

**ALL MEANS ALL: EMPOWERING
PEOPLE WITH DISABILITIES TO
THRIVE IN CAREERS AND THE WORKPLACE**

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Thursday, February 29, 2024

U.S. SENATE
SPECIAL COMMITTEE ON AGING
Washington, DC.

The Committee met, pursuant to notice, at 10 a.m., Room 106, Dirksen Senate Office Building, Hon. Robert P. Casey, Jr., Chairman of the Committee, presiding.

Present: Senators Casey, Blumenthal, Fetterman, Braun, Rick Scott, and Ricketts.

OPENING STATEMENT OF SENATOR ROBERT P. CASEY, JR., CHAIRMAN

The CHAIRMAN. Well, good morning everyone, and welcome to the Senate Special Committee on Aging. This hearing will come to order. This is our 12th hearing of the Special Committee on Aging in the 118th Congress.

Today, we will discuss a topic of growing national significance: employment for people with disabilities. As of January 2024, the labor force participation rate of people with disabilities was 40.5 percent. That number is up from 32.7 percent, just since April 2020, so, significant growth in that short time period. Disability employment is at the highest levels since recordkeeping began in 2008. More people with disabilities are looking for, are finding, and are retaining employment than ever before.

These increases in disability employment are happening as more states and businesses move away from segregated, subminimum wage employment into competitive integrated employment. Like everything there, we have to have acronyms, some of us may refer to it as CIE or competitive integrated employment. This means that people with disabilities are paid at or above minimum wage, and they also, with competitive integrated employment, would have opportunities for advancement, and work alongside people with disabilities and people without disabilities. Competitive integrated employment is possible for all people with disabilities and is the standard for disability employment.

Let me just get our pamphlet here—in this pamphlet you can see—I will go to the picture here, on the third panel of the pamphlet—the pamphlet is entitled “Competitive Integrated Employment, the Standard for Disability Employment” and then on this panel we make reference to Hannah, who is a sales associate. She

is a young woman with intellectual developmental delays from southeastern Pennsylvania who is working in the stockroom at her retail job. You can also see, on another panel here, Chris, right on the bottom here. Chris is a deaf-blind man from central Pennsylvania, working as an accessibility engineer from his computer at home, so, there is a lot of variety to this employment.

Competitive integrated employment is truly possible when we work with businesses and workers to create situations that work for everyone, that work for the employees as well as the employer. That is why my Transformation to Competitive Integrated Employment Act, the so-called TCIEA, legislation provides essential support to states and businesses to facilitate successful transitions to competitive integrated employment. Senator Daines from Montana is a co-sponsor of that bill. This bill makes it so people with disabilities who want to work will be able to work.

Workplaces across the country have achieved this reality, and we will highlight that success in today's hearing. We will hear from experts and people with lived experience about what people with disabilities need to thrive in the workplace.

Our witnesses will be able to speak about successful employment outcomes in various work environments, from small businesses to large corporations. With the right support, people with disabilities can thrive in their work environments, and we must create an ecosystem that supports their ability to do so. This happens by ensuring they find a good match in an employer. It happens by creating healthy work environments that balance the right combination of natural supports and reasonable accommodations so that people can thrive in the workplace, and it happens by ensuring businesses have the proper resources and the support they need to provide their employees with these healthy work environments.

That is why I am also proud to once again sponsor the Disability Employment Incentive Act during this Congress. This bill would expand three existing tax benefits to businesses that successfully hire and retain people with disabilities. The Disability Employment Incentive Act would help support businesses that hire people with disabilities in competitive integrated employment. This bill supports the transition to a fully integrated workforce where people with disabilities work alongside people without disabilities, for equal compensation, and have the same opportunities for advancement as their peers.

We have seen substantial progress in disability employment in recent years, as we made references to the gain in percentage of the people that are in the workforce, but even with this progress over just a few short years, people with disabilities continue to work at almost half the rate of people without disabilities, so, when we increase from 32.7 to 40.5 in the workforce participation rate, that was great growth for a short period of time, but still at that 40.5 level, that is still half the rate of labor force participation compared to those without disabilities, so we can do more and must do more to employ people with disabilities.

I look forward to hearing from our witnesses who will provide lived experience to the Committee and to the Nation and also, we will hear about solutions to further increase competitive integrated employment for people with disabilities.

Now, I turn to Ranking Member Braun.

STATEMENT OF SENATOR MIKE BRAUN, RANKING MEMBER

Senator BRAUN. Thank you, Chairman Casey, and thanks to the witnesses here today.

It is great to see a record number of Americans with disabilities being employed. I hope we can continue these gains despite economic turbulence, with inflation at levels we have not seen in a long time, over three percent, and high interest rates to boot, but we can generally get through that as a country, and I think we will this time, as well.

My home state prioritizes the ability of Hoosiers with disabilities to earn a living and support themselves and their families. Indiana is a proud "Employment First" State. This means understanding how hardworking, motivated, and entrepreneurial these individuals are. We will learn more about this today from Jeff Mittman, the CEO of Bosma, a great Hoosier himself, and an organization that goes above and beyond.

Indiana is blessed to have many businesses and organizations empowering people with disabilities. In Knox County, for instance, a county near where I live, KCARC invests in commercial sewing and other manufacturing equipment to accommodate workers with disabilities. It talks about its workforce as a commitment to freedom for people with disabilities to work when and how they want. We should keep that freedom in mind as we consider the best strategies to help with employment and be careful to avoid limiting choices.

Opportunity Enterprises in Indiana connects Hoosiers with disabilities to good jobs and helps other businesses learn to do the same. It appreciates flexibility in policy. It is clear that one size does not fit all when it comes to disability employment and policy.

That is why a growing number of individuals starting their own businesses to improve their own economic security. As a former small business owner, I am always happy to promote initiatives that encourage entrepreneurship and businesses at the smallest level. It can be rewarding for employers, employees, and the communities in which their businesses serve.

People with disabilities are more likely to be self-employed than those without. It may not seem intuitive but that is interesting, because I think they, with those challenges, are going to have to be entrepreneurial and innovative to sometimes make their way. I like that. There are currently more than 1.8 million business owners with disabilities in the U.S.—that is a lot. We must continue to support these entrepreneurial individuals so they can start and expand their own businesses.

Senator Shaheen and I introduced the Supporting Disabled Entrepreneurs Act, which directs the Small Business Administration to designate a Coordinator for Disabled Small Business Concerns and collect voluntary data on the disability status of small business owners. This is an important first step in removing some of the barriers for disabled small business owners and ensuring they have access to SBA programs. I thank the Chairman for his support of this legislation.

I look forward to hearing more from the witnesses today in how we can make things work better for all of you.

Thank you. I yield back.

The CHAIRMAN. Thank you, Ranking Member Braun. Now I will introduce each of our witnesses and then we will get to their testimony.

Our first witness is Ms. Erin Willman. Ms. Willman is the founder and CEO of White Cane Coffee Company. She will share her experiences as a business owner with disabilities who employs people with disabilities in Warren County, Pennsylvania, so thank you, Ms. Willman, for being here today, for sharing your story with us, and traveling a great distance. That is a good ride from Warren County.

I will now turn to Ranking Member Braun to introduce our second witness.

Senator BRAUN. Thank you, Mr. Chairman. Jeff Mittman is the President and CEO of Bosma Enterprises. He is also President of the National Association for the Employment of People Who are Blind. He retired as a master sergeant after over 20 years in the Army. In all these roles he is dedicated to service. Thank you for all your service, Mr. Mittman, along the way, and thank you for being here today.

The CHAIRMAN. Our third witness is Mr. Frank Hellmer. Mr. Hellmer is a full-time data analyst, graduate student, and trained accountant. He is also a self-advocate with autism who, early in his career, worked at a business that paid him subminimum wage. Mr. Hellmer will share his experiences transitioning from a subminimum wage job to a competitive and integrative career where he uses his extensive skills and ability. Mr. Hellmer, thank you for sharing your story with us today.

Our fourth and final witness is Dr. Lauren Avellone. Dr. Avellone is an Associate Professor at Virginia Commonwealth University in Richmond, Virginia. Her work focuses on supporting people with complex disabilities to find and retain competitive integrated jobs. Dr. Avellone, thank you for sharing your expertise and for being with us today.

Now we will start with each of our witness statements, and we will start with Ms. Willman. You can begin.

**STATEMENT OF ERIN WILLMAN, FOUNDER AND CEO,
WHITE CANE COFFEE COMPANY, WARREN, PENNSYLVANIA**

Ms. WILLMAN. Hello. I am Erin Willman. I am the Founder and CEO of White Cane Coffee. Before I begin, I would like to thank Senator Casey, Senator Braun, and all of the members of the Aging Committee for inviting me to come down to this Nation's great capital and for having me here to speak on a subject that is very dear to my heart.

When I lost my vision at the age of 15, I went through a very familiar experience for many disabled teenagers. I started to question what my future was going to look like. As many young people do, I went looking for employment only to be met with rejection time and time again due to the fact that people could see was my white cane and all of the things I could not do, instead of all of the things I was capable of.

After all this time and all of the continuous rejections I started to become discouraged. I was beginning to question what my worth was.

After going to the Office of Vocational Rehabilitation I was told that I would never be able to have competitive employment.

Thankfully, I have wonderful and supportive family members. On a particularly bad day my dad tried to cheer me up by playing a game. It was a thought experiment on what I would do if I could create a job, since I could not find one. We had come up with a coffee business. My reasoning at the time was that coffee is something that is known to bring people together, so why not use that to bring both able-bodied and disabled people together?

We kept talking about it for days until we realized we could create a business like the one we imagined, and we named it White Cane Coffee.

From that very first discussion we knew we wanted to do two things with the company. We wanted to have Braille on all of our packaging, and second, we wanted to hire other people with disabilities so that they could have the same opportunity for competitive employment. I figured that if I was not getting hired due to my disability, others in my community might not be faring much better.

Now, I knew at the time a little bit about the sheltered workshops due to my older brother working in one for a time when I was younger. While working there he was only being paid \$1.50 an hour, which is not only much less than minimum wage in Pennsylvania, but he was also losing money due to the price of transit. He was also not allowed to pack a hot lunch or use the microwave in the kitchen, and the able-bodied staff not only looked down on him and the other disabled employees but kept a cold distance from them. Needless to say, he was my first employee.

Meanwhile, at White Cane Coffee, our staff has full access to warm meals and have always been treated with respect. Some businesses treat their employees as liabilities. We always treat ours as assets.

As my business grew from an online store to a brick-and-mortar shop, I was able to hire more people with disabilities. That growth has also given me the privilege to speak with schools for the blind to discuss with the students about their futures.

I will never forget when we hired an employee, we will call Jay. He had also worked at a sheltered workshop. When he came to us he said that he was willing to work for \$7.25 or less. The "or less" caught our attention. Along the way in his life, someone had made him feel like he was worth less. To this day I am deeply upset that he was made to feel that way, but I also think of all of the other disabled people in this country who are either going through such an ordeal or already have.

When we hired him we made sure that he knew that he had worth, that he would be starting at \$9 an hour, and we could not wait to see him come in on Monday. He has been an incredible employee since that day. No matter what he is always on time, even when he has to walk in terrible weather. He also has risen in our business and is now a team leader and is teaching other employees. All of this because someone believed in him.

I have noticed the same loyalty and drive in all of my employees. I have never before heard a group of people speak so enthusiastically about their jobs and being able to talk to their families about what they have been doing at work.

Since opening our company, we have won numerous ethical employment awards due to the fact that we treat people like people. If one small coffee manufacturing company in Pennsylvania can achieve such success, then there is no reason for larger companies to not do the same.

Even making smaller changes to adapt the workplace increases productivity and morale while also lowering employee turnover. The rhetoric that people do not want to work anymore is simply untrue. People want to work. They just want to be treated and paid what they deserve.

I have always said that if you change one life you change the world. By passing the Transformation to Competitive Employment Act you will be changing countless lives. I implore you all, change the world. Thank you.

The CHAIRMAN. Ms. Willman, thank you very much for your testimony.

We will turn next to Mr. Mittman.

**STATEMENT OF JEFFREY E. MITTMAN, PRESIDENT AND
CEO, BOSMA ENTERPRISES, AND PRESIDENT,
NATIONAL ASSOCIATION FOR THE EMPLOYMENT OF
THE PEOPLE WHO ARE BLIND, INDIANAPOLIS, INDIANA**

Mr. MITTMAN. Chairman Casey, Ranking Member Braun, and members of the Committee, thank you for allowing me to be here today.

I am Jeffrey Mittman, the President and CEO of Bosma Enterprises, a nonprofit social enterprise based in Indianapolis, Indiana. At Bosma we are the largest employer of Hoosiers who are blind and the only provider of comprehensive blind rehabilitation in the State of Indiana. We employ nearly 200 individuals, 50 percent of whom are blind and work at all levels of the organization.

In 2005, I was deployed to Iraq and was critically injured in an ambush by an improvised explosive device that took the majority of my eyesight. After several years of medical care and recovery I restarted my career at National Industries for the Blind and was introduced to the AbilityOne program, a program that today employs nearly 40,000 Americans with disabilities.

After leaving NIB I went to work at the Defense Finance and Accounting Service, and while I was there I simultaneously served the board of directors at Bosma Enterprises, and was eventually appointed as the President and CEO of that fine organization.

Employment is the backbone of society. It allows for economic independence and allows individuals to take care of their families.

The AbilityOne program was designed to create opportunities for people who are disabled, and it does that through the procurement of government goods and services at a fair market price. There are currently 500 organizations all across the country within the AbilityOne program, and it was at one of those organizations two decades ago that a blind individual created the suspension system and the padding that I wore in my helmet that day, that took a

full bomb blast to my head. The AbilityOne program and that individual saved my life.

At Bosma Enterprises we are the primary provider of examination and surgical gloves for the Department of Veterans Affairs through AbilityOne. Our employees are paid competitive wages and benefits and are extremely proud of the service they provide our Nation's veterans and were vital to protecting those veterans during the pandemic. See, at Bosma our mission is to provide opportunities for people who are blind, and we do that through a work environment that allows them to thrive and meet their goals.

In addition to employment, Bosma provides blind rehabilitation and training, and we came about doing those programs when the State of Indiana asked to transition them to us because they saw how effective we were employing people who were blind and how well we did, but those programs run at a deficit, but this public-private partnership thrives because of the AbilityOne program, the State of Indiana, and our donors' generosity.

As part of those programs I have a dedicated team of individuals who assist people in finding employment outside of our organization. You see, the freedom to work where you choose is important. Much like employment is the backbone of society, the freedom of choice is vital to all of us as individuals.

Unfortunately, sometimes for blind individual that freedom of choice has been restricted. The government sometimes severely limits or excludes AbilityOne providers as an employment choice for people who are blind or disabled. I think that is due, really, to a misunderstanding and an inconsistent application of the definition of CIE.

You see, I think we run into trouble when we say somebody who is blind working next to somebody blind, that job is of less value than it is for somebody is blind working next to somebody who is not, and as a wounded warrior we never tell a wounded warrior where they could work or that they couldn't work with other wounded warriors, and as I described, as Bosma, our employees receive cross-training, upward mobility. As a matter of fact, 15 of my leaders in the organization are blind or visually impaired, and we are an employer of choice because of that. That is evidenced by our low turnover rate and our high employment satisfaction surveys, the scores.

I am extremely proud of Bosma. As I said, we offer them cross-training, we offer them upward mobility, and we will assist them in leaving the organization if they would like to work somewhere else, so I see our program, the AbilityOne program, Bosma is a vital source for employment for people who are blind, and with that I thank you again for having me here today.

The CHAIRMAN. Mr. Mittman, thank you for your testimony and thank you for your service to the country.

We will next turn to Mr. Hellmer.

**STATEMENT OF FRANK HELLMER, DATA ANALYST
AND SELF-ADVOCATE, LITTLE ROCK, ARKANSAS**

Mr. HELLMER. My name is Frank Hellmer, and I would like to start off by thanking you all for having me here to testify before the Senate Aging Committee concerning my experience with sub-

minimum wage workshops and competitive integrated employment. I am honored and thankful to you all for this opportunity.

I am a person with autism who has worked hard and has been blessed with a good job, currently as a data analyst at a major health insurer called Centene Corporation. Centene, in my experience, has one of the most inclusive hiring processes I have ever seen, going above and beyond the letter of the Americans with Disabilities Act to embody the spirit of disability employment. I am testifying today on my own initiative, and do not represent Centene or claim Centene's endorsement for being here.

Two things I like about my job are having supportive coworkers as well as having work that challenges my mind in a way similar to puzzles. I develop and run SQL scripts, a type of software code, to extract data from data bases and send it to its stakeholders. I enjoy it when I get to learn a new trick or new way to do something with my programming skills.

One thing that makes my job accessible is a flexible work schedule, where as long as I am getting stuff done and producing results they are not too concerned about strict hours. I also work from home, which is helpful for when things get frustrating at work, so I can be as expressive as I want to be and no one has to know about it at work. The flexible schedule also helps me to be able to go to the grocery store with my home and community-based waiver staff during the day and then come back and make up those hours later in the day or later in the week.

Being able to earn good wages has enabled me to obtain my own apartment, go back to school to finish my master's in health informatics, purchase a gaming computer, Nintendo Switch, and Xbox Series S, among numerous other blessings. In my free time, I like to play classic computer games like Doom and Quake due to the multitude of user-made mods and content available for them.

I am able to work in competitive integrated employment because Arkansas has a somewhat unusual program called Workers with Disabilities Medicaid. I am a beneficiary of the Community and Employment Supports (CES) waiver program, which has a 10-year waitlist. Normally a person on Workers with Disabilities Medicaid cannot earn more than three times the monthly SSI rate, supplemental security income, per month without losing their Medicaid waiver eligibility. However, the Arkansas Workers with Disabilities Medicaid program overrides that limitation so that you can earn as much as you want and still maintain your waiver services. With my increased wages, I am able to buy better groceries and stuff that I like, which are mainly electronics and video games. I am also able to save for the future and for retirement as well.

In May 2016, I graduated from Arkansas Tech University with a 3.9 GPA and a double major in accounting and business data analytics. I was able to get through college in large part due to very supportive faculty, who looked out for me. I also met my best friend, Pastor Miller, there, who preaches at Glen Rose Missionary Baptist Church, where I still attend today. He made me feel welcome and included me on field trips for professional organizations, like the Society for Human Resource Management and their conferences.

In December 2016, I passed the CPA exam, certified public accountant exam—I am not a licensed CPA—and in 2017, I started an internship to obtain my CPA hours. However, pushing for all these goals left little time for me to properly process my grief over my mom's passing from cancer in 2015, and so I mentally broke down in 2018, halting my internship for over a year while I recovered in various institutions before finally being able to get fast-tracked onto a CES waiver. I am thankful especially to my friends who continued to believe in me during this dark time and moved mountains to ensure I had the resources and care I needed to recover. Most people would have given up on me.

In 2019, I started working in a subminimum wage workshop, working 30 hours per week and making between \$30 to \$120 every two weeks. At the workshop, I worked in a wash bay, washing cars and machinery. I one time spent an hour inside a car on a hot summer day, washing stuff. In the middle of 2019, the workshop had a rate adjustment, and our wages started to go down. By October 2019, when I got a \$35 check for working 30 hours per week for two weeks, I quit because the work made me feel exploited.

After quitting, I went back to finish my internship, which I had started back in 2017. A couple of months later, a job opportunity came open at Centene, which my financial guardian alerted me to. I applied for it, went through the interview process, and am happily working there today. My 4-year anniversary will be in May 2024.

Thank you all.

The CHAIRMAN. Mr. Hellmer, thanks for your testimony. It is an inspiring story.

Next, Dr. Avellone.

**STATEMENT OF LAUREN AVELLONE, PH.D., ASSOCIATE
PROFESSOR, REHABILITATION RESEARCH AND
TRAINING CENTER, VIRGINIA COMMONWEALTH
UNIVERSITY, RICHMOND, VIRGINIA**

Dr. AVELLONE. Thank you to the Committee for allowing me to speak with you today about a topic that I feel deserves renewed attention and pressing changes, and thank you, Mr. Mittman, for your service.

Employment is a major life activity for most adults. While we have seen recent increases in employment among Americans with disabilities, they still participate in the workforce at much lower rates than their peer without disabilities and are more likely to be working part-time and in jobs below their potential. They are also legally allowed to be paid below the Federal minimum wage, as a condition of their employment through the issuance of 14c certificates by the U.S. Department of Labor. In many cases, they are paid less than \$3.50 an hour.

Put plainly, people with disabilities are a massively underutilized group of talented individuals, many of whom want to work and could contribute significantly to our workforce.

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 areas of daily life. These individuals are at the highest risk of being excluded from work. 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.

When I refer to work I mean competitive integrated employment, as defined in the Workforce Innovation and Opportunity Act of 2014. This is full-or part-time work among people who do not have disabilities, with pay, benefits, and opportunities for advancement that are equal to those received by people with similar experience and credentials. I am referring to the same type of work Americans without disabilities choose to pursue, not work in segregated settings or those that pay below the Federal minimum wage.

This distinction is important because people with disabilities who participate in competitive integrated employment experience improved quality of life the same as those without disabilities. They demonstrate significant growth in major areas of personal independence, including home living, community engagement, life-long learning, health and safety, socialization, and self-advocacy skills.

We now have over 40 years of research identifying evidence-based practices that lead to competitive integrated employment. These interventions do not require preparatory training before pursuing work. They are personalized to meet the unique needs of every individual, they include direct support from a service provider, and heavily consider the needs of both a person with a disability and the business, which results in a job match that is mutually advantageous for both.

Despite these interventions, we still see persistently low employment outcomes. It is difficult to see how the needle will be moved if the following areas are not addressed: making specialized transportation options more available, reliable, and affordable so people with disabilities can get to and from work; professionalizing the role of the employment support provider so that those implementing evidence-based employment interventions are adequately trained; increasing funding for long-term supports, which promote long-term job retention and upward mobility; increasing work-based learning experiences to ensure that youth and young adults have applied work opportunities prior to exiting high school; increasing access to post-secondary education programs for students with intellectual and developmental disabilities to engage in career preparation and training; making sure all people understand how to work and keep their disability benefits; and eliminating 14c certificates that enable workers with disabilities to be paid below the Federal minimum wage.

It is time we stopped thinking about who can work and who cannot work and instead be thinking about what we can do to help all people with a desire to work become employed. As we look to the future, I hope to see employment outcomes for all individuals with disabilities greatly improve, not only in terms of 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.

Thank you for the opportunity to share.

The CHAIRMAN. Dr. Avellone, thanks very much for your testimony.

As everyone knows, on a Thursday we have Senators who will be in and out of the hearing, and I want to, in this case, cede my time for now to my colleague from Pennsylvania, Senator Fetterman.

