in a variety of industries.

Before I close, I would like to tell you about the meaning of work in the life of Charlie and Stefanie. Both secured competitive integrated employment as a result of their participation in a work-based learning internship program.

Charlie is a surgical technician in a progressive surgical bariatric unit also at a local hospital in the Metro Richmond area. Charlie's dad, Charles Sr. reflects on his son's accomplishments:

"While he still has his ups & downs Charlie is thriving... and he just got a raise. He also just got nominated for an award at work. He seems to be really doing good and that means a lot. If something ever does happen to me, he'll have a house to live in. He'll have to have someone to help him out but he'll have a place to live, he's GOT A JOB, and he'll be okay! That means a lot, it really does. You want your children to do good and when they have special needs it makes it even more challenging, but he'll be okay- he really will."

Stefanie is a young autistic woman who needs support communicating with others. After spending her senior year in high school at a specialized program in Richmond Virginia called Project SEARCH plus ASD Supports, Stefanie got a job as a technician in the endoscopy unit at a large Metro Richmond hospital. She sanitizes and resets patient bays, sets up patient belonging bags, and stocks each bay with clean sheets and blankets. Before being hired, the nurse manager couldn't imagine a person with Stefanie's type of support needs working for her because she was worried they wouldn't be able to handle the demands of the job. Now, she says:

"Within a week of having Stefanie intern in our department, we knew we had to hire her . . . She brings a sense of life and humility to what we do every day . . . It's hard not to smile when Stefanie is at work!"

Stefanie's mom Donna sent this email on the day she was offered a job to Stefanie's employment specialist:

"I spent all yesterday afternoon alternating between weepy and a big smile on my face...there aren't words to say how much I appreciate what all of you have done to get us to one of the proudest days in our lives...once Stefanie figured out that I was crying because I was so happy she became so excited to understand that she HAS A JOB! And each time she told someone it got louder and prouder-I GOT A JOB! We all want to be around people that value us for who we are and appreciate the work we do... Thank you for pushing for this particular internship. I believe she has truly found people who see her just as I do- an incredibly hard worker whose very presence does indeed make it a happier place to be...again there are no words for how that feels."

For Charlie, Stefanie, AJ, and Damien, their jobs give them purpose and meaning. Their employers value them for what they bring to the workplace and they contribute greatly to their communities. They are known as competent workers. To date, they have all been employed for over 10 years. Without them working, the morale of their units would be lower, the quality of care given to patients would be lower, and the worry their parents hold over their futures would be higher.

Thank you for the opportunity to share.

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