Senator FETTERMAN. Thank you, so as we have today, you know, people with disabilities are sometimes paid pennies an hour. I have said for years that we need to raise our Federal minimum wage, and that should be up to, at least as a minimum of \$15 an hour. Right now, it is now, federally, it is now \$7.25 an hour, but really, to just put that in perspective, \$15 an hour, working full-time, that is \$31,000 a year, and that is challenging to live on that. Can you imagine, and there are millions of Americans that are faced having to do on that as well too.

Now the fact is that we have people being paid \$1.50 an hour simply because they have a disability, and that is outrageous, and I would like to point out that I have a disability, and having that disability I am not getting paid any less than all of my colleagues here at the table or in the Senate as well too, and now to discuss my own disability at the moment, right now, because after a stroke, now I rely on captioning. That allows me to participate fully as well, and I am going to describe what it is. This allows me to participate fully, and now I am not earning any less money a year for the same job that all my colleagues are, as well too, and I would not want that for me, and I would not want that for anyone on that, as well too, so to the point is, like, Dr. Avellone, what is the evidence that employers cannot afford to pay employees with disabilities a livable—and I want to also emphasize on a dignified wage?

Dr. AVELLONE. Well, the truth is that if those employers were having any other individual who does not have a disability performing that work, they would have to pay at least the Federal minimum wage, so from a finance structure there does not make any sense to me in terms of how that cannot be worked out.

Senator FETTERMAN. Well, I mean, so to be clear, so I want people to understand that folks with disabilities are able to be legally allowed to be paid less than the Federal minimum wage.

Dr. AVELLONE. Yes, that is correct.

Senator FETTERMAN. Yes, and the minimum wage is \$7.25 an hour.

Dr. AVELLONE. That is correct.

Senator FETTERMAN. It is legal to pay less than that, which is already an outrageously low amount of money, so is that legal to pay someone with a disability, say, \$2 an hour? Is that legal?

Dr. AVELLONE. It is legal to pay somebody less, as low as \$3.50 an hour, and even less than that, pennies on the hour.

Senator FETTERMAN. Okay. What kind of dignity is being paid less than even already shameless low minimum wage? Is there any dignity in that?

Dr. AVELLONE. No. These are capable and talented workers who can contribute immensely to the workforce, and they should be compensated for their efforts the same as any other American without a disability.

Senator FETTERMAN. That is the point. It is like I fundamentally believe that there is dignity in every job and in working, but how are you able to really have the dignity if you are legally allowed to be paid pennies on the hour on that, let alone living at all without even dignity, as well too, and I want the opportunity to just highlight that fact, as well.

As a member of the disability community myself, I would not want that for myself, and I absolutely do not want that for anyone. I always thought I was empathetic before, but after I developed my own disability that has made me much, much more empathetic, and now I am grateful for having my platform to highlight that and to address that, hopefully, in our society, as well too, so thank you, Mr. Chairman.

The CHAIRMAN. Senator Fetterman, thanks very much and thanks for sharing your own personal story with us.

I will next turn to Ranking Member Braun.

Senator BRAUN. Thank you, Mr. Chairman, and I will yield my time to the Senator from Nebraska.

Senator RICKETTS. Great. Thank you very much. Thank you, Mr. Chairman and Ranking Member, for holding this hearing today. I appreciate it. Thank you to our witnesses for being here today.

People with disabilities are living longer due to advancements in medical technology and public health, and in order for people with disabilities to achieve financial security, which is what we all want—they want to have it during their working years and they want to have it in retirement—they need employment opportunities and supportive services to help them secure and maintain good-paying jobs. It is just absolutely vital.

Studies show that employing individuals with disabilities is good business. Individuals with disabilities offer many advantages including a highly motivated workforce, lower rates of absenteeism and employee turnover, greater loyalty, and higher rates of satisfaction and productivity among the entire workforce, and as Governor of the State of Nebraska, when I would talk to employers, one of the things they always said is, "We cannot find enough people to hire." Maybe they just weren't looking in the right place. Nebraska has talented people who want to work, regardless of disability.

Back home in my State we are working to make sure that we are affording opportunities to be able to hire people with disabilities and pay competitively for those talents. Individuals with intellectual or developmental disabilities in the workforce in Nebraska receive coordinated employment services through vocational rehabilitation, through a partnership with the Nebraska Department of Education, Nebraska Commission for the Blind and Visually Impaired, and the Department of Health and Human Services.

The partnership works toward competitive integrated employment that includes pay at or above minimum wage, that is not less than what others without a disability are receiving for the same type of job at a location where the employee interacts with other employees without disabilities in comparable positions and has opportunities for advancement. The partnership also provides career counseling, employment information, and referrals to individuals with disabilities who want to work, so it is absolutely critical that

we leverage all the talent in our country with this workforce shortage and make sure that people with disabilities have those opportunities.

Actually, I will start with Mr. Mittman again. Thank you very much, Mr. Mittman, for your service. You have extensive experience managing and working with disabled employees. Can you speak to some of the most common misconceptions about employing a disabled worker?

Mr. MITTMAN. Thank you, Senator. I believe some of the biggest misconceptions about employing people with disabilities is just the misconception that they do not have the same skills as everybody else, because they do. I believe also that when it comes to accommodations on the site, in the workplace, I think a lot of employers believe that there is a significant expense to those accommodations, which is just not true. I have seen a recent study recently where I think the average accommodation was \$300, or something like that, so it is a miseducation of employers that they believe that employing somebody with a disability could bring additional liabilities and additional expenses, and I think those are the greatest common misperceptions out there.

Senator RICKETTS. Mr. Mittman, you are running your own business. You know that hiring and training a worker is expensive, right—

Mr. MITTMAN. Yes, sir.

Senator RICKETTS [continuing]. just in time. How would you compare the cost of attracting somebody to work for you and training them versus the cost of the accommodation?

Mr. MITTMAN. Well, people with disabilities have a very low turnover rate. They have a very low turnover rate, and when you bring somebody in who has struggled to find employment, they are very loyal to the organization. They have a lower absentee rate. They stay for a long time, so the investment in the employee is much cheaper and costs a lot less than it does if you having to turn over your employees all the time, so it is absorbed into the loyalty and the effectiveness and the abilities of the individual.

Senator RICKETTS. Would you say the benefit of the accommodation, in which you said one study showed there was like \$300—

Mr. MITTMAN. Approximately.

Senator RICKETTS [continuing]. the cost, approximately \$300, is far outweighed by the benefit of having somebody who you retain longer because it costs so much to attract and retain people. Is that a fair statement, right?

Mr. MITTMAN. Yes, yes.

Senator RICKETTS. Actually, the cost benefit tradeoff here for employers is when you hire people with disabilities who you are going to be able to keep longer, you are going to have less turnover, that benefit is going to far outweigh the extra cost of accommodation.

Mr. Chairman, I am just about out of time. I have just got one more question I would like to ask Mr. Mittman, if I could.

The CHAIRMAN. Sure. Sure.

Senator RICKETTS. Mr. Mittman, could you talk a little bit—so given that we believe here that, you know, the cost accommodation is going to be far outweighed by the benefit of the lower turnover rate, which is just one example, what is the best way to educate

employers about these misconceptions and overcoming some of these misconceptions?

Mr. MITTMAN. Well, I know that Bosma Enterprises, as I mentioned, had a dedicated team of individuals who assist people who are blind and visually impaired find employment, and one of the things they do, one of their biggest tasks is as they are out assisting individuals find that employment they are actually educating the employers prior to the employee showing up and sharing the experience and sharing what we are talking about, the long-term benefits of hiring somebody with a disability, but being in there and working directly with the employers is the best way, and active engagement of the employers is the best way to educate them on the benefits of hiring somebody who is disabled.

Senator RICKETTS. Great. Well, thank you, Mr. Mittman, again. Thank you for being here and thanks to all the witnesses for being here today.

Mr. MITTMAN. Thank you, Senator.

Senator RICKETTS. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Ricketts, thank you. I will go to my questions and I will start with Ms. Willman. As we have heard today a number of inspiring stories, and I wanted to ask you a question about what you faced before you started your business.

You shared during your testimony that you started the White Cane Coffee Company because you had trouble getting employers to see your true potential. In fact, in your testimony you said, and I am quoting, "I went looking for employment only to be met with rejection time and time again, due to the fact that all people could see was my white cane and all of the things I couldn't do, instead of the things I was capable of."

Then you went on to start the company, White Cane Coffee, now 12 employees along with 76 affiliate employees across the country. These include blind persons who work from their home, and now White Cane Coffee is a sought-after employer in your community. You hire, retain, and promote people with disabilities, and accessibility is part of your company culture.

I would ask you this. After facing all those difficulties of finding a job yourself, how does it make you feel to be able to hire people who have faced similar challenges that you have?

Ms. WILLMAN. It is a wonderful feeling to give back to my community and to raise up other people with disabilities because they have gone through probably worse things than I have, whether they were disabled due to an accident, born disabled, or have become disabled due to aging, and, unfortunately, there is bullying when it comes to disability.

When they come to work for me they get to find a sense of community, and you can hear it in their voice how much that means to them, so I am as proud as can be of all of my employees, and whenever I hear them I am very thankful for the chance I have been given to be able to get them that help.

The CHAIRMAN. Well, we thank you for the example you are providing for other employers. What are your plans to grow your business and to continue to be a model employer?

Ms. WILLMAN. I mean, the ultimate goal is to have a White Cane all over the country. Wherever there are disabled people there

should be somewhere that they can have gainful employment, so why not a White Cane Coffee?

The CHAIRMAN. That is great. Well, we are happy to hear about that, and before I turn to Ranking Member Braun, I do want to ask Mr. Hellmer a question about his experience. You shared with us you needed to work a subminimum wage job. Am I right that you, in terms of the timeline here, you were working at that subminimum wage job that you described at the end of your testimony after you had passed the CPA exam?

Mr. HELLMER. Yes, sir. Yes, Chairman Casey. I was in that subminimum wage workshop after I had passed the CPA exam.

The CHAIRMAN. Even though you were working between 30 and 35 hours per week you were only being paid between \$35 and \$120 for your work. You found a career that pays you a fair wage. You have current success, and your current success is a real testament to your potential, and a reminder that we should not unfairly judge people because of their disability, and while you no longer work for subminimum wages there are currently 42,000 employees nationwide who do.

Mr. Hellmer, what can you share about your experience working in a subminimum wage workshop, sharing information about that that would provide folks out there a sense of the reality of that but also some inspiration for those who are doing that work now to be able to rise above it if we can continue to get employers to change their perspective.

Mr. HELLMER. Mm-hmm. Thank you, Chairman Casey, and the subminimum wage workshop, in the summer it got really hot and sweaty in there. We would load these giant trays, the Caterpillar trays that equipment manufacturers, you would have these giant black trays that had oil on them. You would stick them, two at a time, in this giant water tank, heated water tank, and then rinse it off, and then you would wipe it down and all that, and we were doing all that just to get between \$35 and \$120 every two weeks, and you would wrap them with wrapping tape and all that, so it was just a lot of work, a lot of sweat for nothing.

The CHAIRMAN. Yep. Well, we are grateful to hear about how you have been able to progress beyond that, and we are grateful that you are here today with us.

I will turn next to Ranking Member Braun.

Senator BRAUN. Thank you, Mr. Chairman. First question will be for Mr. Mittman. Many employers strive to integrate people with disabilities into the workplace alongside their non-disabled peers. You mentioned in your testimony the standard for integration can be unfair, even for major sources of employment like AbilityOne. Could you expand upon that a little bit?

Mr. MITTMAN. Absolutely, Senator. It can be unfair in that as the President of NAEPB and as the present CEO of Bosman Enterprises I can tell you that our organizations did away with 14c years ago. All our employees are paid competitive wages and benefits, and I think what is going on is I think sometimes the AbilityOne program gets wrapped up into the concept of a sheltered workshop, which I would argue we haven't been in decades. The AbilityOne program of 2024 is not the AbilityOne program of 1975. There are a lot of modernization efforts that go on.

We do provide those competitive wages and benefits, we do provide upward mobility, and we even provide assistance to our employees who want to work somewhere else, and I think sometimes we are unfairly categorized as that sheltered workshop and not competitive integrated employment, and I think that needs to change because as I said, it is the individual's choice of where they really want to work. If they are being paid competitive wages and benefits and then have a chance of upward mobility, I think they should have the choice to work there, to be offered that option as they go through the vocational rehab at the various states.

Senator BRAUN. Thank you for that, and then one thing caught my attention. You have Youth Services. Briefly, can you talk about how that has worked and what that is about, because it seems like it would even be harder to engage young people with disabilities into a business. How have you been able to accomplish that?

Mr. MITTMAN. Well, sir, we have the Student Training and Employment Program, because what we found with youth who are blind or visually impaired, most of them had no work experience. They didn't know how to be an employee because they had never experienced that, so what we do is as they are coming out of high school, as they are coming through high school—pardon me—and they are preparing to graduate we bring them in and find them opportunities to work throughout the community during the summer and sometimes during the year, depending on their schedules, and it gives them that concept of what is required to being a good employee, showing up on time at the right place, doing the right thing, and we are able to provide them that opportunity and expand their network and get that experience as they either move on to further education or move out to the workforce.

Senator BRAUN. Very good. Thank you.

Dr. Avellone, K through 12 disability career readiness is a topic. Is that receiving the attention it needs? I know in my own home State, where I live, K through 12 education, especially middle school and high school, is still not matching up high-demand, high-wage jobs with what the marketplace needs. Talk about that as it applies to disability.

Dr. AVELLONE. Yes. Thank you for the question. I think we have made great strides in recent decades in terms of recognizing the need to better prepare transition-age youth for employment, particularly the advent of the pre-employment transition services, which are focused on helping youth and young adults gain five different areas of preparation in order to move into competitive integrated employment.

I think one of the weakest areas that we see is an emphasis on work-based learning experiences. I spoke to that in my testimony just a bit. Work-based learning experiences provide real work opportunities for youth. It creates opportunities for them to engage in applied settings, work with actual employers to gain a resume, apply work skills, gain experience in terms of having a resume when they leave to better position them to apply for jobs, and also creates an opportunity for them to have a network to find employment after they leave school.

We know that experience in work during high school is a significant predictor of competitive integrated employment after high

school, and so we need to increase our emphasis on promoting those opportunities for youth before they are at the age where they are entering employment.

Senator BRAUN. Thank you. Ms. Willman, from one entrepreneur to another, I know when I went into that direction sometimes it is a daunting because you are sticking your neck out. You want the independence. It is euphoric when you get going, and it is a great place to be once you make it through the one-to two-year period, which calls out so many, five years, even 10 years.

What would you advise to other entrepreneurs interested, disabled? What was the thing or two that enabled you to make it through all of the gauntlet of challenge to get where you are?

Ms. WILLMAN. One thing I would always say is to start small and then work your way up, but more importantly surround yourself who know things you don't. For example, I am terrible at math. Anyone who knows me knows I am horrific at math. Someone who isn't horrific at math is one of my employees. I have surrounded myself with people who know things I don't know, so I listen to them, and take their advice, and with their help I am able to build a better working environment.

Yes, surround yourself with people who are smarter than you at things. It seems sort of weird, and also surround yourself with people who believe in you but not people who will agree with just everything you say. Sometimes you will have an idea, and once you say it out loud to someone, they will let you know that it is the dumbest idea they have ever heard, and that is okay.

Senator BRAUN. Good advice, and one final question for Mr. Hellmer. You were lucky to find a place like Centene. From your observation, are there enough Centenes out there, and when you were looking did you have other options, or were you lucky to have found Centene because there weren't many out there?

Mr. HELLMER. There needs to be a lot more Centenes out there that have integrative hiring processes and inclusive employment and all that. There needs to be a lot more Centenes out there, yes.

Senator BRAUN. Very good. I am glad it worked for you, and I think that is a notice to businesses out there, maybe expand your horizons. You might end up being lucky getting somebody like Mr. Frank Hellmer.

The CHAIRMAN. Thank you, Ranking Member Braun. I have maybe two more questions. I do want to note for the hearing record, as I said we have had several Senators in and out to ask question. We also had Senators who were here and could not remain but were here for the hearing. That was Senator Rick Scott, who was here, as well as Senator Blumenthal.

I know that we are a little bit short on time but a note for the record, as well, that the number of employers across the country who are still in the subminimum wage category is coming down. Just looking at some of the numbers, just since 2015, when we had a little more than 2,500 employers across the country, we are now down below 1,000, to the most recent number I have is 834, so that number is coming down. More and more employers realizing that you can employ people with disabilities and not only give them an opportunity but also give your company any opportunity to grow and to thrive.

I wanted to ask Ms. Willman about a related tax issue. You indicated that from adding Braille to your machines and products to modifying work schedules to suit your employees' needs you have put significant effort into accessibility. As we transition toward a more inclusive workforce that welcomes disability's part of diversity, it is important that businesses and business owners are supported, that they have some help doing that.

My legislation, the Disability Employment Incentive Act, would help ease that transition by expanding tax benefits, meaning existing tax benefits, including the work opportunity tax credit, to support companies and nonprofits that hire and retain people with disabilities.

Ms. Willman, I ask you, how would expanding tax benefits for business owners like you help provide the resources to make your business even more successful?

Ms. WILLMAN. It would allow not only my business but other businesses the opportunity to have more access to equipment that will make areas more accessible. I mean when we first got our first braille it was quite pricey. I mean, at first we typed it all out by hand, but then we got the braille and so things quickly sped up from there.

Throughout the years we have machines so that employees, who are visually impaired, they can still know when the machine is active. There are sensors around the room. We make everyone's workstation accessible to them.

If you add the tax onto it, that incentivizes other companies to do the same, so this way all workforces can have disabled employees. They just need to do the research and find out what their employees need and the extra revenue that you would be getting, it would make it more accessible for them as well to make it accessible for their employees.

The CHAIRMAN. Well thank you very much for the perspective you have as an employer.

My last question is for Dr. Avellone. The definition of competitive integrated employment was put into statute recently as part of—well, not quite recently but 10 years ago—as part of the 2014 Workforce Innovation and Opportunity Act. In your testimony you talked about the importance of this definition and the positive impact that it had for people with disabilities and employers in your community. Your work demonstrates that nobody is too disabled to work in competitive integrated employment or to deserve fair wages for their work.

Can you talk about the importance of the current definition of competitive integrated employment and share some examples from your work that demonstrate its impact on people with disabilities?

Dr. AVELLONE. Yes. Thank you. I think one of the most important parts about the current definition is that it focuses beyond simply achieving a job, and it looks more comprehensively at achieving quality employment outcomes, so that includes part-or full-time work as a preference of the individual. It also focuses on integration over segregation. It also looks at equality, both in pay and benefits, and it also examines upward mobility so that we don't have individuals with disabilities staying in the same entry-level positions for their entire employment term.

Essentially, to the individuals that I work with, that definition allows them access to the same type of employment any other American without a disability would have.

I mentioned in my testimony several success stories of people that I have worked with, and the definition of CIE, or competitive integrated employment, allows them to be impacted in ways that are highly beneficial, both personally for them but also for everyone around them. The level of integration, quality, and upward mobility has resulted in, for those individuals in my testimony who work in critical care and other areas of hospitals that are essential for that hospital, it gives them a sense of pride, it gives the patients in the hospital better services, it makes the hospital more efficient, and for their parents it gives them a sense of comfort knowing that they have a sense of community around their child.

The elements that comprise that definition lead to wide-reaching benefits for not only those employed but those in their circles around them.

The CHAIRMAN. Thanks very much, Doctor. I will turn to close out our hearing, unless, Senator Braun, do you have any other questions you wanted to ask?

Senator BRAUN. I am good on questions.

The CHAIRMAN. Okay. Well, thanks very much, everyone. I want to start by, of course, thanking our witnesses for their testimony. We always have interesting, informative testimony in this hearing, and we had that today, but not too infrequently, and today is one of those days we have testimony that is both interesting and informative but also inspiring, and I want to thank all of you for providing that kind of inspiring testimony.

Today's hearing highlighted policy solutions for successful employment outcomes for people with disabilities, especially those with higher support needs. When we are intentional about taking a person-centered approach people with all kinds of disabilities can work in a competitive, integrated employment. It is shameful that some people with disabilities are being paid subminimum wage.

Thankfully, phasing out this discriminatory wage is a bipartisan priority. I am proud to work with Senators Daines and Blackburn as well as Senator Van Hollen to make sure that my Transformation to Competitive Integrated Employment Act reflects that reality and that we work to pass that into law. I invite any of my colleagues in the Senate and members of the Committee to join us in that effort.

I will continue to work to ensure that people with disabilities have what they need to succeed in competitive integrated employment. I look forward to working with this Committee and our witnesses to improve the rate of disability employment throughout the country.

I will turn next to Ranking Member Braun.

Senator BRAUN. Thank you, Mr. Chairman, and thank you to all the witnesses for sharing your inspiring stories and your experiences. It is important that we recognize the progress made in expanding opportunities for Americans with disabilities who want to work, as employees or entrepreneurs. We should address precise challenges in the workforce and exercise that caution you need to make sure that you offer opportunity in a broad array of areas.

One size hardly ever fits all. We need to preserve flexibility, freedom, and opportunity for all people with disabilities to work where, when, and how they want, and at a dignified wage.

I am encouraged by the positive trends in disability employment and hope we can keep our focus on flexibility along the way. Thank you again for all being here today.

The CHAIRMAN. Thank you, Ranking Member Braun. I want to thank again our witnesses, Ms. Willman, Mr. Mittman, Mr. Hellmer, and Dr. Avellone for your testimony and the expertise you bring to this hearing record and this hearing today, and of course, your own personal stories.

If any Senators have additional questions for the record or statements to be added, the hearing record will be kept open until Thursday, March 7th.

Thank you all for participating in this hearing. We are adjourned.

[Whereupon, at 11:15 a.m., the hearing was adjourned.]

APPENDIX

Prepared Witness Statements

U.S. SENATE SPECIAL COMMITTEE ON AGING

"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS
AND THE WORKPLACE"

FEBRUARY 29, 2024

PREPARED WITNESS STATEMENT

Erin Willman

Before I begin, I would like to thank Senator Casey, Senator Braun, and all of the members of the Aging Committee for inviting me to come down to this nation's great capital and for having me here to speak on a subject that is very dear to my heart.

When I lost my vision at the age of 15, I went through a very familiar experience for many disabled teenagers. I started to question what my future was going to look like.

As many young people do, I went looking for employment only to be met with rejection time and time again due to the fact that all people could see was my white cane and all of the things I couldn't do, instead of the things I was capable of.

After all this time and all of the continuous rejections I started to become discouraged. I was beginning to question what my worth was.

After going to the Office of Vocational Rehabilitation I was told that I would never be able to have competitive employment.

Thankfully, I have a wonderful and supportive family. On a particularly bad day my dad tried to cheer me up by playing a game. It was a thought experiment on what I would do if I could create a job, since I couldn't find one. We had come up with a coffee business. My reasoning at the time was that coffee is something that is known to bring people together, so why not use that to bring both able-bodied and disabled people together.

We kept talking about it for days until we realized we could create a business like the one we imagined, we named it White Cane Coffee. From that very first discussion we knew we wanted to do two things with the company. Firstly, we wanted to have Braille on all of our packaging. Secondly, I wanted to hire other people with disabilities so that they could have the same opportunity for competitive employment. I figured that if I wasn't getting hired due to my disability, others in my community might not have been faring much better. Now I knew at the time a little bit about the sheltered workshops due to my older brother working in one for a time when I was younger. While working there he was only being paid \$1.50 an hour, which is not only much less than minimum wage in Pennsylvania but he was also losing money due to the price of transit. He was also not allowed to pack a hot lunch or use the microwave in the kitchen and the able-bodied staff not only looked down on the disabled employees but kept a cold distance from them. Needless to say, he was my first employee.

Meanwhile at White Cane Coffee, our staff has full access to warm meals and have always been treated with respect. Some businesses treat their employees as liabilities while we treat ours as assets. As my business grew from an online store to a brick-and-mortar shop, I was able to hire more people with disabilities. That growth has also given me the privilege to speak with schools for the blind to discuss with the students about their futures. I will never forget when we hired an employee, we'll call Jay. He had also worked at a sheltered workshop. When he came to us he said that he was willing to work for \$7.25 or less. The "or less" caught our attention. Along the way in his life, someone had made him feel like he was worth less. To this day I am deeply upset that he was made to feel that way, but I also think of all of the other disabled people in this country who are either going through such an ordeal or already have. When we hired him, we made sure that he knew that he had worth, he would be starting at \$9 an hour, and we couldn't wait to see him come in on Monday. He has been an incredible employee since that day. No matter what he is always on time, even when he has to walk in terrible weather. He also has risen in our business and is now a team leader and is teaching other employees.

All of this because someone believed in him. I've noticed the same loyalty and drive in all of my employees. I've never before heard a group of people speak so enthusiastically about their jobs and being able to tell their families what they have been doing at work.

Since opening our company, we have won numerous ethical employment awards due to the fact that we treated people like people. If one small coffee manufacturing company in Pennsylvania can achieve such success, then there's no reason for larger

companies to not do the same. Even making smaller changes to adapt the workplace increases productivity and morale while also lowering employee turnover. The rhetoric that people don't want to work anymore is simply untrue. People want to work, they just want to be treated and paid what they deserve.

I have always said that if you change one life you change the world. By passing the Transformation to Competitive Employment Act you will be changing countless lives, so I implore you all, change the world.

U.S. SENATE SPECIAL COMMITTEE ON AGING

"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS
AND THE WORKPLACE"

FEBRUARY 29, 2024

PREPARED WITNESS STATEMENT

Jeffrey E. Mittman

Thank you, Chairman Casey, Ranking Member Braun, and the Committee for allowing me to testify today.

My name is Jeffrey Mittman, and I am the president & CEO of Bosma Enterprises in Indianapolis, IN. Bosma is a nonprofit social enterprise that is the largest employer of Hoosiers who are blind and the sole comprehensive provider of blind rehabilitation services in Indiana. Bosma employs nearly 200 people, and over half are blind. We have employees who are blind at all levels of our company.

In 2005, I served in the US Army deployed to Iraq. While in a convoy with some of my Iraqi counterparts, an IED exploded. I was critically injured, and I lost my eyesight. After years of recovery, I eventually returned to work. I restarted my career at the National Industries for the Blind. Here, I was introduced to the AbilityOne Program and the employment it provides to nearly 40,000 Americans with disabilities. After NIB, I began to work at the Defense Finance and Accounting Service in Indianapolis. During this time, I became a member of the Board of Directors at Bosma Enterprises and was eventually appointed the president and CEO.

Employment is the backbone of our society. It allows people to live independently and support their families. Across the country, 60 to 70 percent of people with a disability are not employed. This is not because they do not want to work or are incapable, but because of the lack of comprehensive training services giving individuals the skills needed or opportunity and support from employers once they find a job.

The federal AbilityOne Program is designed to create employment opportunities for people with disabilities. It leverages the procurement of needed goods and services for the government to create employment at a fair market price. There is a network of nearly 500 nonprofit agencies nationwide. At one of those AbilityOne-affiliated agencies, an employee who was blind produced the combat helmet that saved my life.

Bosma Enterprises is the primary provider of exam and surgical gloves to the Department of Veteran Affairs through AbilityOne. Over 50% of our workforce is visually impaired and employed at all levels of the company and are paid competitive wages and benefits. The employees are proud to serve our nation's veterans and were essential to their protection during the pandemic. Bosma is an employer of choice, as evidenced by our low turnover rate and high employee satisfaction ratings. Our mission is to create opportunities for people who are blind, but it is a work environment where its employees can thrive and have room to advance if they choose.

In addition to employment, Bosma offers statewide blind rehabilitation and training. We came to offer these programs because the state of Indiana asked to transition them to us as they saw our success in employing individuals who are blind. These programs operate at a deficit; however, this public-private partnership thrives because of the AbilityOne Program, Indiana's support, and donors' generosity.

As part of our rehabilitation services, we also have a dedicated team that assists individuals with vision loss to find employment outside our organization. Everyone should have a choice of where they want to work. Just as employment is the backbone of society, individualism and choice are paramount to our freedom as Americans.

Unfortunately, people who are blind are facing challenges to that freedom. The government has severely limited or eliminated AbilityOne agencies as potential choices for employment because they don't fit into their outdated definition of competitive integrated employment. This limits employment and creates a stigma that people who have disabilities working alongside disabled colleagues do not have value. We would never tell wounded warriors they can't work with other wounded warriors, but that is precisely what government agencies are doing when trying to tell a person they can't work someplace that employs people with disabilities. As I have described, Bosma has blind employees working in various positions throughout the company, including 15 leaders with vision loss. All employees are offered opportunities for cross-training, upward mobility, and provided assistance if they want to seek employment elsewhere.

Bosma Enterprises is a perfect example of how a public-private partnership can work to serve people with disabilities by providing the dignity of work, competitive pay and benefits, and turning tax takers into taxpayers.
Thank you again for this opportunity.

U.S. SENATE SPECIAL COMMITTEE ON AGING

"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS
AND THE WORKPLACE"

FEBRUARY 29, 2024

PREPARED WITNESS STATEMENT

Frank Hellmer

Hello everyone. My name is Frank Hellmer, and I would like to start off by thanking you all for having me here to testify before the Senate Aging Committee concerning my experience with subminimum wage workshops and competitive integrated employment. I am honored and thankful to you all for this opportunity. I am a person with autism who has worked hard and has been blessed with a good job, currently as a Data Analyst at a major health insurer called Centene Corporation. Centene, in my experience, has one of the most inclusive hiring processes I have ever seen, going above and beyond the letter of the Americans with Disabilities Act to embody the spirit of disability employment. I am testifying today on my own initiative, and do not represent Centene or claim Centene's endorsement for being here.

Two things I like about my job are having supportive coworkers as well as work that challenges my mind in a way similar to puzzles. I develop and run SQL scripts, a type of software code, to extract data from databases and send it to its stakeholders. I enjoy it when I get to learn a new trick or new way to do something with my programming skills.

One thing that makes my job accessible is a flexible work schedule, where as long as I am getting stuff done and producing results, they are not too concerned about strict hours. I also work from home, which is helpful for when things get frustrating at work, so I can be as expressive as I want to be and no one at work has to know about it. The flexible schedule also helps me to be able to go to the grocery store with my home and community-based Waiver staff during the day and then come back and make up those hours later in the day or later in the week as well.

Being able to earn good wages has enabled me to obtain my own apartment, go back to school to finish my master's in health informatics, purchase a gaming computer, Nintendo Switch, and Xbox Series S, among numerous other blessings. In my free time, I like to play classic computer games like Doom and Quake due to the multitude of user-made mods and content available for them.

I am able to work in competitive integrated employment because Arkansas has a somewhat unusual program called Workers with Disabilities Medicaid. I am a beneficiary of the Community and Employment Supports (CES) Waiver program, which has a 10-year waitlist. Normally a person receiving SSI benefits cannot earn more than three times the monthly SSI rate per month without losing their Medicaid Waiver eligibility. However, the Arkansas Workers with Disabilities Medicaid program overrides the limitation so that you can earn as much as you want and still maintain your Waiver services. With my increased wages, I am able to buy better groceries and stuff that I like, which are mainly electronics and video games. I am also able to save for the future and for retirement as well.

In May 2016, I graduated from Arkansas Tech University with a 3.9 GPA and a double major in Accounting and Business Data Analytics. I was able to get through college in large part due to very supportive faculty, who looked out for me. I also met my best friend Pastor Miller there, who preaches at Glen Rose Missionary Baptist Church, where I still attend today. He made me feel welcome and included me on field trips for professional organizations, like the Society for Human Resource Management conference.

In December 2016, I passed the CPA exam, and in 2017 I started an internship to obtain my CPA experience hours. Unfortunately, pushing for all these goals left little time for me to properly process my grief over my mother's passing from cancer in 2015, and so I mentally broke down in 2018, halting the internship for over a year while I recovered in various institutions before finally being able to get fast-tracked onto a community and employment supports Waiver. I am especially thankful to my friends who continued to believe in me during this dark time and moved mountains to ensure I had the resources and care I needed to recover. Most people would have given up on me.

In 2019, I started working in a subminimum wage workshop. In the workshop, I worked 30 hours per week and made between \$30-120 every two weeks. At the workshop, I worked in a wash bay, washing cars and machinery. I one time spent an hour inside a car wiping windows and seats on a hot summer day. In the middle

of 2019, the workshop had a rate adjustment, and our wages started to go down. By October 2019, when I got a \$35 check for working 30 hours per week for two weeks, I quit because the work made me feel exploited.

After quitting the workshop, I went back to try and finish my internship, which I had started back in 2017. After a couple of months back at the internship, in January 2020, a job opportunity came open at Centene, which my financial guardian alerted me to. I applied for it, went through the interview process, and am happily working there today. My four-year anniversary will be in May 2024. Thank you all.

U.S. SENATE SPECIAL COMMITTEE ON AGING

"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS
AND THE WORKPLACE"

FEBRUARY 29, 2024

PREPARED WITNESS STATEMENT

Dr. Lauren Avellone

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 who I have met over the course of my career.

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, 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., in press [a]; Schall et al., 2020).

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.

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.

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., in press [b]; 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.

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 of 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 no nationwide 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.

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.

References

- Avellone, L., Camden, J., Taylor, J., & Wehman, P. (2021). Employment outcomes for students with intellectual disabilities in postsecondary education programs: A scoping review. *Journal of Postsecondary Education and Disability*, 34(3), 223-238.
- Avellone, L., Taylor, J., Ham, W., Schall, C., Wehman, P., Brooke, V., & Strauser, D. (2023). A scoping review on internship programs and employment outcomes for youth and young adults with intellectual and developmental disabilities. *Rehabilitation Counselors and Educators Journal*, 12(1). <https://doi.org/10.52017/001c.38785>
- Avellone, L., Taylor, J., Whittenburg, H., Park, S., Poppen, M., Castruita-Rios, Y., & Tansey, T. ([2024]; Manuscript in preparation). National summary of pre-employment transition services for youth and young adults with disabilities.
- Brooke, V., Brooke, A.M., Schall, C., Wehman, P., McDonough, J., Thompson, K., & Smith, J. (2018). Employees with autism spectrum disorder achieving long-term employment success: A retrospective review of employment retention and intervention. *Research and Practice for Persons with Severe Disabilities*, 43(3), 181-193. <https://doi.org/10.1177/1540796918783202>
- Carter, E. W., Austin, D., & Trainor, A. A. (2012). Predictors of post school employment outcomes for young adults with severe disabilities. *Journal of Disability Policy Studies*, 23(1), 50-63. <https://doi.org/10.1177/1044207311414680>
- Center for Research on Disability. (2024). nTIDE January 2024 Jobs Report: Despite minor shifts, employment for people with disabilities remains near historic highs. <https://www.researchondisability.org/season-9-episode-2-222024#ntidereport>
- Friedman, C. & Rizzolo, M. C. (2017). Get us real jobs: Supported employment services for people with intellectual and developmental disabilities in Medicaid Home and Community Based Services Waivers. *Journal of Vocational Rehabilitation*, 46(1) 107-116. <https://doi.org/10.3233/JVR-160847>
- Ham, W., Schall, C., & Avellone, L. (2023). A scoping review of the competencies and training of employment specialists supporting individuals with intellectual and developmental disabilities. *Inclusion*, 10(4), 297-313. <https://doi.org/10.1352/2326-6988-10.4.297>
- Inge, K., Avellone, L., Wehman, P., Broda, M., & Joy, J. (in press [a]). Effects of customized employment on the independence of youth with intellectual and developmental disabilities. *Intellectual and Developmental Disabilities*.
- Inge, K., Wehman, P., Avellone, L., Broda, M., & McDonough (in press [b]). the impact of customized employment on the competitive integrated employment outcomes of transition age youth with intellectual and developmental disabilities: A random control trial study. *Work*.
- Lea, C. & Meier, S. (2018). Nonmonetary incentives and the implications of work as a source of meaning. *Journal of Economic Perspectives*, 32(3): 215-38. <https://doi.org/10.1257/jep.32.3.215>
- Olney, M. F., & Lyle, C. (2011). The benefits trap: Barriers to employment experienced by SSA beneficiaries. *Rehabilitation Counseling Bulletin*, 54(4), 197-209. <https://doi.org/10.1177/0034355211400209>
- Roux, A. M., Shattuck, P. T., Rast, J. E., Rava, J. A., & Anderson, K. (2015). National autism indicators report: Transition into young adulthood. <https://drexel.edu/media/Files/autismoutcomes/publications/National%20Autism%20Indicators%20Report%20-%20July%202015.ashx>
- Sabella, S. A. & Bezyak, J. L., (2020). Barriers to public transportation and employment: A national survey of individuals with disabilities. *Journal of Applied Rehabilitation Counseling*, 30(3) 174-185. <https://doi.org/10.1891/0047-2220.50.3.174>
- Schall, C., Sima, A. P., Avellone, L., Wehman, P., McDonough, J., & Brown, A. (2020) The effect of business internships model and employment on enhancing the independence of young adults with significant impact from autism. *Intellectual and Developmental Disabilities*, 58(4), 301-313. <https://doi.org/10.1352/1934-9556-58.4.301>
- Taylor, J., Avellone, L., Brooke, V., Wehman, P., Inge, K., Schall, C., & Iwanaga, K. (2022). The impact of competitive integrated employment on economic, psychological, and physical health outcomes for individuals with intellectual and developmental disabilities. *Journal of Applied Research in Intellectual Disabilities*, 35, 448-459. <https://doi.org/10.1111/jar.12974>
- U.S. Bureau of Labor Statistics. (2024). Persons with a Disability: Labor Force Characteristics 2023. <https://www.bls.gov/news.release/pdf/disabl.pdf>
- U.S. Commission on Civil Rights. (2020). Subminimum Wages: Impacts on the Civil Rights of People with Disabilities. <https://www.usccr.gov/files/2020/2020-09-17->

Subminimum-Wages-Report.pdf U.S. Department of Labor. (2024). 14c Certificate Holders. <https://www.dol.gov/agencies/whd/workers-with-disabilities/section-14c/certificate-holders>

Wehman, P. (2023). Supported employment and customized employment: How effective are these interventions and what has been their impact on the field?. *Journal of Vocational Rehabilitation*, 58, 237-247.

Wehman, P., Schall, C., McDonough, J., Graham, C., Brooke, V., Riehle, J. E., Brooke, A., Ham, W., Lau, S., Allen, J., & Avellone, L. (2017). Effects of an employer-based intervention on employment outcomes for youth with significant support needs due to autism. *Autism*, 21, 276-290. <https://doi.org/10.1177/1362361316635826>

Wehman, P., Schall, C., McDonough, J., Sima, A., Brooke, A., Ham, W., Whittenburg, H., Brooke, V., Avellone, L., & Reihle, E. (2019). Competitive employment for transition-aged youth with significant impact from autism: A multi-site randomized clinical trial. *Journal of Autism and Developmental Disorders*, 50(6), 1822-1897. <https://doi.org/10.1007/s10803-019-03940-2>

Wehman, P., Sima, A. P., Ketchum, J., West, M. D., Chan, F., & Luecking, R. (2015). Predictors of successful transition from school to employment for youth with disabilities. *Journal of Occupational Rehabilitation*, 25(2), 323-334. <https://doi.org/10.1007/s10926-014-9541-6> Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128. (2014).

Questions for the Record

U.S. SENATE SPECIAL COMMITTEE ON AGING

"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS
AND THE WORKPLACE"

FEBRUARY 29, 2024

QUESTIONS FOR THE RECORD

Erin Willman

Senator Kirsten Gillibrand

Question:

Employment opportunities are an important part in independent living for people living with a disability. The Transformation to Competitive Integrated Employment Act which I cosponsor would support employment for people with disabilities in competitive integrated jobs with the services and supports necessary to recognize their skills, knowledge and experiences.

How would employer accommodations for blindness benefit your employment opportunities?

Response:

Senator Gillibrand, thank you for this important question. We have found that simple and inexpensive accommodations made for our visually impaired (blind) employees has not only strengthened our company but has reduced turnover exponentially. With what appears to be a serious labor shortage in this country, we are now being approached by other companies and manufacturers on how we modify our workspaces for our employees. Our goal has been and will continue to be; providing secure gainful employment for the blind and disabled.

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 QUESTIONS FOR THE RECORD
Frank Hellmer

Senator Kirsten Gillibrand

Question:

The Disability Employment Incentive Act which I cosponsor would help encourage employers to hire and retain employees with disabilities by enhancing three existing tax benefits. People with a disability should have a variety of choices when applying to jobs, and the intent of this bill is to expand these options.

Have you faced physical barriers during your employment history? How would a bill supporting employers' removal of physical barriers improve your employment experience?

Response:

I myself haven't faced physical barriers, as I am ambulatory and am able to walk and everything. However, if we include a lack of transportation in the definition of physical barriers, then more employers implementing virtual interviews such as Zoom and Work from Home options where feasible would go a long way to improve the hiring and employment experience of people with disabilities. This is especially true in an era where there's such a shortage of direct care staff due to that profession's low pay.

Question:

The Raise the Wage Act of 2023 which I cosponsor would gradually increase the minimum wage to 17 dollars per hour by 2029. This bill would also end the ability for employers to pay people with a disability subminimum wages. This provides workers with disabilities the opportunity to be competitively employed and participate more fully in their communities.

How would making a livable wage as a young professional have changed your current employment opportunities as an adult?

Response:

A living minimum wage would have changed my current employment opportunities by enabling more people to enter the direct care staff profession, enabling them to have a living wage while caring for people with disabilities, thus helping alleviate the transportation issue for people with disabilities who want to work. As for me personally, it would have enabled me to save earlier for retirement and other financial goals and enabled me to get off of SSI (Supplemental Security Income) sooner. It would also enable businesses to obtain a more fair market value for their services, enabling them to hire more people. For example, at the sub-minimum workshop I worked at, two people would be assigned to wash a car, manually, and inside and out. Each car washer would get \$10 per car, and it would normally take an hour for two people to wash the car. Most of the cars belonged to the sub-minimum wage workshop's parent company or to staff of said parent company. If the sub-minimum wage workshop wasn't there, the organization would have potentially had to have gone to an ordinary car wash and pay a fair market rate for their vehicles to be cleaned.

U.S. SENATE SPECIAL COMMITTEE ON AGING

"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS
AND THE WORKPLACE"

FEBRUARY 29, 2024

QUESTIONS FOR THE RECORD

Dr. Lauren Avellone**Senator Kirsten Gillibrand****Question:**

Employment opportunities are an important part in independent living for people living with a disability. The Transformation to Competitive Integrated Employment Act which I cosponsor would support employment for people with disabilities in competitive integrated jobs with the services and supports necessary to recognize their skills, knowledge and experiences.

How does transforming to competitive integrated employment improve retention for a person with support needs?

Response:

The transformation from subminimum wage and sheltered work options to competitive integrated employment (CIE) will greatly improve quality of life for people with disabilities, particularly those with complex support needs. Sheltered work settings (also called work centers and facility-based employment) do not provide the same enrichments as CIE. Participation in CIE leads to greater financial independence, a sense of purpose, a wider social circle, and opportunities for personal growth. Research demonstrates that even individuals with high support needs and limited-to-no prior work history can become successfully employed within their communities (Wehman, 2023). While participating in CIE, these individuals show significant increases in learned employment skills as they figure out new ways to rise to the challenges of being in a dynamic and stimulating environment (Wehman et al., 2017; Wehman et al., 2019). Not only do these individuals learn to excel in their employment positions, but they also experience substantial gains in other important life domains. Findings from two randomized clinical trials conducted at Virginia Commonwealth University found that participants with high support needs who participated in CIE showed significant improvements in independence across a number of major life areas. More specifically, youth and young adults with intellectual and developmental disabilities who participated in CIE showed substantial improvement in activities related to navigating their surroundings, advocating for themselves and others, completing home living tasks, maintaining health and safety practices, participating in community events, and engaging in new ways of learning (Inge et al., 2023; Schall et al., 2020). Similar gains in independence were not observed for control group participants who did not engage in CIE (Inge et al., 2023; Schall et al., 2020). The positive impact of CIE on areas of personal independence have massive implications for opening up more life choices and opportunities for people with disabilities in the areas of independent living, community participation, education, and socialization, all of which facilitate a happy and healthy life.

The evidenced-based processes used to assist people with complex support needs achieve CIE promote long-term job retention because they foster a relationship that is advantageous for everyone involved. Considerable care is placed on arranging a good "job match" between a business and a person with a disability. The resulting position is one that utilizes the job seeker's abilities and preferences in ways that are particularly beneficial to a specific business. By implementing flexible and highly individualized approaches, people with even the most complex support needs have secured and maintained employment in a wide range of industries including healthcare, hospitality, retail, manufacturing, distribution, food service, entertainment, sports and recreation, education, transportation, facilities management, finance, technology, and child care (Wehman et al., 2019). When a good job match is made, employers gain reliable and competent workers who perform real work tasks that measurably benefit their businesses. At the same time, workers with disabilities are compensated at competitive wages to do meaningful work in areas they find interesting. These results underpin the necessity of transitioning from sheltered work to CIE.

Sheltered work settings do not provide the same opportunities as CIE settings that lead to substantial growth in financial and personal independence. People with

disabilities who participate in sheltered work typically make subminimum wage and are left in a perpetual state of poverty with few chances to better their economic circumstances. They are unable to financially support themselves in essential areas of life including independent living, recreation and leisure, health, and retirement in ways comparable to those in CIE. In sheltered work, there are no opportunities for significant pay raises, no hierarchy of jobs to advance to, and a restricted ability to learn new skills or advanced skills as the types of work offered within facilities is highly limited. People with disabilities who participate in sheltered work are also largely separated from outside professional networks that could help them pursue more rewarding or lucrative work options. Essentially, people with disabilities in segregated settings are left with no access to the avenues people without disabilities traditionally use to create economic change or personal growth.

References

- Inge, K., Avellone, L., Wehman, P., Broda, M., & Joy, J. (2023). Effects of customized employment on the independence of youth with intellectual and developmental disabilities. *Intellectual and Developmental Disabilities*, 61(6), 481-496. <https://doi.org/10.1352/1934-9556-61.6.481>
- Schall, C., Sima, A. P., Avellone, L., Wehman, P., McDonough, J., & Brown, A. (2020). The effect of business internships model and employment on enhancing the independence of young adults with significant impact from autism. *Intellectual and Developmental Disabilities*, 58(4), 301-313. <https://doi.org/10.1352/1934-9556-58.4.301>
- Wehman, P. (2023). Supported employment and customized employment: How effective are these interventions and what has been their impact on the field?. *Journal of Vocational Rehabilitation*, 58, 237-247.
- Wehman, P., Schall, C., McDonough, J., Graham, C., Brooke, V., Riehle, J. E., Brooke, A., Ham, W., Lau, S., Allen, J., & Avellone, L. (2017). Effects of an employer-based intervention on employment outcomes for youth with significant support needs due to autism. *Autism*, 21, 276-290. <https://doi.org/10.1177/1362361316635826>
- Wehman, P., Schall, C., McDonough, J., Sima, A., Brooke, A., Ham, W., Whittenburg, H., Brooke, V., Avellone, L., & Riehle, E. (2019). Competitive employment for transition-aged youth with significant impact from autism: A multi-site randomized clinical trial. *Journal of Autism and Developmental Disorders*, 50(6), 1822-1897. <https://doi.org/10.1007/s10803-019-03940-2>

Question:

The Disability Employment Incentive Act which I cosponsor would help encourage employers to hire and retain employees with disabilities by enhancing three existing tax benefits. People with a disability should have a variety of choices when applying to jobs, and the intent of this bill is to expand these options.

How would these employer benefits change the employment landscape for persons living with a disability?

Response:

Choice in employment is critical. We all want the ability to pursue work we find interesting, challenging and rewarding. Despite being talented and capable workers, people with disabilities are often limited in the types of jobs they can pursue because employers are reluctant or unwilling to provide quality opportunities due to uncertainties surrounding how such a hire would impact their business. Increasing and expanding tax benefits has the potential to greatly improve competitive integrated employment (CIE) outcomes by addressing several existing barriers to employment from the business side.

Addressing the disparate level of workforce participation experienced by people with disabilities compared to people without disabilities requires comprehensive efforts to address both supply-side and demand-side factors. Historically, the approach to improving employment circumstances for people with disabilities centered around training and support to make them more marketable to employers (i.e., supply-side). However, the essential role of the business (i.e., demand-side) has recently received more attention. Addressing both supply-side and demand-side factors is critical because no amount of highly effective vocational services provided to an individual with a disability will improve their degree of workforce participation if businesses are not willing to hire them. Unfortunately, there are a number of persistent attitudinal barriers and misperceptions among employers that leave them disinclined to hire workers with disabilities. Demand-side barriers include employer concerns

about the capability of a person with a disability to do a job, the extra time it might take for them to perform a duty compared to other workers, the cost of providing accommodations where necessary, safety concerns within the workplace, the potential need to take more time off than those without disabilities, and the possibility of making other workers without disabilities uncomfortable (Chan et al., 2010; Iwanaga et al., 2021).

The Disability Employment Incentive Act includes tax benefits that work to alleviate some of these demand-side barriers, consequently encouraging employers to offer more opportunities to job seekers with disabilities. An important first step in increasing CIE outcomes for people with disabilities is to provide them with increased opportunities to directly showcase their skills and talents. This will help combat preexisting negative stereotypes that employers and co-workers may hold about the ability of people with disabilities to serve as a contributing member of a business. Tax benefits, such as the Work Opportunity Tax Credit that offer credit for salaries paid to workers are persuasive because they enable employers to give workers with a disability a chance to work in a fiscally low-risk manner. This type of incentive can be especially impactful in providing more opportunities to job seekers who have little-to-no prior work history, which is unfortunately the case for many individuals with disabilities who have high support needs, those who are transitioning from subminimum wage work to CIE, and young adults with disabilities who are entering the workforce for the first time. Such tax incentives also include retention requirements which encourage businesses to support and maintain employees long enough for them to sufficiently learn the job, secure appropriate accommodations, and demonstrate their capacity to contribute in a way that boosts sales, profits, efficiency or other measures that promote the success of a business.

Another advantage of the proposed tax benefits is the potential reduction in employer concerns surrounding the costs of hiring a person with a disability. Tax benefits such as the Architectural and Transportation Barrier Tax Credit can help mitigate the amount employers might spend on providing supports and accommodations to an employee with a disability. Recent research indicates that smaller businesses are more reluctant than larger businesses to hire people with disabilities as a result of being less likely to have appointed personnel who are knowledgeable about how to provide reasonable accommodations under the Americans with Disabilities Act (1990) and feelings of having fewer resources to provide accommodations or modify physical workspaces (Iwanaga et al., 2021). This is hugely problematic given that the vast majority of businesses (approximately 99.9%) in the United States are small businesses (U.S. Small Business Administration, 2023). Any reluctance on the part of small businesses to hire individuals with disabilities will dramatically restrict their employment options. If a small business is in a position to hire two equally qualified candidates, one with a disability and one without, the business may be hesitant to hire the person with a disability due to uncertainties about the cost of making disability accommodations. Tax credits such as the Disability Access Expenditures Credit, which specifically assist small businesses, level this playing field between candidates by moderating the cost of hiring the person with a disability.

In addition, the Architectural and Transportation Barrier Tax Credit aims to address the issue of transportation, which is one of the most significant and persistent barriers to employment for people with disabilities. People with disabilities consistently face difficulty finding available, reliable, and accessible transportation necessary for obtaining and retaining CIE (Graham et al., 2018; Sabella & Bezyak, 2019). Financial support that enhances transportation options will dramatically open up more employment opportunities for people with disabilities. As policy efforts continue to address the removal of barriers to CIE for people with disabilities, it will be necessary to continue to target transportation. A commonly cited obstacle among agencies attempting to transition from subminimum wage to CIE is a lack of options for getting people to and from a job. Through our work, my colleagues and I have found that many agencies who have already successfully transitioned to CIE have reportedly solved this problem by purchasing fleets of vehicles to meet the transportation needs of their clients. However, this is expensive and currently not within the reach of all agencies. Future opportunities to assist agencies with vehicle purchases and other transportation solutions as they foster more CIE opportunities for people with disabilities are needed.

References

Chan, F., Strauser, D., Gerver, R., & Lee, E. J. (2010). Introduction to demand-side factors related to employment of people with disabilities. *Journal of Occupational Rehabilitation*, 20, 407-411. <https://doi.org/10.1007/s10926-010-9243-7>

Graham, C. W., Inge, K. J., Wehman, P., Seward, H. E., & Bogenschutz, M. D. (2018). Barriers and facilitators to employment as reported by people with physical disabilities: An across disability type analysis. *Journal of Vocational Rehabilitation*, 48(2), 207-218. <https://doi.org/10.3233/JVR-180929>

Iwanaga, K., Chen, X., Grenawalt, T. A., Mpofu, N., Chan, F., Lee, B., ... & Tansey, T. N. (2021). Employer attitudes and practices affecting the recruitment and hiring of people with disabilities: A scoping review. *Journal of Rehabilitation*, 87(2), 4-16.

Sabella, S. A., & Bezyak, J. L. (2019). Barriers to public transportation and employment: A national survey of individuals with disabilities. *Journal of Applied Rehabilitation Counseling*, 50(3), 174-185. <https://doi.org/10.1891/0047-2220.50.3.174>

U.S. Small Business Administration. (2023). Frequently asked questions about small businesses in 2023. <https://advocacy.sba.gov/2023/03/07/frequently-asked-questions-about-small-business-2023/>

Question:

The Raise the Wage Act of 2023 which I cosponsor would gradually increase the minimum wage to 17 dollars per hour by 2029. This bill would also end the ability for employers to pay people with a disability subminimum wage. This provides workers with disabilities the opportunity to be competitively employed and participate more fully in their communities.

Has research shown that paying a subminimum wage helped people with a disability transition to higher pay employment as originally intended?

Response:

There is no empirical evidence suggesting that subminimum wage work is effective or necessary for achieving competitive integrated employment (CIE) outcomes for people with disabilities, including those with the highest support needs. The notion that subminimum wage is a stepping stool to CIE is based on a faulty premise that people with complex support needs require preparatory training before they can pursue real work for real pay (Avellone et al., 2023). Segregated employment models that pay subminimum wages follow a "train, then place" philosophy that puts people in a system where they rarely ever leave the "training" phase. This is because transition to CIE from a sheltered workshop is based on a person's ability to demonstrate "readiness to work" through the display of specific and subjective skills that are unneeded to secure a competitive job. For instance, segregated models use productivity metrics to evaluate work performance (e.g., progress performing a repetitive assembly task). Since segregated models rely on contract work or limited group work arrangements, opportunities for variation in tasks is highly limited. Therefore, the type of work a person is asked to do is not necessarily personally motivating or reflective of their individual work goals. Measuring overall "job readiness" based on a person's ability to do a few unrewarding tasks that do not tap into their personal employment strengths is a faulty gauge for what they are capable of doing in other contexts. This also creates an unfair system where people with a disability have little opportunity to demonstrate they are worthy and capable of more.

In comparison, CIE models adhere to a "place, then train" approach and are backed by over four decades of scientific research (Wehman, 2023). Integrated models (e.g., supported employment, customized employment, transition-to-work internship models, inclusive postsecondary education programs, etc.) immediately start working toward CIE. Instead of executing uniform and arbitrary metrics to determine work readiness, integrated service models utilize each individual person's strengths, interests, needs, and preferences in a way that aligns with the needs of an employer. This results in a mutually beneficial relationship where people with even the most complex support needs can contribute meaningfully to their communities in ways that are intrinsically motivating and highly useful.

Findings from a recent review of the scientific literature examining the existing body of evidence for segregated and integrated employment models returned no support for segregated models as an effective step toward achieving CIE. In this review, Taylor et al. (2023) summarized these findings:

"Overall, this review found no evidence in support of segregation as a method of achieving any meaningful preferred employment outcome-not in CIE, not in wages, not in hours, not in cost, not in quality of life, not in achieving greater independence. Comparatively, integrated vocational service models described by studies led to better employment outcomes in terms of job placement, stability and retention, benefits, independence, and several markers of individual health."

In addition, there is some evidence to suggest that time spent in a segregated work setting can actually be detrimental to achieving CIE. Cimera et al. (2011; 2012) found that people with intellectual and developmental disabilities who had no prior history of segregated workshop participation achieved better CIE outcomes than those with prior participation in a workshop. More specifically, those without a prior workshop history worked more hours, earned more per hour and cost less to serve in employment support than those with prior segregated work histories. Other research has shown a link between more time spent in segregated settings and poorer CIE outcomes. Findings from a study conducted by Christensen and Richardson (2017) found that participants who had been in a sheltered workshop for more than five years experienced more challenges transitioning to CIE than those who spent less than five years in the same sheltered workshop setting.

In summary, there is no substantial evidence indicating a need for subminimum wage or segregated employment as a pre-requisite to CIE. This is true regardless of the type or severity of a person's disability (Wehman et al., 2023). In fact, findings from a 2020 report from the U.S. Commission on Civil Rights investigating subminimum wage practices found no significant differences in the general profiles of those working for subminimum wages and those working in CIE. Decades of research have already identified a number of highly effective service models that have documented efficacy in leading to CIE outcomes for individuals with all levels of support needs, including those that are most complex (Wehman et al., 2018). Sheltered workshops only institute unnecessary delays to achieving CIE. Time, money, and other resources are better spent on expanding the provision of integrated employment models that have documented effectiveness in achieving CIE outcomes.

References

- Avellone, L., Taylor, J., Wehman, P., Inge, K., & Brooke, V. (2023). State-level analysis of subminimum wage use for individuals with disabilities in the United States: Implications for policy and practice. *Research and Practice for Persons with Severe Disabilities*, 48(3), 127-138. <https://doi.org/10.1177/15407969231192104>
- Cimera, R.E. (2011). Does being in sheltered workshops improve the employment outcomes of supported employees with intellectual disabilities? *Journal of Vocational Rehabilitation*, 35(1), 21-27. <https://doi.org/10.3233/JVR-2011-0550>
- Cimera, R.E., Wehman, P., West, M., & Burgess, S. (2012). Do sheltered workshops enhance employment outcomes for adults with autism spectrum disorder? *Autism: The International Journal of Research & Practice*, 16(1), 87-94. <https://doi.org/10.1177/1362361311408129>
- Christensen, J. & Richardson, K. (2017). Project SEARCH workshop to work: Participant reflections on the journey through career discovery. *Journal of Vocational Rehabilitation*, 46(3), 341-354. <https://doi.org/10.3233/JVR-170871>
- Taylor, J., Avellone, L., Wehman, P., & Brooke, V. (2023). The efficacy of competitive integrated employment versus segregated employment for persons with disabilities: A systematic review. *Journal of Vocational Rehabilitation*, 58(1), 63-78. <https://doi.org/10.3233/JVR-221225>
- U.S. Commission on Civil Rights. (2020). Subminimum wages: Impacts on the civil rights of people with disabilities. <https://www.usccr.gov/reports/2020/subminimum-wages-impacts-civil-rights-people-disabilities>
- Wehman, P. (2023). Supported employment and customized employment: How effective are these interventions and what has been their impact on the field?. *Journal of Vocational Rehabilitation*, 58, 237-247.
- Wehman, P., Taylor, J., Brooke, V., Avellone, L., Whittenburg, H., Ham, W., Brooke, A. & Carr, S. (2018). Toward competitive employment for persons with intellectual and developmental disabilities: What progress have we made and where do we need to go. *Research and Practice for Persons with Severe Disabilities*, 43(3), 131-144. <https://doi.org/10.1177/1540796918777730>

Senator Elizabeth Warren

Question:

Electronic surveillance and algorithmic management (ESAM) pose significant risks to workers' health and safety, with the practice particularly problematic in

warehousing and similar sectors.¹ Recent investigations have shown that at Amazon warehouses, tens of thousands of workers are injured on the job each year due in large part to the company's draconian quota systems, enforced by algorithms that give little or no flexibility to workers.² Many of these injuries result in temporary or permanent disabilities for workers, necessitating workplace accommodations - yet another report from last year revealed that Amazon's process for providing reasonable accommodations as required by the Americans with Disabilities Act (ADA) is supremely lacking.³

How do inflexible quotas and ESAM systems create barriers to entry for workers with preexisting disabilities?

Response:

Put plainly, workplace inflexibility is not conducive to disability inclusion. In addition, a lack of flexibility is particularly exclusive to people with complex support needs. There is already an unfortunate history in the United States of erroneously measuring the employment worth of a person with a disability by whether or not they can meet a specific productivity metric when performing a repetitive task while being monitored (i.e., sheltered employment). Those who cannot meet this metric have erroneously been deemed less valuable to the workforce. This has resulted in the longstanding unethical practice of placing people with disabilities in segregated facilities and paying them subminimum wages. For people with disabilities, companies that use quota-based monitoring systems are essentially transplanting archaic performance metrics used in 14c subminimum wage workshops into competitive integrated employment (CIE) and instead of paying them less than they are worth, the company is excluding them from work opportunities altogether.

A job seeker with complex support needs is a person who requires highly personalized strategies to assist them in overcoming areas of disability-related impact such as cognition, communication, physical, sensory or emotional-behavioral challenges. These individuals are at the highest risk for experiencing unemployment and employment that garners subminimum wages. They are therefore an essential group of job seekers that must be accommodated in disability inclusion efforts within all workplaces across our country. To perform successfully on-the-job, individuals with complex support needs often require a number of services not required by those without disabilities, such as diverse strategies for learning, adaptations to work tasks or the work environment, assistive technology, and other forms of support. They may also require accommodations that involve extra breaks, extra time to complete tasks, or other individualized provisions that help them be an efficient worker. For instance, a new hire with complex support needs may need additional time or support to learn their assigned job tasks. It may also take time to figure out what supports will be most effective to help that person meet their employer's expectations. A person with complex support needs will most likely have an employment support provider trained in how to identify and implement proper supports (from Vocational Rehabilitation, Community Rehabilitation Providers, or other service agencies) so while the right strategies will eventually be put in place, the process takes time. This may result in an initial inability on the part of the worker with a disability to meet rigid preset quotas but inevitably lead to long-term competency in completing essential job tasks. If this process slows their ability to meet inflexible quotas during their new employee probationary period, then they risk disciplinary action, termination, and undue stress. Inflexible quota systems no doubt create huge barriers to employment for people with high support needs, but the same principle applies to workers with less severe disabilities who may have very recently acquired a disability and are still recognizing their support needs or young adults with disabilities who are becoming aware of their support needs in a work capacity for the first time. Flexibility that allows for the proper use of modifications and accommodations is needed to help all individuals with disabilities access employment.

¹ See e.g., Center for Democracy and Technology, "Organizations Urge Biden Administration To Protect Workers from Increasing Threat of Workplace Surveillance Technologies," press release, April 3, 2023, <https://cdt.org/press/organizations-urge-biden-administration-to-protect-workers-from-increasing-threat-of-workplace-surveillance-technologies/>.

² Strategic Organizing Center, "IN DENIAL: AMAZON'S CONTINUING FAILURE TO FIX ITS INJURY CRISIS," April 2023, <https://thesoc.org/wp-content/uploads/2023/04/SOC-In-Denial-Amazon-Injury-Report-April-2023.pdf>; In These Times, "It Kind of Feels Like Prison: Injured, Burned Out and Under Surveillance at Amazon," Katrina Pham, October 26, 2023, <https://inthesetimes.com/article/injury-burnout-surveillance-amazon-warehouse-workers-uic-report>.

³ CBS News, "Amazon is failing to provide accommodations for disabled workers, labor group claims," Sanvi Bangalore, July 26, 2023, <https://www.cbsnews.com/news/amazon-disabled-workers-american-disabilities-act-violations-report/>.

Rigid quota systems also operate on the faulty premise that worker contribution is determined solely by work output. This is not true. Businesses markedly benefit from properly accommodating workers with disabilities. Any argument implying that making quota-based work more malleable to accommodate workers with disabilities has the potential to harm a business negates the multitude of benefits derived from hiring people with disabilities. First, investing in disability inclusion pays off. According to a recent report by Accenture and Disability: IN (2023), businesses that adopt key disability inclusion criteria yield 1.6x more revenue, 2.6x more net income, and twice as much economic profit as industry peers. Secondly, workers with disabilities are highly loyal which creates a return on investment in training time and costs. Not only do people with disabilities show less employee turnover but they also demonstrate less absenteeism and greater levels of punctuality (Aichner, 2021; Lindsay et al., 2018). In addition, the Commission on Disability Employment reports that companies who diversified their workforce in ways that include people with disabilities experienced a 90% increase in employee retention. Third, employees with disabilities work with higher levels of concentration, perform more consistently, and perform at a higher level of accuracy than those without disabilities (Aichner, 2021). This has large implications for avoiding costs associated with human error and employee negligence. Lastly, hiring individuals with disabilities also comes with reputational advantages as increased hiring of people with disabilities is linked to an improved company image among the general public (Lysaght et al. 2021). This can give a company a competitive edge in terms of growth and sales.

An inability to meet highly inflexible productivity quotas in order to secure or maintain employment is not the failure of a worker with a disability. These are exclusionary practices that are a failure of a company to see the value and contributions of employees with disabilities in multifaceted ways. A company that measures worker capability by one simple metric is prescribing to a much-outdated deficit model of disability that focuses exclusively on ways a medical condition deviates from a norm and the subsequent limitations that diagnoses place on a person's ability and potential. This deficit-based model has been obsolete for over 30 years (Weick et al., 1989). Any modern business that claims to promote disability inclusion must engage in active hiring and retention strategies that promote a strengths-based view of disability. This is a more holistic approach to recognizing the individualized assets of every unique person with a disability. The importance of establishing a strengths-based model for employment practices within the United States has implications for every working-age adult. Any person without a disability can very suddenly become a person with a disability at any given moment. In an instant, a stroke, fall, car accident, or other unforeseen accident can immediately leave any one of us as a person with a disability who needs access to quality employment in order to cover basic living needs. Thus, allowing a precedent that it is acceptable to tie worker worth to one profit-based metric has profound implications for all workers.

References

- Accenture. (2023). The disability inclusion imperative. <https://www.accenture.com/content/dam/accenture/final/accenture-com/document-2/Disability-Inclusion-Report-Business-Imperative.pdf>
- Aichner, T. (2021). The economic argument for hiring people with disabilities. *Humanities and Social Sciences Communications*, 8(1), 1-4. <https://doi.org/10.1057/s41599-021-00707-y>
- Commission on Disability Employment (n.d.). Leading the way to inclusive workforce. <https://ceocommission.org/sites/default/files/2021-01/Profitability%20and%20Disability%20Inclusion.pdf>
- Lindsay, S., Cagliostro, E., Albarico, M., Mortaji, N., & Karon, L. (2018). A systematic review of the benefits of hiring people with disabilities. *Journal of Occupational Rehabilitation*, 28, 634-655. <https://doi.org/10.1007/s10926-018-9756-z>
- Lysaght, R., Bobbette, N., & Ciampa, M. A. (2021). Productivity-based wages and employment of people with disabilities: International usage and policy considerations. *Journal of Disability Policy Studies*, 32(3), 171-181. <https://doi.org/10.1177/1044207320943605>
- Weick, A., Rapp, C., Sullivan, W. P., & Kisthardt, W. (1989). A strengths perspective for social work practice. *Social Work*, 34(4), 350-354. <https://www.jstor.org/stable/23715838>

Question:

When ESAM systems create circumstances in which workers suffer disabling injuries, how does this threaten workers' continued ability to meet quotas and other algorithmically determined metrics, especially when the process of receiving reasonable disability accommodations can be difficult to navigate?

Response:

All injured workers indisputably need protection, but on-the-job injuries do not always rise to the qualifying level of disability to warrant protection under the Americans with Disabilities Act (ADA, 1990). This leads to two types of injured workers; those that subsequently qualify for ADA accommodations and those that do not. Injured workers with a disability that meets the legal definition applicable under ADA are protected from discrimination on the basis of disability in all aspects related to employment including hiring, firing, lay-offs, job assignments, leave, etc. Under ADA, a person with a qualified disability must be able to perform the essential functions of a job either with or without reasonable accommodations provided by their employer. Reasonable accommodations are generally inexpensive, easy to implement, and require little changes on the part of the employer. Recent data on 3,528 employers provided by the Office of Disability Employment Policy's Job Accommodation Network (2023a) indicated that about half of employers (49.9%) didn't need to spend anything at all on the accommodations they provided. Approximately 43.3% provided accommodations associated with a one-time cost with a median expenditure of \$300. Only 7.2% of businesses provided accommodations that required ongoing costs (Job Accommodation Network, 2023a). This means that injured workers with a qualifying disability are able to execute essential job tasks with little to no undue hardship to an employer providing a reasonable accommodation. This is not a big ask, particularly for large, highly profitable companies who can and should have designated disability experts in positions to handle requests in a timely manner.

Unfortunately, there are currently no clear guidelines about the obligation of an employer to provide a temporary accommodation to an employee with a disability under ADA while a formal request is being explored (Job Accommodation Network, 2023b). Employers are free to provide this service, and many do because it benefits them to have a worker back-to-task, but this is not definitively required. Unnecessary delays in responses to reasonable accommodation requests or a failure to provide accommodations undermines the very advantage of ADA which allows workers with disabilities an opportunity to perform at a rate comparable to peers without disabilities through the use of alternate strategies. In some instances, depending upon their disability and the type of accommodation, this also allows a worker to perform safely at a similar rate. These accommodations are highly effective. Only 13% of companies report that accommodations are ineffective (Job Accommodation Network, 2023a). Therefore, the provision of reasonable accommodations for workers with a qualified disability should occur before other alternatives, such as reassignment to light duty which can provide lower pay.

Companies that do not immediately and productively address disability-related needs create environments where employees with disabilities will be hesitant to disclose or seek an accommodation. Employees are likely to feel pressured to continue working without reasonable accommodations due to fears about reduction in wages, decreases in hours, reassignment to lower grade positions or placement on involuntarily leave. This leads to highly dangerous work environments that have the potential for workers to sustain harm. These types of conditions are also likely to disproportionately impact people experiencing lower socioeconomic conditions who feel financially obligated to continue working despite health risks. It can also disproportionately impact workers with intellectual and developmental disabilities who have limited self-advocacy skills, lack awareness about the association between injury care and long-term health risks, and who may not understand disability rights or their options for filing disability complaints when their needs go unmet. These are vulnerable populations who need protective measures put in place.

References

Job Accommodation Network. (2023a). Costs and benefits of accommodation. <https://askjan.org/topics/costs.cfm>

Job Accommodation Network. (2023b). Employer's practical guide to reasonable accommodations under the Americans with Disabilities Act (ADA). <https://askjan.org/publications/employers/employers-guide.cfm>

Question:

The Supplemental Security Income (SSI) earned income disregard was set at \$65 for more than half a century ago, and has not increased in line with inflation.⁴ This presents a significant barrier to work for people with disabilities who receive SSI - if the threshold had been indexed to inflation, the disregard would have stood at \$416 in 2022, allowing far more SSI recipients to work and earn income.⁵

How does the archaic SSI earned income disregard level disincentivize people with disabilities from working?

Response:

The seriously outdated Supplemental Security Income (SSI) earned income exclusions have several fundamental issues that disincentivize people with disabilities from pursuing quality employment. First and foremost, it sends contradictory messages to people with disabilities about whether or not they should pursue work (Olney & Lyle, 2011). Competitive integrated employment is a direct avenue to a higher quality of life via access to financial and personal independence, an ability to contribute to one's community in a meaningful way, greater access to social circles, and numerous opportunities for personal growth (Cassar & Meier, 2018; Taylor et al., 2022). Given the plethora of benefits associated with workforce participation that impact health and well-being, there should be no confusion among people with disabilities about the fact that they should pursue competitive work goals. The Social Security Administration has made a clear stance that helping people with disabilities take advantage of employment opportunities is a high priority (Social Security Administration, 2023). However, a person with a disability looking to work is forced to navigate an extremely confusing process for securing work and maintaining their disability benefits. Many who are eager to become employed suddenly encounter what is known as the "disability benefits cliff." This refers to a situation where a person with a disability who starts receiving a paycheck generates an income that is suddenly no longer low enough to qualify for benefits but still isn't high enough to sufficiently cover basic and essential life needs. This is where workers with disabilities begin to feel as though they are receiving a conflicting message about becoming employed. The current system seems to say "You should work, but not too often and not for too much money."

This predicament is a serious impediment to the many national efforts to include more people with disabilities in the American workforce. Its unintended consequence is to continually restrict employment opportunities for people with disabilities to jobs and gig work rather than careers.

Current SSI income disregards force people with disabilities to;

- become underemployed in jobs below their potential;
- remain in entry level positions rather than participating at all levels within a company;
- forgo promotions that may include a pay raise or else take the promotion and do more work for less compensation;
- work less hours which provides less opportunity for professional growth
- search for lower paying jobs that aren't necessarily aligned with their skills, interests, and abilities;
- stifle the development and growth of a business in which a person has cultivated through self-employment; and
- remain chronically underrepresented in progressive and higher-paying industries like science, technology, engineering, and mathematics (i.e., STEM fields).

We currently have a system that works against disability inclusiveness efforts within employment by requiring people who receive benefits to remain in stagnant circumstances. People with disabilities who are caught in this system additionally report stress and anxiety about the decision to work and potential loss of benefits. Examples include feelings of being stuck and limited with respect to work options, feelings of being punished for wanting to work, feelings of being micromanaged by having to log even minimal amounts of spending in order to stay safely within income limits, fear of being slightly overpaid without realizing it and suddenly owing money, and additional strains imposed on those who still have to curb work opportunities but reside in areas where the regional standard of living is higher (Olney and Lyle, 2011; Savin, 2019).

⁴ Urban Institute, "Encouraging Work in the Supplemental Security Income Program," Jack Smalligan and Chantel Boyens, March 2022, <https://www.urban.org/sites/default/files/2022-03/Encouraging%20Work%20in%20the%20Supplemental%20Security%20Income%20Program.pdf>.

⁵ Id.

An improved system would eliminate the risks associated with loss of benefits for people with disabilities who pursue competitive integrated employment. It would provide limits that facilitate quality employment outcomes rather than confine people with disabilities to lower level work. Ideally, this would include the ability to work more hours, earn more money, participate in upward mobility, and secure work in higher paying fields.

References

- Cassar, L., & Meier, S. (2018). Nonmonetary incentives and the implications of work as a source of meaning. *Journal of Economic Perspectives*, 32(3), 215-238. <https://doi.org/10.1257/jep.32.3.215>
- Olney, M. F., & Lyle, C. (2011). The benefits trap: Barriers to employment experienced by SSA beneficiaries. *Rehabilitation Counseling Bulletin*, 54(4), 197-209. <https://doi.org/10.1177/0034355211400209>
- Savin, K. (2019). Being on SSI is a full-time job: How SSI and SSDI beneficiaries work around and within labor incentive programs. *All Faculty Scholarship*. 506. <https://scholarlycommons.pacific.edu/shs-all/506>
- Social Security Administration. (2023). Supplemental security income (SSI) work incentives. <https://www.ssa.gov/ssi/text-work-ussi.htm>
- Taylor, J., Avellone, L., Brooke, V., Wehman, P., Inge, K., Schall, C., & Iwanaga, K. (2022). The impact of competitive integrated employment on economic, psychological, and physical health outcomes for individuals with intellectual and developmental disabilities, *Journal of Applied Research in Intellectual Disabilities*, 35, 448-459. <https://doi.org/10.1111/jar.12974>

Question:

How does this disincentive keep people with disabilities in or around the poverty line?

Response:

The more a person with a disability generates in countable income, the lower their disability benefit will be up until that income exceeds the total allowable, in which case they will cease to receive any benefit. The conceptual premise underpinning this process is that as a person with a disability increases their income they will subsequently need less financial support. The central problem with this notion is that the earned income disregard, originally established in 1972, hasn't been updated to reflect current times. The current earned income disregard limits call for the first \$20 of earned or unearned income and \$65 of earned income per month to apply for exemption. Then, any additional income acquired through employment reduces benefits by \$0.50 on the dollar. These are incredibly low limits. At those limits, a person with a disability's benefits begin being reduced even if their overall income is still at or below the federal poverty line (Smalligan & Boyens, 2022). Consequently, people with very small incomes max out of SSI without being able to access employer provided benefits. Meanwhile, those who may not max out remain continually at or under the federal poverty line on their incomes (Center on Budget and Policy Priorities, 2022). This leaves people with disabilities in a continual cycle of living on the edge of, or fully in, poverty with no reasonable way to exit those circumstances.

The current limits have not been adjusted for inflation. Were they to have been adjusted, these limits would equate to a massive difference of \$128 in earned/unearned income accompanied by \$416 in earnings (Smalligan & Boyens, 2022). Without adjusted limits, people with disabilities experience a number of problems that prevent them from being able to improve their economic situation. The currently low limits disincentivize people with disabilities from saving money for extremely common expenditures (e.g., having a sufficient emergency fund, pursuing a hobby) and impede their ability to save for larger purchases or buy higher quality items that may enhance their health and happiness. Such items include higher quality food or exercise equipment which could actually save them money in medical costs long-term (Savin, 2019). The existing limits also discourage people with disabilities from saving for retirement and impact how they can financially plan for their future. In addition, the resource limits for a married couple receiving SSI is less than that for two individuals receiving SSI (e.g., \$2,000/ person and \$3,000/couple) which punishes mutual recipients who choose to marry. This discourages dual recipients from entering into personally and economically advantageous situations by sharing living expenses. Low limits also discourage people with disabilities from saving for employment-related endeavors that could potentially elevate their economic situation. While there are some methods for circumnavigating this process in order to pursue

employment goals (e.g., Plan to Achieve Self-Support [PASS]) by exempting funds used for educational expenses or supplies, many people report being unaware of these supports or finding them too difficult to use. Consequently, enrollment in PASS is low and has declined in recent years (Domin & Timmons, 2019). As a result, many opt to not take the risk and forgo saving. Other options, such as the Achieving a Better Life Experience (ABLE accounts), allow family members to set aside money for a person with a disability without impact to benefits, but this only applies to individuals who have a disability prior to the age of 26 (Social Security Administration, 2024).

The decision to sacrifice saving or avoid acquiring even small amounts of additional income is one my colleagues and I have seen often in our work. Consider the following example; The research center in which I am employed will occasionally offer small incentives to participants to complete tasks such as filling out surveys as part of a study. I was contacted by a woman with autism (and her mother) in one of our studies who, despite filling out the requested surveys, informed me that she couldn't accept the \$20 check. She and her family stated that after careful consideration, she could not cash the check because they didn't want to have to go through the process of reporting it as income and were concerned that it might impact her receipt of benefits. They felt it was easier and safer to just refuse the check. Imagine having to fret this much over \$20.

Confusion and worry over how additional income will impact benefits has led some people with disabilities to subsequently place very wide cushions between their earnings and the maximum limit. My colleagues and I have worked in a number of states where the minimum wage now exceeds the federal minimum. While raising state minimum wages is great, we have worked with a number of people with high support needs who suddenly struggle to understand how to work in this situation and keep their disability benefits. They currently lack proper guidance. While they are earning more per hour, they have been warned that working too much can reduce their receipt of benefits and in turn, they often opt to work extremely few hours (e.g., as little as one shift every two weeks). To avoid the fear and frustration, they simply work less rather than face the possibility of exceeding the maximum. This is an obstruction to improved workforce participation among people with disabilities. The limits should be high enough that people with disabilities don't need to agonize over every additional shift they take, raise they receive or promotion they are offered.

References

- Center on Budget and Policy Priorities. (2022). Policy makers should expand and simplify supplemental security income. <https://www.cbpp.org/sites/default/files/6-30-21socsec.pdf>
- Domin, D., & Timmons, J. (2019). Social Security Administration Data Show a Record Low Level of PASS Usage Among SSI Recipients. DataNote Series, Data Note 61. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion. <https://core.ac.uk/download/pdf/229380622.pdf>
- Savin, K. (2019). Being on SSI is a full-time job: How SSI and SSDI beneficiaries work around and within labor incentive programs. All Faculty Scholarship. 506. <https://scholarlycommons.pacific.edu/shs-all/506>
- Smalligan, J., & Boyens, C. (March, 2022). Encouraging work in the supplemental security income program. <https://www.urban.org/research/publication/encouraging-work-supplemental-security-income-program>
- Social Security Administration. (2024). What is an ABLE account? <https://secure.ssa.gov/poms.nsf/lnx/0501130740>

Question:

What actions can the Social Security Administration unilaterally take to decrease work disincentives for people with disabilities in its programs? What fixes does it fall to Congress to make?

Response:

The most critical step in addressing the current issues surrounding SSI is to increase the resource threshold from the original limits to account for inflation. In general, changes should no longer penalize recipients with disabilities from accruing modest savings to cover everyday situations and free them from worry about how to handle unexpected bills or other unanticipated costly events. In addition, changes should no longer penalize recipients with disabilities from saving for retirement or marrying other recipients. Changes should ensure that the maximum limits don't

leave recipients at or below the poverty line and scrambling to cover basic needs. These limits place unnecessary life restrictions on recipients with disabilities.

With regard to work, the earned income limits should be raised so that recipients can have greater opportunities for securing quality employment opportunities. Allowable limits should not restrict people with disabilities to only working a sparse number of hours, nor should it force them to decline modest raises or promotions that may eventually lead to economic stability because it would place extreme hardship on them in the interim. These limitations prevent the full inclusion of people with disabilities in the workforce and restrict their participation to entry level positions in low paying industries.

Lastly, all individuals with disabilities who receive SSI should have routine access to benefits counseling. The ability to have periodic meetings with a trained professional who can monitor each individual's income and provide guidance on how work will impact finances is critical to helping people overcome fears about employment. It is not enough to only meet during the initial job search phases of employment. Some level of on-going participation in benefits counseling should be required for all recipients in order to help them understand how to advance their employment opportunities while juggling receipt of benefits. While such a mandate will likely require an increase in the quantity of benefits counselors nation-wide, such a service is essential. Research demonstrates that workers with disabilities who receive benefits counseling are more likely to be employed and make more money than those who do not receive the service (Iwanaga et al., 2021). Because SSI typically caters to those who have higher support needs, such as those with intellectual and developmental disabilities who experience challenges in learning and problem solving, they are likely to require this level of assistance in order to understand the process. Many people who do not have challenges in cognition find the process hard to navigate. Greater assistance using such a complex system should be more readily available to help recipients with disabilities maximize program benefits.

References

Iwanaga, K., Wehman, P., Brooke, V., Avellone, L., & Taylor, J. (2021). Evaluating the effect of work incentives benefits counseling on employment outcomes of transition-age and young adult Supplemental Security Income recipients with intellectual disabilities: A case control study. *Journal of Occupational Rehabilitation*, 31, 581-591. <https://doi.org/10.1007/s10926-020-09950-7>

Senator Raphael Warnock

Question:

According to a 2020 report released by the U.S. Government Accountability Office, many federal agencies use Schedule A hiring authority and provide training to their hiring managers on how to use it.⁶ However, some hiring managers report being unfamiliar with how Schedule A authority works. In addition, some agencies do not assess the effectiveness of their Schedule A training, which limits the ability of hiring managers to improve how they use the authority.⁷

How can federal agencies better assess trainings they provide to their hiring managers and human resources professionals when hiring individuals with disabilities?

Response:

It is great to see increased initiatives by federal agencies to promote disability diversity among their workforce by encouraging flexible hiring practices such as Schedule A. However, the Government Accountability Office (2020) reports several difficulties concerning training and implementation. For instance, there appears to be variation in trainings on Schedule A across federal agencies, with some providing annual trainings and others providing more on-going training. New employees in a hiring role have little-to-no previous experience using Schedule A and therefore are unsure of when and how to use it. This issue has been addressed in some, but not all agencies, by having designated staff (i.e., Selective Placement Program Coordinators) to provide guidance on how to use Schedule A. Despite these efforts, agencies point to an overall need for increased training on Schedule A among resource personnel and hiring managers (Government Accountability Office, 2020).

⁶Disability Employment: Hiring Has Increased But Actions Needed to Assess Retention, Training, and Reasonable Accommodation Efforts, GAO-20-384, U.S. Government Accountability Office (Jun. 11, 2020), <https://www.gao.gov/products/gao-20-384>.

⁷Id. at 26-27 ("Nevertheless, the agencies . . . are unfamiliar with or unsure of how to use the Schedule A hiring authority.").

Stand-alone mandatory Schedule A trainings for all staff in a position of hiring across all federal agencies is needed. Disability is often lumped into other diversity, equity, and inclusion initiatives. Without an individualized emphasis, the disability-related content is often insufficiently covered and the importance of the concept ends up lost or diluted for many trainees. Findings from a study investigating employer practices found that many supervisors across different types of U.S. organizations, including government agencies, were unaware that disability is a population included in diversity hiring efforts (Phillips et al., 2019). This is a finding corroborated by other research (e.g., Gould et al., 2019). The 2020 report conducted by the Government Accountability Office cites the covering of other flexible hiring strategies beyond Schedule A as a reason for being unable to evaluate the specific impact of trainings on Schedule A. Therefore, Schedule A trainings should be isolated in order to highlight its content and enable evaluation.

A comprehensive evaluation process that is both short and long-term in scope should be developed. Short term evaluation can assess the impact of content on changes in knowledge and understanding related to how and when to use Schedule A. This can include pre-to-posttests on content, questionnaires soliciting feedback on gaps in training, or training satisfaction surveys. Long-term evaluation includes an examination of performance measures linked to trainings. This could include a measurement of increases in use of Schedule A, changes in confidence about using Schedule A, or documentation of increased inquiries or other evidence suggesting more consideration of Schedule A in hiring decisions. Evaluation methods should address multi-faceted aspects of the training including learner perspectives on the format delivery (e.g., online modules, in-person trainings, guidance documents, etc.), dosage of training (e.g., frequency, length, etc.), trainer characteristics (e.g., knowledgeable, qualified, responsive, etc.), clarity in content (e.g., sufficient examples, inclusion of case studies, organization of material, etc.), availability of content (e.g., central webpage with guidance documents, cheat sheets, or other resources), and ease of use. This evaluation process should also include measurable efforts to conduct needs assessments. This can occur via survey or focus groups with those in a position to use the form to get a deeper sense of the current issues, suggestions for training, limits of current trainings, and reservations about using Schedule A. This will help effectively address any specific problems.

There should also be efforts to provide more uniformity in training across agencies to ensure quality and frequency of Schedule A use does not significantly differ by location. In tandem, all agencies should have an infrastructure of support that provides access to mentoring or coaching in use of Schedule A. This could be Selective Placement Program Coordinators or an equivalent point of contact to help walk hiring staff through the process and answer questions in real time. The Government Accountability Report (2020) suggests the prevalence of increased questions on Schedule A use by newly hired staff. A designated point of contact in every federal agency would provide individualized assistance to new employees in hiring roles who have questions about how to conduct the process. The Government Accountability Report (2020) also indicates that use of Schedule A hiring authority is encouraged, but not mandatory. Therefore, hiring managers are likely to opt out of using it in the absence of support.

Lastly, federal agencies should invest in awareness initiatives, not just trainings. Successful employment for people with complex support needs requires flexible approaches at every stage of the employment process. While Schedule A is a procedure that works to accommodate people with higher support needs, most hiring managers are unlikely to have prior experience working with a person with a disability who would benefit from the process and will have little overall understanding about why this process should be different than with other hires. Increased efforts to draw awareness to the profile of an applicant who would benefit from Schedule A use, the advantages of using Schedule A over traditional hiring practices, and the overall returns on making greater efforts to diversify a workforce in a way that highlights disability is needed.

References

- Gould, R., Harris, S. P., Mullin, C., & Jones, R. (2020). Disability, diversity, and corporate social responsibility: Learning from recognized leaders in inclusion. *Journal of Vocational Rehabilitation*, 52(1), 29-42. <https://doi.org/10.3233/JVR-191058>
- Government Accountability Office (2020). Disability employment: Hiring has increased but actions needed to assess retention, training, and reasonable accommodation efforts. <https://www.gao.gov/products/gao-20-384>
- Phillips, K. G., Houtenville, A. J., O'Neill, J., & Katz, E. (2019). The effectiveness of employer practices to recruit, hire, and retain employees with disabilities: Super-

visor perspectives. *Journal of Vocational Rehabilitation*, 51(3), 339-353. <https://doi.org/10.3233/JVR-191050>

Question:

What additional steps can federal agencies take to promote the hiring and retention of individuals with disabilities?

Response:

The federal government is the largest employer in the United States (U.S. Department of Labor, 2024). Having successful examples of people with disabilities working in the federal government sends a powerful statement to other employers. Federal agencies can take a number of steps to improve hiring and retention. First, federal agencies can start by creating more direct pipelines from school-to-work for youth and young adults with disabilities. This can be achieved by cultivating more youth internship programs specifically geared toward youth with disabilities, including those with high support needs, that will help better prepare them for entering federal agency jobs following exit from high school. In addition, federal agencies can make more apprenticeship programs available to college students with disabilities, particularly those in inclusive postsecondary education programs. There are currently 332 postsecondary programs on university and community college campuses across the country that are exclusively designed to meet the unique educational needs of young adults with intellectual and developmental disabilities (Think College, 2024). Many of these programs require student participation in applied work experiences as a condition of program completion. Federal agencies could take steps to connect with these programs and provide valuable work training opportunities that prepare students for future permanent employment in government work.

Federal agencies can also take steps to improve individual-level and systems-level processes to facilitate better employment opportunities for people with disabilities. On an individual-level, federal agencies should establish or increase existing partnerships with disability employment organizations (e.g., State Vocational Rehabilitation Agencies, Community Rehabilitation Providers, etc.). Such organizations can provide valuable assistance with recruiting qualified applicants, and provide guidance on any personalized support a particular individual with a disability might need during the hiring, onboarding, and retention process to ensure employment success. This can be a particularly helpful partnership for increasing employment opportunities for people with higher support needs. At a systems-level approach, federal agencies should develop or expand efforts to receive combined consultation on general hiring and retention initiatives from those with lived experiences and/or professional expertise. Regular consultation with Community Advisory Boards comprised of working-age youth and adults with disabilities, families, employment support providers, transition-educators, and researchers can drastically inform disability inclusiveness practices.

Ideally, each federal agency should have a qualified disability champion that helps establish a barrier-free workplace. The role of a disability champion is to represent the voice and position of people with disabilities as it relates to internal processes within a business. Responsibilities may include reviewing job postings to eliminate or reword criteria that would unintentionally exclude people with disabilities, raise awareness about disability among other employees in the business, and identify ways to create more disability-friendly work environments. Having an appointed and skilled person serving in this capacity can go a long way toward improving the hiring and retention of people with disabilities. §3101(1)

References

Think College. (2024). College search. <https://thinkcollege.net/college-search>

U.S. Department of Labor. (2024). Federal employers. <https://www.dol.gov/agencies/odep/program-areas/employers/federal-employment>

Statements for the Record

U.S. SENATE SPECIAL COMMITTEE ON AGING

"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS
AND THE WORKPLACE"

FEBRUARY 29, 2024

STATEMENTS FOR THE RECORD

Autistic Self Advocacy Network (ASAN) Testimony

On behalf of the Autistic Self Advocacy Network (ASAN), thank you for the opportunity to provide written testimony on the importance of Competitive Integrated Employment (CIE) to the disability community. ASAN is a 501(c)(3) advocacy organization run by and for autistic people.

People with disabilities are among the last groups of Americans who are not protected by minimum wage laws. Section 14(c) of the Fair Labor Standards Act creates a rare exception to the federal minimum wage. Through the 14(c) program, employers can obtain a certificate from the Department of Labor allowing them to pay workers with disabilities below the federal minimum wage based on alleged productivity, though productivity determinations are often structured in ways that keep wages artificially low.¹ According to the Government Accountability Office (GAO), as of January 2023, at least 120,000 workers were employed under these certificates, with half earning less than \$3.50 an hour.²

14(c) assumes that workers with disabilities are inherently less productive than workers without disabilities and that no employer would willingly pay full wages for disabled workers. However, many 14(c) workers are productive enough to form part of the supply chain in for-profit enterprises.^{3,4} Like their nondisabled peers, people with disabilities have varying skills, aptitudes, and interests. All workers are more suited for and productive in some jobs than others. Even an individual who is genuinely unproductive at light industrial assembly in a 14(c) sheltered workshop, for example, may be a high performer in a customer-facing role with more novelty and human interaction. By keeping people with disabilities in a segregated, one-size-fits-all workplace with low wages, 14(c) programs prevent their participants from finding jobs in which they might thrive. One GAO report found that only approximately 5% of sheltered workshop employees left to take a job in the community.⁵ Sheltered workshops are falling short of their promise to provide disabled people with the training and tools necessary for feasibly transitioning to CIE. The 14(c) program was meant only to be used to the extent necessary to prevent curtailment of opportunities for disabled people's employment, and yet it is doing the opposite.⁶

The financial effects of subminimum wage are devastating. No combination of SSI or SSDI payments with subminimum wage grants financial freedom. According to a 2023 report from the Financial Health Network, nearly half of working-age disabled people had annual household incomes under \$30k.⁷ The 2020 Annual Disability Statistics Compendium found there is a 25.9% poverty rate for working-age

¹ Whittaker, W. G. (2005, February 9). Treatment of Workers with Disabilities Under Section 14(c) of the Fair Labor Standards Act. (CRS Report No. RL30674). <https://ecommons.cornell.edu/server/api/core/bitstreams/9beee09a-6f8f-4a21-b5ac-c90221236bff/content>

² Government Accountability Office. (2023). Subminimum Wage Program: DOL Could Do More to Ensure Timely Oversight. (GAO Publication No. 23-105116). <https://www.gao.gov/assets/gao-23-105116.pdf>

³ Disability:IN. (2019). (rep.). Sub-minimum Wage in Corporate Supply Chains. Retrieved March 5, 2024, from <https://s3.amazonaws.com/disabilityin-bulk/2019/Sub-Minimum+Wage+in+Corporate+Supply+Chains+final.pdf>

⁴ Altman, Louis. (2013, June 27). Federal Law Allows Employers of Those with Disabilities to Skirt Minimum Wage. Nonprofit Quarterly. <https://nonprofitquarterly.org/federal-law-allows-employers-of-those-with-disabilities-to-skirt-minimum-wage/>

⁵ General Accounting Office. (2001). Special Minimum Wage Program, Centers Offer Employment and Support Services to Workers with Disabilities, But Labor Should Improve Oversight. (GAO Publication No. 01-886). <https://www.gao.gov/assets/gao-01-886.pdf>

⁶ House of Representatives, Congress. (2010, December 30). 29 U.S.C. 214 - Employment under special certificates. [Government]. U.S. Government Publishing Office. <https://www.govinfo.gov/app/details/USCODE-2010-title29/USCODE-2010-title29-chap8-sec214>

⁷ Warren, A., Chege, W., Greene, M., & Berdie, L. (2023). (rep.). The Financial Health of People With Disabilities Key Obstacles and Opportunities. Financial Health Network. Retrieved March 5, 2024, from <https://finhealthnetwork.org/research/the-financial-health-of-people-with-disabilities/>

disabled people who live in the community, which is more than double the poverty rate for their non-disabled counterparts.⁸

Some workers employed through 14(c) work in facilities that primarily or exclusively employ people with disabilities. These facilities are known as sheltered workshops. Research has shown that sheltered workshops do not achieve any meaningful preferred employment outcome not in CIE, not in wages, not in hours, not in cost, not in quality of life, not in achieving greater independence. Comparatively, integrated vocational service models described by studies led to better employment outcomes in terms of job placement, stability and retention, benefits, independence, and several markers of individual health.⁹ It costs state adult services agencies less to pay for employment supports to help workers with disabilities flourish in typical jobs than to keep them in sheltered workshops.¹⁰ Sheltered workshops are also incredibly exploitative. DOL's Wage and Hour Division found violations related to the 14(c) program in two-thirds of its investigations. By segregating employees in isolated, disability-specific work settings that limit economic independence, opportunity for advancement, and community interaction, these businesses also operate contrary to obligations under the Americans with Disabilities Act to ensure that individuals with disabilities are able to live, work, and receive services in the most integrated setting appropriate to their needs.¹¹

Subminimum wages cause more than financial and professional harm to people with disabilities. Not only do subminimum wages keep people with disabilities in poverty, but they cause psychological harm through disabled workers knowledge that they are being paid less than their peers and less than what they can achieve. There is no dignity in subminimum wage.

Passing the Transformation to Competitive Integrated Employment Act (TCIEA) is a vital step toward ending these aforementioned harms. TCIEA aims to phase out existing 14(c) certificates over a five-year period, prohibit the issuance of new ones, and provide funding for grants that support businesses with implementing best practices for the gradual transition to CIE.¹² TCIEA offers a realistic alternative to subminimum wage.

Equality under the law, dignity for all, and true competitive integrated employment cannot be achieved without bringing employment law into the 21st century. For these reasons, the Autistic Self Advocacy Network supports the Transformation to Competitive Integrated Employment Act and the steps it takes to help workers with disabilities reach their full potential.

Thank you,

John Poulos, Policy Analyst
Autistic Self Advocacy Network

⁸Paul, S., Rafal, M., & Houtenville, A. (2020). Annual Disability Statistics Compendium: 2020 (Table 6.3). Durham, NH: University of New Hampshire, Institute on Disability. <https://disabilitycompendium.org/sites/default/files/user-uploads/Events/2021—release—year/Final%20Accessibility%20Compendium%202020%20PDF—2.1.2020reduced.pdf>

⁹Taylor, J. P., Avellone, L., Wehman, P., & Brooke, V. (2023). The efficacy of competitive integrated employment versus segregated employment for persons with disabilities: A systematic review. *Journal of Vocational Rehabilitation*, 58(1), 63–78. <https://doi.org/10.3233/jvr-221225>

¹⁰National Council on Disability. (2012). Report on Subminimum Wage and Supported Employment. <https://www.ncd.gov/report/national-council-on-disability-report-on-subminimum-wage-and-supported-employment/>

¹¹ADA.gov. (2023, October 31). Questions and Answers on the Application of the ADA's Integration Mandate and *Olmstead v. L.C.* to Employment and Day Services for People with Disabilities. <http://www.ada.gov/resources/olmstead-employment-qa>

¹²Heigl, L., Knackstedt, K., & Sliva, E. (2024). (rep.). Pennies on the Dollar: The Use of Subminimum Wage for Disabled Workers across the United States. *New America*. Retrieved March 5, 2024, from <https://www.newamerica.org/education-policy/reports/the-use-of-subminimum-wage-for-disabled-workers-across-the-us/momentum-to-change-the-subminimum-wage/>.

U.S. SENATE SPECIAL COMMITTEE ON AGING

"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS AND THE WORKPLACE"

FEBRUARY 29, 2024

STATEMENTS FOR THE RECORD

Association of University Centers on Disabilities (AUCD) Testimony

On behalf of the Association of University Centers on Disabilities (AUCD), I am pleased to submit this Statement for the Record regarding the Senate Special Committee on Aging's hearing on February 29th, "All Mean All: Empowering People with Disabilities to Thrive in Careers and in the Workplace".

In 1990, Congress enacted the Americans with Disabilities Act (ADA) "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities."¹ Congress stated that the "Nation's proper goals are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency" for people with disabilities.² Yet, over thirty years after passage of ADA the promise to remove barriers to employment for people with disabilities still remains to be achieved. People with disabilities continue to experience discrimination and numerous barriers to competitive integrated employment (CIE).

Congress recognized in the ADA that society has "historically...tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of deinstitutionalization against individuals with disabilities continue to be a serious and pervasive problem."³ While Title I of the ADA addresses discrimination in employment by private employers, Title II of the ADA protects a "qualified individual with a disability from being "excluded from participation in or being denied the benefits of services, programs, or activities of a public entity"⁴ or being "subjected to discrimination by any such entity."⁵ As directed by Congress, the Attorney General promulgated regulations necessary to implement Title II, including its integration mandate: "A public entity shall administer services, programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities."⁶ Title II's integration mandate reflects the recognition that "[i]ntegration is fundamental to the purposes of the Americans with Disabilities Act. Provision of segregated accommodations and services relegates people with disabilities to second-class status."⁷

As you are aware, in 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA).⁸ One of the purposes of WIOA is "to increase, for individuals in the United States, particularly those individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market."⁹ Title IV of WIOA specifically focuses on making amendments to the programs in the Rehabilitation Act of 1973 regarding the provision of employment services to people with disabilities. WIOA prioritizes CIE, where people with disabilities work in mainstream jobs alongside co-workers without disabilities, and they are paid comparable wages. Despite the goals included in the ADA, the definition of CIE in WIOA recognizes two critical differences that make employment for people with disabilities different from most people without disabilities. Most people without disabilities go "to work" or "are employed". The assumption for those people without disabilities is that they will be integrated when they go to work and will be paid a competitive wage. For many people with disabilities, this has not been their reality, hence the need for Congress to define CIE in WIOA.

Low expectations are among the most significant barriers for people with disabilities obtaining or maintaining CIE. While progress has been made, thirty years after the ADA many people with disabilities are still relegated to segregated employment and/or subminimum wage employment, frequently known as sheltered workshops, where they are isolated from co-workers without disabilities and broader society and

¹ 42 U.S.C. §12101(b)(1).

² 42 U.S.C. §12101(a)(7).

³ 42 U.S.C. §12101(a)(2).

⁴ 42 U.S.C. §12132.

⁵ Id.

⁶ 28 C.F.R. §35.130(d).

⁷ 28 C.F.R. Pt. App. B.

⁸ 29 U.S.C. §3101 et. Seq.

⁹ 29 U.S.C. §3101(1)

are legally paid pennies on the dollar under Section 14(c) of the Fair Labor Standards Act (FLSA).¹⁰ The Labor Force Participation Rate is 40.5% for people with disabilities, compared to 77.3% for people without disabilities,¹¹ and over 40,000 people with disabilities continue to work in sheltered workshops under 14(c) certificates, currently held by 780 employers.¹²

While numerous improvements are needed in the education system, the vocational rehabilitation and other systems providing services and supports to people with disabilities to address the low employment participation rate for people with disabilities, AUCD offers the following three suggestions for immediate action by Congress to protect the civil rights of people with disabilities and provide employers some of the tools needed to employ people with disabilities in CIE.

Congress should immediately pass the Transformation to Competitive Integrated Employment Act (H.R. 1263 /S. 533). Section 14(c) of the Fair Labor Standards Act permits employers to pay some people with disabilities less than the minimum wage. This program is incompatible with the goals of the ADA and WIOA. By maintaining section 14(c), Congress is endorsing the perpetuation of a life of poverty and dependency for people with disabilities who are paid subminimum wages. The continued existence of this program creates a significant barrier to CIE by holding some people with disabilities to the lowest expectations as to their ability to work in CIE. The bill will not only phase-out 14(c), but also provide employers with the necessary support to transition their models from segregated subminimum wage employment to one that supports CIE.

Congress should pass the Disability Employment Incentive Act (S. 3076). Title I of the ADA states that employers of more than 15 employees will not "discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." An employee with a disability is considered qualified if they can perform the essential functions of the job with or without reasonable accommodations. While the ADA provides for reasonable accommodations, obtaining accommodations and related enforcement of the ADA continues to be a barrier to CIE. Human resource professionals continue to lack knowledge about how to provide reasonable accommodations and the costs for providing them, as well as the impact of the accommodations on the development of trust and the ability of workers with disabilities to meet expectations of productivity. The bill will enhance three existing tax credits to support employers who hire people with disabilities and make workplaces more accessible to those employees.

Congress should pass the Supporting Disabled Entrepreneurs Act (S. 3528). The low labor force participation rate and higher self-employment rates among people with disabilities results in part from barriers to the labor market. People with disabilities turn to self-employment and small business development at a rate that is nearly twice that of people without disabilities. There are more than 1.8 million business owners with disabilities in the United States and many of these business owners encounter unique barriers to becoming entrepreneurs. These barriers keep people with disabilities from pursuing work and, when they do pursue work, lack of accommodations and discrimination in the workplace may prompt them to launch their own enterprises. (<https://www.nationaldisabilityinstitute.org/reports/small-business-ownership-pwd-challenges-and-opportunities/>). To support entrepreneurs with disabilities, the bill will require the Small Business Administration to establish a Coordinator for Disabled Small Business Concerns, collect voluntary demographic data from program applicants on disability status; and publish data on the participation of disabled entrepreneurs in SBA programs.

AUCD is a national non-profit membership organization that supports and promotes a national network of 143 university-based interdisciplinary programs, including the University Centers for Excellence in Developmental Disabilities (UCEDD), Leadership Education in Neurodevelopmental Disabilities (LEND) programs, and Eunice Kennedy Shriver Intellectual and Developmental Disability Research Centers (IDDRC). AUCD members conduct research, create innovative programs, provide training, and disseminate information about best practices in the service delivery system that support people with disabilities in every state and territory. A significant portion of these programs are in hospitals or medical schools. The programs serve as a bridge between the university and the community, bringing together the resources of both to achieve meaningful change. AUCD is the essential conduit between university centers and programs pursuing research, education, and services

¹⁰ 29 U.S.C. 214(c)

¹¹ <https://www.dol.gov/agencies/odep/research-evaluation/statistics>

¹² <https://www.dol.gov/agencies/whd/workers-with-disabilities/section-14c/certificate-holders>

with the disability community and the federal or state policymakers that use this research to create policy that supports an equitable quality of life for those living with a disability.

AUCD truly appreciates the efforts and leadership to ensure every person with a disability can realize the goals of the ADA, including the opportunity to be employed in the community at or above minimum wage. If you have any questions, you can reach our Policy Director.

Sincerely,

/s/

John Tschida, MPP Executive Director

U.S. SENATE SPECIAL COMMITTEE ON AGING

"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS
AND THE WORKPLACE"

FEBRUARY 29, 2024

STATEMENTS FOR THE RECORD

Autism Society of America Testimony

Thank you for the opportunity to address this distinguished Committee on the critical issue of empowering people with disabilities to thrive in careers and the workplace. The focus of my testimony is on the importance of affordable healthcare access, the benefits of workplace accommodations, the enhancement of transition planning and vocational rehabilitation, discrimination in the workplace, the implications of the Labor Department's Section 14(c) program, and the contradictory situations created by public benefits requirements.

The Autism Society of America is the nation's largest and oldest grassroots organizations representing individuals with Autism and their families. For 59 years and counting, the Autism Society, including our nationwide network of 70 affiliates, connects people to the resources they need through education, advocacy, support, information and referral, and community programming, including employment support. We firmly believe in empowering Autistic individuals by championing integrated employment opportunities that focus not just on providing a job, but a fulfilling experience as part of the larger workforce. Throughout 2023, we hosted seven Listening Sessions that have continued to inform the need for cross-sector collaboration between educators, employers, policymakers, and community partners to create a more equitable and inclusive workforce.

The Importance of Affordable Healthcare Access:

Access to affordable healthcare is not just a necessity for survival; it is also an important prerequisite for individuals with disabilities to participate fully in the workforce and the business community. The Affordable Care Act (ACA) has been pivotal in ensuring that individuals with disabilities have the healthcare support they need to be productive members of society. The ACA prohibits discrimination based on pre-existing conditions and provides essential health benefits that cover a range of needs, including rehabilitative and habilitative services. This security enables individuals with disabilities to pursue entrepreneurship and employment without the fear of losing their healthcare coverage. The Inflation Reduction Act (IRA) extends the enhanced subsidies for health insurance premiums under the ACA through 2025. These subsidies were initially expanded under the American Rescue Plan and are crucial for individuals with disabilities who may not have access to employer-sponsored insurance and rely on the ACA marketplace for their healthcare needs. The Affordable Care Act must be protected and expanded. States that have not expanded Medicaid under the ACA are denying their citizens critical access to health care.

Medicaid offers comprehensive healthcare coverage that includes services often not covered by private insurance, such as personal care services, long-term care, and mental health services. Medicaid also funds a variety of home and community-based services (HCBS) that are important to working individuals with Autism and other disabilities. HCBS can include personal care assistance, home modifications, transportation services, and employment support, all of which enable individuals with disabilities to maintain employment and participate actively in their communities. Congress must support and not cut or block-grant Medicaid.

Many states offer Medicaid Buy-In programs for working people with disabilities. These programs allow individuals to earn income and, in some cases, have higher assets while still retaining their Medicaid coverage. This is particularly important because it addresses the "benefit cliff," where individuals might otherwise lose their Medicaid coverage if they earn more than the program's income limits. By allowing individuals to work without losing their healthcare benefits, Medicaid Buy-In programs encourage employment and financial independence. Congress should consider mandating this program for all states.

Discrimination and Section 14(c) of the Labor Department:

Recent data shows that approximately 85 percent of Autistic adults with a college education are unemployed, and over 90 percent of adults with Autism are underemployed or unemployed.

Ableism, or discrimination against people with disabilities, is a pervasive barrier in the workplace. It manifests in hiring practices, workplace culture, and policies like the Labor Department's Section 14(c) program. Section 14(c) of the Fair Labor Standards Act (FLSA), passed in 1938, allows public and private employers to obtain special certificates from the Department of Labor's Wage & Hour Division that allow them to compensate workers with disabilities at rates below the current federal minimum wage based on the individual's level of measured productivity. This results in a disproportionate number of individuals with Autism and other developmental disabilities being automatically placed into a sub-minimum wage position - usually in segregated facilities - after exiting the public school system.

Individuals with developmental disabilities and their families are often told there are no other options available to them and are often pressured by public systems and service provider agencies to enter into this option. It often has little relationship with an individual's ability. These workshops too often become terminal places of employment when they are supposed to act as transitional employment to train individuals. As few as 5% of workers transition into employment in the community. Most do a poor job providing any independent living or real-world job skills. With laws centered around community inclusion and competitive integrated employment in laws such as the ADA, Developmental Disabilities Act, and WIOA, Section 14(c) is incompatible with current law and with the expectations of people with disabilities.

We need to end the use of 14(c) and focus on providing customized employment and other evidence-based supports to all who need them. The Autism Society of America has been advocating for the bipartisan Transformation to Competitive Employment Act (TCIEA/HR 1263/S. 533), which provides grants to states to help them build capacity to provide employment opportunities that pay at least minimum wage. It phases out the use of subminimum wage certificates and provides wrap-around services for individuals who are unable to achieve full-time competitive work.

In addition, we encourage Congress to support additional tax incentives, such as the Disability Employment Incentives Act (S. 3076), to incentivize employers to hire individuals with disabilities. Another recently introduced bill the Autism Society supports is the bipartisan Supporting Disabled Entrepreneurs Act (S. 3528). This bill would establish the position of Coordinator for Disabled Small Business Concerns within the SBA, who would enhance support for small disability-owned businesses across capital, counseling, and contracting programs. The bill would also collect data on disability-run small businesses and report recommendations to Congress.

Finally, the direct workforce crisis for people with disabilities is impacting both the employment opportunities available to individuals with disabilities and the quality of the workforce dedicated to supporting them. As mentioned previously, individuals with higher support needs rely on direct support professionals to support them in jobs and in the community. The Autism Society of America strongly urges Congress to support the Better Care Better Jobs Act (S. 100/HR 547) and the HCBS Relief Act (S.3118). These bills would increase payment rates to promote the recruitment and retention of direct care workers, increase wages, and help to reduce waiting lists for all community-based services.

The Benefits of Workplace Accommodations:

Workplace accommodations are often perceived as costly and cumbersome by employers. However, studies consistently show that the benefits far outweigh the costs. Employers benefit from reduced turnover and increased productivity, making workplace accommodation not just a legal obligation but a strategic advantage. Some examples of accommodations for people with Autism include: providing a clear structure and routine, as many individuals with Autism thrive in structured environments; creating a sensory-friendly workspace by minimizing noise, bright lights, or strong smells that can be overwhelming or distracting; offering flexible scheduling or part-time work options if full-time work is challenging; providing education and training to coworkers about Autism to promote understanding and acceptance; offering communication technology and use of other technology and tools that can aid in organization, time management, and task completion; tailoring tasks to the individual's strengths; and, allowing for specialization in a particular area of interest or skill, which can lead to high levels of productivity and job satisfaction. It's important to note that Autism is a spectrum, and each individual's needs and strengths are unique. Therefore, accommodations should be personalized and regularly reviewed to ensure they remain effective and relevant.

Improving Transition Planning and Vocational Rehabilitation:

Transition planning and vocational rehabilitation are critical in preparing youth with Autism and other disabilities for the workforce. However, a recent Drexel University Study showed that 99% of people with Autism are not receiving VR or any public employment supports.

These programs often lack a focus on customized supports and matching individuals' abilities, strengths, and desires to the needs of the employment sector. VR should train counselors to better able discover individuals' strengths and to be better able to understand the needs of businesses and employers. Self-determination training is also crucial to many individuals with Autism. Many need to better understand how to speak up for themselves and learn independent living skills. Transition planning should start as early as possible but at least by age 14.

The Catch-22 of Public Benefits and Workforce Participation:

Individuals with disabilities often find themselves in a catch-22 situation when it comes to public benefits and workforce participation. Earning too much can disqualify them from crucial benefits like healthcare, housing, and supplemental income, which are not easily replaced by employment income, especially in entry-level positions. Individuals often face a "benefit cliff," where earning more income can lead to a disproportionate loss of benefits, such as Medicaid or Supplemental Security Income (SSI). This creates a disincentive to seek higher-paying jobs or work more hours, as the loss of benefits can outweigh the financial gains from employment. The ABLE Act has helped but more can be done. Policymakers must work towards creating a benefits structure that allows for a gradual transition, ensuring that individuals with disabilities do not have to choose between healthcare and employment.

Some of these barriers are addressed by the SSI Penalty Elimination Act (HR 5408/S.2767), a bipartisan legislative proposal aimed at reforming the Supplemental Security Income (SSI) program. The primary focus of the Act is to eliminate or reduce certain penalties and restrictions that are viewed as overly punitive or as barriers to employment, financial independence and stability for SSI recipients. S. 2280, Social Security 2100 Act is another bill that addresses some of these issues. This bill provides an across-the-board benefit increase, improves the annual Cost-of-Living Adjustment (COLA) to reflect people with disabilities and seniors' true costs, repeals the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) that currently penalizes many public servants, and provides the Social Security Administration with resources to improve customer service.

Conclusion

In conclusion, dismantling the structural barriers faced by individuals with disabilities in the workforce and the business world requires a multifaceted approach. It necessitates not only legislative action and policy reform but also a cultural shift toward recognizing and valuing the diverse capabilities and contributions of individuals with Autism and other disabilities. By supporting policies that foster an inclusive environment, provide the necessary customized support, and encourage acceptance, we can ensure that individuals with Autism and other disabilities have equal opportunities to thrive as workers.

Thank you for your attention to this critical issue. Please contact Kim Musheno, Vice President of Public Policy (kmusheno@autismsociety.org) with any questions.

U.S. SENATE SPECIAL COMMITTEE ON AGING

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FEBRUARY 29, 2024

STATEMENTS FOR THE RECORD

Melwood Testimony

On behalf of Melwood and our nearly 1,400 employees across Maryland, Virginia and Washington, D.C., including more than 750 employees with disabilities, I would like to express our appreciation for your efforts to advance the conversation around disability employment and inclusion through the hearing today.

Melwood is a leading employer, advocate, and preferred provider for people with disabilities. Our vision is a world where people with disabilities are fully included. Melwood was founded in 1963 by a group of parents of adult children with disabilities who were told they had no chance at meaningful employment. They were labeled untrainable and unemployable by many. For the past 60 years, Melwood has proven those assumptions wrong.

Melwood has extensive experience connecting people with significant disabilities to employment. Through the AbilityOne program, we employ people at high-level government contracting sites, supporting teams and operations at the Department of Justice, FBI, Secret Service, and even the Senate Childcare Center. Through AbilityOne, we're partnering with a key employer and influencer - the government - to be an example of progress and inclusivity.

Melwood is proud to offer stable, meaningful employment opportunities with self-sustaining wages and comprehensive benefits to people with disabilities in the Washington, DC area that build paths to independence and prioritize true inclusion. We see and employ people with disabilities across a variety of positions, industries and skill types and no matter the job, we focus on empowering each individual to choose a career where they feel set up for success.

In addition to our work in the AbilityOne Program, Melwood has successfully partnered with private sector employers, non-AbilityOne federal contractors, and federal agencies engaged in direct hiring¹ to create pipelines for talent, break down barriers in the hiring process, and train leaders and managers on how to create a workplace where everyone belongs and can be successful. To build a world where people with disabilities are fully included, we need to take a holistic approach engaging and empowering people with disabilities through job training, coaching and placement; partnering with employers and educating teams at every level; and normalizing accommodations and implementing workplace and benefit policies that are better at enabling successful work.

Melwood proudly advocates on behalf of our employees and our community to explore and build greater opportunities to work. We also advocate for federal, state, and local policies that support fully inclusive workplaces and communities, including fair and competitive pay, pipelines for career exploration and advancement, and opportunities to build wealth, such as access to ABLE accounts and addressing the benefits cliff.

Unfortunately, for many people with disabilities throughout the United States, this approach to disability employment and inclusion is out of reach. The disability community has one of the highest unemployment and underemployment rates in the country. People with disabilities are far more likely to live in poverty or experience economic hardships than their non-disabled peers. This unfortunate trend reflects ongoing misconceptions, lack of awareness and discrimination conscious and unconscious against people with disabilities.

We must ensure that our laws reflect the inclusion that we want to see in our workplaces and communities. To that end, we need to make sure that outdated and unfair payment systems such as Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938 are eliminated. Simply put, this policy is rooted in the outdated bigotry of low expectations. It has no place in modern public discourse.

As one of the largest employers of people with disabilities on the East Coast and as an employer that formerly held a 14(c) certificate, we firmly believe Congress should act to end the use of these certificates and embrace the future of disability

¹ Melwood has worked with MITRE and the National Geospatial Intelligence Agency in support of the Neurodiverse Federal Workforce pilot to engage neurodivergent talent for opportunities in the intelligence community. NGA launches neurodiversity pilot: National Geospatial-Intelligence Agency.

employment policy that acknowledges all the work over the past many decades to improve opportunities for people to live, work, and thrive in their communities.

Melwood and 14(c)

Melwood voluntarily gave up its 14(c) certificate nearly ten years ago because we were committed to paying our employees a fair wage and recognized the detrimental impacts the policy had on the people we served. Today our bottom line has never been better, our morale has never been higher, and our productivity has never been greater. In fact, we pay an average of \$19.19 an hour and offer full benefits for our workforce, in addition to providing job training, placement, and support services for the broader community of people with disabilities.

To our employees, the 14(c) certificate was known as the Time Trials Program. Melwood personnel would meet with employees once each quarter to monitor their productivity by observing and timing how long it took them to complete daily work tasks, comparing that to a standard set by the time of three non-disabled workers. The results of these intermittent Time Trials would impact the workers hourly wages and, consequently, determine their ability to provide for themselves, their families, and their livelihood until the next Time Trial.

The Time Trials did not take into consideration what type of day the employee was having or whether an individual had personal issues that may affect their ability to perform that day. They did not take into account test anxiety or cognition under stress or even whether the typically abled employee was more experienced in the task. They did not include the opportunity for an employee to receive training, assistance and/or additional support if they could not meet the work standards.

The Time Trials did not focus on a person as an individual, except to determine how their productivity would be measured against another person without a disability. Each quarter, Time Trials reminded our employees about their disability and not their ability to work or their value to the customer and to society. Even employees who were consistently successful in retaining 100% productivity experienced anxiety and shame from witnessing other co-workers who had decreases in pay due to Time Trials.

"It made my anxiety run high. You didn't know what to expect. You don't know if you're going to pass or fail, and whatever happened, it would change on your very next paycheck, and then you had to figure out how to maintain your life on that income until they decided to give you another time trial."

We have reports from our Vocational Support Specialists,² who witnessed many employees feeling stress, anxiety, worry and discouragement during Time Trials. One of our Vocational Support Specialists described the experience for our employees as:

"...living in a space of limbo, due to not knowing if their hourly rate would be increased or decreased, and how that would affect their ability to support themselves and their families. The rather unfortunate and unfair aspect of Time Trials is that our employees pay would be decreased, while their job duties were not decreased."

Some of our federal customers banned the use of their contract sites for Time Trials because of the productivity and distraction concerns. Faced with all these concerns, Melwood eliminated the use of 14(c).

In January of 2016, Melwood's leadership made a recommendation to Melwood's Board of Directors to eliminate the use of 14(c) altogether. Melwood's Board adopted the recommendation and, on February 14, 2016, Melwood voluntarily relinquished its 14(c) certificate. Today, we are recognized nationally for our successful transition away from using 14(c)³ and none of our workers with disabilities earns less than the minimum wage. In fact, the average wage for a direct labor employee with a disability at Melwood is \$19.19 an hour and they also receive employee benefits including employer-paid health insurance, non-elective retirement contributions, and more.

² A Melwood Vocational Support Specialist provides work support and coaching to individuals with disabilities to maximize their opportunities for success in the workplace and in the community through personal development, career growth, community integration, and improved financial capacity.

³ Heigl, Knackstedt and Silva, Pennies on the Dollar: The Use of Subminimum Wage for Disabled Workers across the United State, New America, February 14, 2024. <https://www.newamerica.org/education-policy/reports/the-use-of-subminimum-wage-for-disabled-workers-across-the-us/>

Responding to Concerns to Eliminating 14(c)

The elimination of 14(c) certificates continues to be a source of heated discussion, as community rehabilitation providers still utilizing their certificate argue its elimination will result in job losses for people with disabilities. Many family members of these employees fear the law's elimination will make it harder for their loved ones in a society that is still not inclusive or accommodating of certain disabilities.

With more than 750 people with disabilities on staff, I am deeply sympathetic to these concerns, but I've also seen a future beyond 14(c). We have proven that with proper training and adequate support, people with disabilities can be employed in competitive integrated employment without the need for 14(c). Today, nearly a decade from our decision to relinquish our certificate, over 200 of the employees who worked for us during that time remain employed by Melwood today, including many who now lead teams and work in supervisory positions.

Since 2016, Melwood demonstrated that the financial cost of discontinuing the use of the 14(c) program was not only manageable, but also a prudent investment in our mission. We have increased morale and employee satisfaction, and the quality of our work on our contracts has increased.

Paying our employees fairly has not hampered Melwood's business competitiveness or our ability to create job opportunities for people with disabilities. To the contrary, we now operate at more than 60 contract sites in Maryland, D.C., and Virginia, and continue to develop new business opportunities to further our mission.

What guaranteeing a fair wage has done is demonstrate our commitment to a world where people with disabilities are fully included and treated equally in the American workforce. It has allowed our employees to take charge of their lives, become self-sufficient, and financially independent while reducing reliance on public assistance or social safety net programs. A 2022 study from Virginia Tech, found that employment with Melwood through the AbilityOne Program reduces government spending by over \$38,000 per person served per year. Primarily because Melwood employees on AbilityOne contracts are on fewer government benefits than they would otherwise be.⁴

The use of the subminimum wage for people with disabilities was initiated to prompt employers to offer opportunities in the workforce to people who might otherwise not have been considered employable. In the years since, Melwood and other employers like our organization have defied those expectations by recruiting, hiring, and training people with disabilities, demonstrating that inclusion and support can provide meaningful work opportunities to every person who wants to work and engage in income generating activity.

Efforts to Eliminate 14(c)

After years of advocacy by nonprofit agencies, the AbilityOne Program affirmatively moved to end the use of 14(c) on AbilityOne contracts in October 2022. The Commission's efforts to end 14(c) within AbilityOne were an important step to modernize and align the program with modern disability employment policy. The AbilityOne Program taking this monumental step shows that the program continues to lead the way with respect to disability employment.

Absent Congressional action on legislation that would eliminate 14(c) nationally, states have also taken the lead to abolish this practice. Since relinquishing our own 14(c) certificate, Melwood leaders have educated and encouraged legislators and the public to permanently abandon this practice. Melwood helped lead the successful effort to eliminate the subminimum wage in both Maryland and Virginia.

Fifteen states have passed legislation to phase out the payment of subminimum wages to people with disabilities, mostly recently the state of Kansas. However, this represents less than half of the states in this country, which is why federal legislation to eliminate the subminimum wage nationwide is a long-overdue step for the disability community.

Conclusion

Melwood supports S. 533, The Transformation to Competitive Integrated Employment Act, and we urge Congress to pass this important piece of legislation. The legislation includes a thoughtful and phased approach with additional resources and technical assistance for organizations still utilizing these certificates, ensuring that there will be a bridge to employment opportunities and continued services to people with disabilities currently earning below minimum wage.

There is a path for each person with a disability to find employment that works for their individual needs and desires. Whether that path is through employment

⁴Assessing the Impacts of AbilityOne Program at Melwood, <https://melwood.org/newsroom/news/assessing-the-impacts-of-abilityone-study-released-by-virginia-tech-and-melwood/>

opportunities like those we offer, through supported employment opportunities, or through entrepreneurship, people with disabilities deserve to have choices and adequate support to engage in those efforts.

Sincerely,

Larysa Kautz,
President & CEO
Melwood

U.S. SENATE SPECIAL COMMITTEE ON AGING

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FEBRUARY 29, 2024

STATEMENTS FOR THE RECORD

Alliance for Expanding America's Workforce (AEAW) Testimony

On behalf of the Alliance for Expanding America's Workforce (AEAW), I would like to express our appreciation for you both for holding the hearing today focused on increasing the employment of people with disabilities and their inclusion in the workplace.

The Alliance for Expanding America's Workforce is a 501(c)(4) with a focus on advocating for the utilization and expansion of current federal procurement programs and federal hiring processes to provide good and stable employment opportunities for people with disabilities.

Our members provide competitive integrated employment opportunities for people with disabilities including through participation in the AbilityOne Program. Established back in 1938, the Program provides employment opportunities for people who are blind or have significant disabilities through federal contracting. It has been the most successful effort to provide employment for people with disabilities with nearly 37,000 people employed through the Program for FY23.

The AbilityOne Program is a win-win for the federal government. The Program provides high-quality goods and services, that would already be procured, while simultaneously offering employment opportunities to people with disabilities and reducing their reliance on federal benefits. A 2022 study conducted by Virginia Tech of Melwood, one of the founding members of the Alliance, found that employment with Melwood through the AbilityOne Program reduces government spending by over \$38,000 per person served per year. Primarily because Melwood employees on AbilityOne contracts are on fewer government benefits than they would otherwise be.¹

A study conducted by Mathematica in 2023 of the AbilityOne Program as a whole also found a positive correlation, that the Program generates savings to the government through reduced reliance on public programs and increased tax revenue.²

The AbilityOne Program has also led the way in ensuring that people with disabilities can no longer be paid under Section 14(c) for the Fair Labor Standards Act. In October 2022, the AbilityOne Program officially ended the use of 14c on federal contracts, the first federal agency to do so, years after NPAs called for its phase out and after many had already given up their 14c certificates. The Alliance supports the Transformation to Competitive Integrated Employment Act (S. 533) and urges Congress to pass this crucial piece of legislation to ensure that people with disabilities are only ever paid at least the minimum wage.

As model employers of people with disabilities, our members can offer federal agencies best practices for inclusion and retention of people with disabilities in the workplace. As federal contractors, our members believe the federal government can do more and that procurement can be leveraged to a greater degree - through the AbilityOne Program, Section 503 of the Rehabilitation Act and through the Small Business Administration, to reduce unemployment and underemployment of people with disabilities.

The Alliance supports the modernization of the AbilityOne Program, revision of regulations and subregulatory guidance to facilitate better coordination between AbilityOne contractors and other federal contractors to help them meet their Section 503 hiring goals, a restart of the Section 503 Focus Review Program and the establishment of a disabled-owned small business program within SBA.

The government can also do more to meet its own hiring goals under Section 501. Few agencies meet the goal 12% of an agency's workforce being people with disabilities with a 2% goal for individuals with "targeted" disabilities. They have even less success retaining those workers. A CSR report from November 2022 noted that employees with disabilities leave the federal government at about three times the rate

¹"Assessing the Impacts of AbilityOne Program at Melwood," <https://melwood.org/newsroom/news/assessing-the-impacts-of-abilityone-study-released-by-virginia-tech-and-melwood/>

²"Economic Impact of the AbilityOne Program," <https://www.sourceamerica.org/sites/default/files/2023-12/2023-FederalSaving-Trifold-DIGITAL.pdf>

of those without disabilities. Between 2011 and 2017, about 39% of people with disabilities hired stayed less than a year and about 60% stayed less than two years.³

The Alliance aims to build a world where people with disabilities are fully included. We believe that an employee's career aspirations should not be limited by anything other than their imaginations. Our organizations have for decades enabled people with disabilities to have access to and choice in the type of career they want to pursue. To create the opportunities people with disabilities deserve we must both eliminate discriminatory practices and laws like 14(c) and leverage the power of federal procurement to open a pipeline and facilitate the transition of people with disabilities into the workforce.

Sincerely,

AEAW

³ Congressional Research Service, "Federal Hiring of Persons with Disabilities," November 28, 2022. <https://crsreports.congress.gov/product/pdf/R/R47316>

U.S. SENATE SPECIAL COMMITTEE ON AGING

"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS
AND THE WORKPLACE"

FEBRUARY 29, 2024

STATEMENTS FOR THE RECORD

Microsoft Testimony

We are grateful for the opportunity to offer Microsoft's perspective on your recent hearing, "All Means All: Empowering People with Disabilities to Thrive in Careers and the Workplace." We appreciate the attention members of the U.S. Senate Special Committee on Aging are paying to disability employment.

Microsoft's mission, to empower every person and every organization on the planet to achieve more, drives our commitment to closing the disability divide.

Microsoft has worked to develop more accessible technology across our industry and the economy, which is at a critical starting point to ensure technology provides opportunities for more people with disabilities to enter the workforce.

We believe subminimum wage is outdated, discriminatory, and reinforcing a life of poverty, segregation, and dependency on public support for people with disabilities. Microsoft supports phasing out 14(c) with capacity-building for Community Integrated Employment (CIE) and supports passage of the Transformation to Competitive Employment Act (S. 533, H.R. 1263). S. 533 is bipartisan legislation providing states, service providers, subminimum wage certificate holders, and other agencies with the resources they need to create CIE service delivery models and the inclusive wraparound services some individuals with disabilities need when subminimum wage is phased out.

Microsoft believes the subminimum wage should be ended for people with disabilities for the following reasons:

- Subminimum wage is inconsistent with Microsoft's mission to empower every person and every organization to achieve more. Our mission cannot be achieved without the talents of people with disabilities in the workforce. We believe people with disabilities are a strength for the company and a talent pool adding not only diversity but expertise and empathy. We believe this makes our products, services, and culture better. As individuals use technology, they are likely to benefit from these contributions. For example, Swetha Machanavajhala, a software engineer who is deaf, identified the need to create the blurred background that is now widely used during Microsoft Teams meetings because it allowed her to focus on lip-reading with less distraction in the background. Our book, "The Ability Hacks," shares the behind-the-scenes stories of the hackers who pioneered two innovative hacks-turned-solutions used today by people with disabilities around the world.

- Subminimum wage is contrary to Microsoft's values of inclusion, which are reflected in its inclusive hiring programs, such as the Supported Employment Program and the Neurodiversity Hiring Program. These programs aim to create a welcoming and accessible workplace for people with disabilities, where they can thrive and grow in their careers. We do not pay less than the applicable minimum wage, and we require suppliers to make the same commitment. In 2019, we added new language to our Supplier Code of Conduct to reconfirm the obligation of all of Microsoft's suppliers to pay the applicable minimum wage and to prohibit the holding of a 14c certificate.

- Subminimum wage is detrimental to Microsoft's business interests because it limits the potential market and customer base for its products and services. Microsoft's accessibility features and tools are designed to empower workers with disabilities to achieve more in their jobs and in their lives. By supporting the transition from subminimum wage and sheltered workshops to CIE, Microsoft can help create more demand and opportunities for its accessibility solutions. We share our experience supporting transitions and growing a supported employment program in a series of free open access tool kits and trainings.

Microsoft urges Congress to pass the Transformation to Competitive Employment Act, ending subminimum wage for people with disabilities, advancing employment equity, inclusion, and accessibility for people with disabilities. Subminimum wage is a relic of the past harming the dignity, rights, and potential of people with disabilities, and CIE is the future that offers opportunities, benefits, and support for workers with disabilities, employers, and society.

We are grateful for the bipartisan leadership of this Committee in support of the disability community. Thank you.

Sincerely,

Rylin Rodgers
Disability Policy Advisor, Microsoft Accessibility

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The National Council on Disability (NCD) Testimony

Thank you for the opportunity to submit this Statement for the Record on the issue of employment for people with disabilities. The National Council on Disability (NCD) is an independent federal agency that provides advice to the Administration, Congress, and federal agencies based on our comprehensive and objective analyses to inform policy development, improvement, and enforcement efforts. As a federal voice for 61 million Americans with disabilities, including students with disabilities and their families, NCD is committed to advancing policy solutions that create a more inclusive society for people with disabilities.

Our statement for the record will focus on two topics covered in the hearing: it will first highlight the disharmony between the definition of competitive integrated employment (CIE) and the AbilityOne Program and next, express NCD's support for the passage of the Transformation to Competitive Integrated Employment Act (S. 533).

NCD appreciates that a significant focus of this important hearing highlighted the impact of CIE in transitioning people with disabilities into successful jobs in the community. As you are aware, the Javits Wagner O-Day Act, originally enacted in 1938, requires seventy-five percent of the direct labor hours be completed by people who are blind or have a significant disability. This requirement is in opposition to the definition and codification of CIE in the Workforce Innovation and Opportunity Act (WIOA), which defines CIE as a job that (1) pays people with disabilities at least the minimum wage and not less than the wage paid to people without disabilities for the same or similar work, (2) is performed in a location where the employee interacts with people without disabilities, and (3) provides workers with disabilities the same opportunities for career advancement as their coworkers without disabilities.¹

As advisors to the President, his administration, Congress, and federal agencies on policy matters affecting persons with disabilities, NCD has completed two reports that examine the AbilityOne Program.² NCD's 2020 report, *Policies from the Past in a Modern Era: The Unintended Consequences of the AbilityOne Program in a Modern Era*³ found that the program's mandatory seventy-five percent direct labor hour ratio inherently creates pressures on the AbilityOne non-profit agencies to place workers with disabilities into more segregated settings, whether as work crews or on the production floor. This requirement undermines Congress's goals under CIE, to promote inclusive employment opportunities for people with disabilities in the community. As a result, NCD concluded that the entire AbilityOne program perpetuates a separate system for people who are blind or have significant disabilities while at the same time modern federal laws seek to achieve greater integration.

Additionally, NCD's report found that the AbilityOne program has been unsuccessful in creating employment for people who are blind or who have significant disabilities. Between FY 2011 and FY 2018, NCD found that the number of employees working in the AbilityOne program declined from around 50,500 people to 44,000 people, and the number of hours worked declined as well. More recently, the number of employees working in the AbilityOne program declined to 39,690 in FY 2021 and 36,377 in FY 2022.⁴ According to the Commission figures, twenty years ago in 2000, the annual combined revenue of SourceAmerica and National Industries for the Blind was around \$40 million. Twenty-two years later, their combined revenue was over \$200 million. NCD found an unmistakable pattern of growth in the pro-

¹ See *Policies from the Past in a Modern Era: The Unintended Consequences of the AbilityOne Program and Section 14(c)* available at: <https://www.ncd.gov/report/policies-from-the-past-in-a-modern-era-the-unintended-consequences-of-the-abilityone-program-section-14-c/>.

² NCD's 2020 report, *Policies from the Past in a Modern Era: The Unintended Consequences of the AbilityOne Program in a Modern Era*, available at: [ncd-abilityone-2020 \(2\).pdf](#) and NCD's 2019 report, *A cursory Look at the AbilityOne Program*, available at: [a-cursory-look-at-abilityone.pdf \(ncd.gov\)](#).

³ *ncd-abilityone-2020 (2).pdf*.

⁴ See U.S. AbilityOne Commission Fiscal Year 2023 Performance and Accountability Report available at: U.S. AbilityOne Commission FY23 Performance and Accountability Report.

gram - but the growth has been in sales rather than expanding employment opportunities for people with disabilities. Given the numerous systemic problems, including the clear tension between the AbilityOne program and the definition of CIE, NCD concluded that the program could not be modernized and instead, made recommendations that policymakers phase-out the AbilityOne program over an eight-year period and phase-in a new requirement under Section 503 that requires federal contractors in general to hire a percentage of people who are blind or have a significant disability.

Next, the Committee examined the Transformation to Competitive Integrated Employment Act (S. 533), incorporates many key findings from past NCD reports calling for systems change and to phase-out Section 14(c) of the Fair Labor Standards Act (14(c)). NCD's 2012 report, National Council on Disability Report on Subminimum Wage and Supported Employment⁵ called upon policymakers to phase-out 14(c) while implementing a conversion or transformation strategy that would expand opportunities to transition away from the segregated subminimum wage model perpetuated under 14(c). NCD's follow-up investigation, published in our 2018 report, National Disability Employment Policy, From the New Deal⁶ to the Real Deal, found no improvement to the program and reiterated our previous recommendations again calling on policymakers to implement a mechanism for systems change.

Many of the TCIEA's provisions are consistent with the recommendations outlined in NCD's 2012 and 2018 reports. In addition to a multi-year phase-out of 14(c), this bill would provide states and individual providers with resources from subject-matter experts to transform their business and program models away from the outdated subminimum wage model and into a new model that supports opportunities to enter competitive integrated employment. It also incentivizes providers that have already demonstrated success in transitioning to the new work model to compete for technical assistance grants to assist other providers and states throughout their transformation efforts.

NCD thanks members of the Senate's Special Committee on Aging for holding this important hearing on the employment of people with disabilities. This issue is of great interest and concern to NCD, and we look forward to working with and being a resource to members of the Senate Special Committee on Aging as you pursue your work on this crucial issue.

FOR MORE INFORMATION, CONTACT: Kimie Eacobacci, Legislative Affairs Specialist

⁵ ncd-subminimum-wage-supported-employment-2012.pdf.

⁶ ncd-new-deal-to-real-deal.pdf

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National Council on Independent Living (NCIL) Testimony

Thank you for hosting this hearing and for the opportunity to provide this statement in support of the importance of competitive integrated employment and the elimination of subminimum wage for people with disabilities.

The National Council on Independent Living (NCIL) is the oldest cross-disability, national grassroots organization run by and for people with disabilities. NCIL's membership includes people with disabilities, Centers for Independent Living, Statewide Independent living Councils, and other disability rights organizations. As a membership organization, NCIL advances independent living and the rights of people with disabilities through consumer-driven advocacy. NCIL envisions a world in which people with disabilities are valued equally and participate fully.

The independent living movement has long opposed the use of the 14(c) certificates and advocated for competitive integrated employment opportunities. Employers use 14(c) certificates to pay disabled people subminimum wages that are often far lower than the minimum wage - sometimes just pennies per hour. This work is often done in segregated settings such as sheltered workshops and, while the 14(c) program was established to be a steppingstone to competitive employment for people with disabilities, we now know that most people employed in segregated settings remain there and never leave to take jobs in the community.

Expanding competitive integrated employment is critical to ensuring disabled people have the opportunity to earn the same wages and have the same opportunities as their nondisabled coworkers. It is also critical to ensuring they can work in the community, alongside non-disabled workers, rather than in segregated settings.

Since their inception Centers for Independent Living have played a vital role in assisting consumers with diverse disabilities in transitioning into competitive integrated employment. Employment support can be woven into all five core services that CILs are federally mandated to provide and CILs have demonstrated success providing both job coaching and training and the independent living skills training and supports necessary to maintain the employment. Additionally, several CILs such as ABLE South Carolina have played a critical role in assisting the phase out of 14(c) certificates in their states.

No other minority group is exempt from fair labor laws purely by virtue of their minority status be it race, sexual orientation, gender, circumstances of birth, or any other identity which an individual brings to the workplace. Paying people subminimum wages and segregating them on the basis of disability is discrimination. Both practices create barriers to future employment opportunities and contribute to the disproportionate rates of poverty among disabled people.

NCIL strongly supports the passage of the Transformation to Competitive Employment Act, advancing competitive integrated employment opportunities and the elimination of subminimum wages for people with disabilities.

Thank you for the opportunity to provide this statement. If you have any questions, please contact NCIL's Director of Advocacy and Public Policy Jessica Podesva.

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National Disability Institute (NDI) Testimony

National Disability Institute (NDI) is the first and only disability rights organization committed to building a better financial future for people with disabilities and their families by achieving financial security and independence. We submit this statement for the record regarding the U.S. Senate Special Committee on Aging hearing on "All Means All: Empowering People with Disabilities to Thrive in Careers and the Workplace."

NDI applauds the Special Committee for its focus on improving economic outcomes and financial wellbeing for people with disabilities in the workforce, including entrepreneurs and small business owners with disabilities.

People with disabilities currently face substantial barriers to employment, workforce development opportunities, and higher education and vocational training programs. Lack of equal access and opportunity translates into poor economic outcomes across the lifespan as well as marginalization from the economic mainstream. People with disabilities are twice as likely to live in poverty and about twice as likely to be unemployed as people without disabilities. Within that umbrella group, people with specific types of disabilities, such as those with intellectual and developmental disabilities, face even higher rates of poverty and unemployment, even with increased educational attainment. Our work with the Asset Funders Network has also called attention to significant disparities in net wealth, housing, and income among people with disabilities when disaggregated by race, ethnicity, and gender, with Black women with disabilities facing some of the sharpest disparities. Further, people with disabilities are overrepresented in the homeless and incarcerated populations, and those who are currently or formerly homeless or who have criminal records face additional barriers to accessing employment.

However, the outlook is not entirely dire. We know from experience that people with disabilities can thrive as employees in competitive integrated employment in every sector of the economy and while performing every type of job function at every level of seniority, when provided with Building a better financial future for people with disabilities and their families, necessary accommodations, job coaching, and other support as needed. People with disabilities have long been innovators and pioneers, if only because we have to live in a world largely not designed around our needs. When hired into competitive integrated employment opportunities, employees with disabilities have lower rates of absenteeism and greater loyalty to their employers. Likewise, entrepreneurs and small business owners with disabilities build business enterprises that create jobs, grow the economy, and provide a wide range of goods and services, including many that open opportunities for consumers with disabilities through accessible and inclusive design, marketing, and services delivery. These business enterprises may cater to people with disabilities in some cases, but they are just as likely, if not more likely, to provide their goods and services to the general public. Disabled-owned enterprises include, among many others, marketing and communications firms, novelty and print shops, bakeries and restaurants, disability services agencies, performance arts ensembles, automotive repair and restoration services, health clinics, bespoke tailor shops, software development companies, and political consulting firms.

Our work has shown that a greater percentage of people with disabilities choose entrepreneurship as a path to economic security than do people without disabilities. Some disabled entrepreneurs may do so because they have faced discrimination in hiring and on the job. Others may do so because self-employment allows for flexible working conditions that meet their access needs. Disabled-owned enterprises span the gamut from sole proprietorships to small businesses with hundreds of employees across multiple states. Business owners with disabilities are also more likely to understand the needs of employees and customers with disabilities. Importantly, business owners with disabilities frequently choose to hire or contract with workers with disabilities, increasing the overall attainment of competitive integrated employment and higher wages for employees with disabilities. Supporting entrepreneurs and small business owners with disabilities ultimately increases the rate of disability employment and injects money into local economies, reducing reliance on publicly funded benefits and stimulating economic growth.

Nonetheless, people with disabilities do not yet have equal access to the resources and tools needed to guarantee success in employment or entrepreneurship. Currently, the Small Business Administration does not have an office dedicated to supporting small business owners with disabilities. Likewise, existing business development and sole proprietorship resources often lack information specific to people with disabilities, including information about programs such as assistive technology grants, tax credits for architectural modifications increasing accessibility, Medicaid buy-in programs for working people with disabilities, or benefits counseling for those receiving public benefits. Entrepreneurs and small business owners with disabilities may also have less access to capital and financial education around investment opportunity, business structure and tax implications, and access to credit without specialized and disability-conscious resources. Lack of access to startup capital and business credit can hamper a prospective business owner from the start and set up entrepreneurs with disabilities to fail instead of providing tools for success.

People with disabilities seeking competitive, integrated employment opportunities also routinely face discrimination simply when trying to enter and stay in the workforce. Hiring discrimination can be as casual as job ads requiring the ability to walk and lift 50 pounds for positions that can be done entirely sitting down or job sites not permitting a candidate to bring a service animal to an interview. Many now face heightened discrimination in all sectors through employers' increasing use of automated hiring tools that tend to screen out candidates with disabilities or are outright inaccessible for disabled users. Once hired, employees with disabilities may still struggle to keep their jobs, may be denied reasonable accommodations requests, or may be denied opportunities for professional development, advancement, and promotions. Other employees with disabilities may choose to stay in low-paying jobs or in workplaces that are inaccessible or even explicitly hostile because they depend on access to the employer-sponsored health plan or risk prolonged unemployment and homelessness if they lose their primary income source. These realities are untenable.

NDI believes in a future where all people with disabilities have the same opportunities and choices as everyone else, including the ability to make meaningful decisions about where to work and live and whether to work for an employer or choose small business ownership or entrepreneurship. This means a future where people with disabilities have not only economic security but are empowered to participate fully in the economic mainstream. People with disabilities deserve to have the full range of economic choices as nondisabled people do, which requires increasing access to competitive integrated employment opportunities and supporting entrepreneurship and small business ownership. Achieving these goals will require proactive legislative action to ensure that entrepreneurs and employees with disabilities have the support and resources they need to succeed, including removing discriminatory barriers to opportunity as both individual workers and as business owners.

The Special Committee can advance legislation that will improve the regulatory landscape for entrepreneurs and employees with disabilities, making employment and small business ownership more attainable and sustainable for people with disabilities. We encourage the Special Committee to consider the following barriers and opportunities for supporting entrepreneurs and employees with disabilities: Q03

- Advancing the Supporting Disabled Entrepreneurs Act to establish a coordinator for disabled small business concerns within the Small Business Administration;

- Directing the Small Business Administration to collect data on disabled-owned enterprises, as in the Supporting Disabled Entrepreneurs Act, including coordinating with the General Services Administration to promote federal contracting opportunities for disabled-owned enterprises;

- Directing the Small Business Administration to establish programs providing assistance or referrals to entrepreneurs and small business owners with disabilities regarding taxes and public benefits;

- Directing the Small Business Administration to provide information to small business owners regarding assistive technology grant programs for employers and tax credits for architectural modifications to benefit employees with disabilities;

- Encouraging coordination between the Small Business Administration and vocational training, work readiness, and job placement programs for people with disabilities funded or coordinated by the Departments of Labor, Education, and Health and Human Services;

- Supporting elimination of Section 14(c) of the Fair Labor Standards Act that permits payment of subminimum wages while concurrently supporting shifts in funding priorities to programs that encourage transition to competitive integrated employment and greater financial independence for people with disabilities;

- Encouraging the federal government to fulfill its commitment to serving as a model employer of people with disabilities through targeted hiring, expanding hires under the Schedule A excepted hiring authority, and establishing hiring pipelines for transitioning youth with disabilities and displaced workers with disabilities;

- Encouraging the Small Business Administration to coordinate with state administrators of Medicaid buy-in programs and marketplace health plans to provide educational resources for entrepreneurs and small business owners with disabilities; and

- Funding programs to connect entrepreneurs and small business owners with disabilities to mentorship and startup capital opportunities, as well as continuing business financial education.

People with disabilities are eager to work and to compete in the small business arena, demonstrating our talents, ambition, and potential. By supporting disabled workers and entrepreneurs, we not only empower individuals to fulfill their dreams, but also enrich our economy with diverse talents and perspectives.

NDI thanks the Special Committee again for the opportunity to provide this statement for the record. If any members of the Special Committee have further questions, we would be glad to assist in any way that we can.

Sincerely,

Thomas Foley, Executive Director
Lydia X. Z. Brown, Director of Public Policy
Nikki Powis, Director of Small Business Programs

U.S. SENATE SPECIAL COMMITTEE ON AGING

*"ALL MEANS ALL: EMPOWERING PEOPLE WITH DISABILITIES TO THRIVE IN CAREERS
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STATEMENTS FOR THE RECORD

Susan M. Harrell Testimony**Support Statement**

I have spent the last 39 years focusing on Competitive Integrated Employment (CIE) for individuals with Intellectual and Developmental Disabilities (IDD), as a provider of Competitive Integrated Employment Services, then as a private consultant to non-profit and government agencies surrounding this topic, and now as the Assistant Executive Director of a training and technical assistance non-profit. I have extensive experience in developing CIE employment structures and opportunities within an array of government and private sector workplaces both small and large; addressing public benefits and CIE issues with policy makers and with beneficiaries of public benefits and services; and providing training and technical assistance to organizations and schools which provide job related services and supports. I also have a brother who receives IDD services, so this topic is near and dear to my heart.

Following the Senate Aging Committee Hearing on Empowering People with Disabilities at Work, I am submitting a statement in support of Competitive Integrated Employment for individuals with IDD. I am in support of the Transformation to Competitive Integrated Employment Act (TCIEA). Nearly 40 years after broad national integrated employment efforts began for individuals with Intellectual and Developmental Disabilities, I am thrilled that renewed national efforts, such as the TCIEA, are focused on assuring individuals with the most significant disabilities receive the necessary services and supports to acquire and maintain competitive integrated employment across the country.

Efforts toward CIE began in 1985 and resulted in Rehabilitation Act amendments in 1986. These amendments more clearly defined the focus of the competitive employment efforts to individuals with severe handicaps for whom competitive employment has not traditionally occurred and who, because of their handicap need ongoing support services to perform such work.

Many of the issues identified in a report prepared by the National Association of Mental Retardation Program Directors (NAMRPD) in 1987¹ are still largely in play today. In August 1999, the DHHS Office of Inspector General (OIG) issued a report: Employment Programs for Persons with Developmental Disabilities² which also identified issues which impede the growth of outcomes in CIE for working age adults with IDD. Specific areas identified included challenges with transportation, access to appropriate support services, lack of employer engagement, fears around loss of benefits, and insufficient family supports and wrap around services, which are all challenges to achieving CIE today.

These challenges are all clear indicators that new strategies are needed to assure that, after nearly 40 years, CIE for working age adults with intellectual and developmental disabilities becomes the standard expectation and the outcomes reflect that this expectation has become reality for most people with IDD. There are several key areas I would like to address in terms of additional strategies for elevating the success of individuals in CIE.

Refining the Definition and Criteria for CIE

It has been 10 years since the Workforce Innovation and Opportunities Act (WIOA) became Public Law. WIOA defined Competitive Integrated Employment as work performed on a full time or part time basis with four key measures or indicators. In the time since, many States have redoubled their efforts to place individuals with IDD and other significant disabilities within community workplaces. However, there remains resistance and debate about the definition and criteria surrounding CIE.

¹ <https://mn.gov/mnddc/parallels2/pdf/80s/87/87-SEM-NAR.pdf>

² <https://oig.hhs.gov/oei/reports/oei-07-98-00260.pdf>

WIOA	Refinement in criteria
Compensated at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience;	Add: "and payment to the employee is directly provided by the workplace" Add: criteria to assure that the work performed matches the individual's skills, interests, and gifts
Receiving the same level of benefits provided to other employees without disabilities in similar positions;	n/a
At a location where the employee interacts with other individuals without disabilities; and	Refine: considerations to be inclusive of remote work with virtual connection to coworkers Refine: considerations to be inclusive of self-employment with interaction with other businesses. Method of measurement could be informed by prevalence rate within workplace aligning with prevalence of I/DD in community. (see information contained in Data to Inform Progress section below)
Presented opportunities for advancement similar to other employees without disabilities in similar positions.	Method of measurement includes increase in hours as well as wages, benefits, and additional duties

Data to Inform Progress

Tracking progress and setting goals is essential to overall efforts to transform services in support of CIE. Use of state or national prevalence rates of IDD for the focal age group can inform and measure progress toward achieving CIE for transitioning students and adults with disabilities. Encouraging use of the prevalence rate in measuring employer driven efforts in DEI hiring would also be effective in growing employer demand for employment of individuals with IDD within Federal, State, and other governmental organizations as well as within private sector entities.³

Unfortunately, it is difficult to determine the prevalence rate, as studies conducted over the last 30 or more years indicate a range of estimates of the prevalence of IDD among adults.⁴ A thorough study of the prevalence rate needs to be conducted to better understand and drive progress towards an outcome of CIE among working age adults with IDD.

"It is estimated that approximately 41% of adults with intellectual and developmental disability (IDD) are served through the developmental disabilities (DD) system in the US. The remaining 59% include individuals who meet diagnostic criteria but are not actively receiving paid services or may not be known to the DD system."

*"...the estimated prevalence of DD ranges significantly and is dependent on the definition used. Whereas the definition used by the CDC has reported prevalence rates of DD between 16% (Boyle et al., 2011) to 18% (Zablotsky et al., 2019) of the US population, the function-based DD Act definition of DD with a high severity threshold has yielded prevalence estimates of approximately 2% of the US population (Larson et al., 2001)."*⁵

³Lynda Lahti Anderson, Sheryl A Larson, Sarah Mapel Lentz, Jennifer Hall-Lande: A Systematic Review of US Studies on the Prevalence of Intellectual or Developmental Disabilities Since 2000; <https://pubmed.ncbi.nlm.nih.gov/31568738/>

⁴T. W. Benevides, B. Datta, J. Jaremski, M. McKee: Prevalence of intellectual disability among adults born in the 1980s and 1990s in the United States; <https://onlinelibrary.wiley.com/doi/10.1111/jir.13119>

⁵Margaret Rosencrans, Marc J. Tass, Minje Kim, Gloria L. Krahn, Alexandra Bonardi, Paula Rabidoux, Mary Lou Bourne, Susan M. Havercamp: Invisible populations: Who is missing from research in intellectual disability?. <https://www.sciencedirect.com/science/article/abs/pii/S089142221002663>

Key Federal Agency Partnerships:

I recommend the following Federal Agencies be engaged in activities to transform and expand CIE for individuals with IDD.

CMS:

- Medicaid eligibility: Assure that States are aware of the flexibilities which exist within the HCBS Medicaid eligibility groups. This would include promoting and utilizing the flexibility available within Medicaid Buy In programs to address concerns individuals and families have when income increases in CIE vs. 14c. States can elect to eliminate income and resource thresholds for eligibility, while maintaining premium payment based on income for maintaining eligibility. This would address the fears of individuals and parents when it comes to considering competitive wages from employment.

- Change to available Medicaid Buy In eligibility flexibilities: Allow eligibility for Ticket to Work Medicaid Buy In to include those who have retired and receive retirement income such as through a Pension, SSA Retirement, 401K, and 403b. Unfortunately, those who have been employed and would enjoy income or benefits saved or earned through various retirement avenues during their working years, struggle to maintain Medicaid and Medicaid Waiver services and supports. Access to a Medicaid Buy In option is essential in addressing this issue. It would require the age threshold and employment requirement be eliminated for retirees to continue to access this essential Medicaid avenue in support of CIE and the benefits acquired during employment through their retirement years.

- Wrap around services: Assure that CMS reinforces with states the utilization of a variety of areas of the HCBS waivers and State Plan Medicaid Services concurrently in support of employment, residential and other needs associated with inclusion within the community. Tapping into wrap around service such as personal care, technology, transportation, and other supports across all parts of an individual's life within community settings will help to reduce the resistance individuals and family members have surrounding the transition to CIE from Sheltered Employment and day habilitation services. Key relevant concerns involve fears that parents or other family members will be required to support the individual more, in turn sacrificing their own careers, if employment does not fall into a predictable 9-5, Mon through Friday schedule.

- Settings Rule: Utilize the prevalence rate of IDD within community as a measure of whether a setting is considered to meet the integration standard.

SSA:

- Access to benefits information: Assure that working individuals have information from SSA promptly to understand the impact of employment on cash benefits. Assure that SSA provides comprehensive information to individuals seeking Benefits Planning Queries (BPQYs) about all SSA benefits, as individuals with disabilities may draw benefits from the records of parents as well as their own record, along with SSI, and currently this comprehensive benefits information is not provided.

- Limit liability for overpayment of benefits: The amount the individual is required to repay should be limited to 10% of their income for an overpayment which occurs through no fault of the individual. These situations should not require the individual to appeal or request a waiver of the overpayment of the benefits. This is one of the greater obstacles in addressing the fears of individuals and families surrounding CIE.

- Broader promotion of the Student Earned Income Exclusion: SSA should promote use of the Student Earned Income Exclusion as an important SSI work incentive which students and disabilities can access to exclude earnings from countable income up to the age of 22. This will help the student become familiar with work incentives and promote paid employment experiences for students. Every SSI recipient who is under the age of 22 should be provided information about this important work incentive.

Department of Education/OSERS/Technology Education:

- Provide information and resources for state and local schools: which promotes early job trials and discovery activities and development of portfolios and paid work for students to leverage as they move into adult funded services. This can significantly improve CIE outcomes, as the interests, skills and gifts of a student are identified, engagement in the community and within workplaces has occurred, and the student and family are engaged and have an expectation for employment.

- Highlight and reinforce Person-Centered Planning: as essential in all phases of the transition years, so that current information informs the planning as a student moves through Career Awareness, Career Exploration, Career Preparation and Career Placement. Access to technology and transportation is an integral, yet often overlooked part of transition planning.

- Require training and monitoring requirements surrounding use of and access to technology to expand career exploration and employment options: Technology training for teachers and other school staff is essential for incorporating technology in an innovative and effective manner throughout the transition years for students with disabilities. Since technology is advancing at a rapid pace, ten hours of continuing education about this educator training topic should be required at least once every three to five years. Standards should be developed to assure technology (hardware) which specifically meets the student's needs for working and living within the community should transfer with the student as they exit school services.

Parents often do not understand the importance of students accessing Social Security and Medicaid benefits to increase independence and access to services as the student enters adulthood. Students and parents are also often unclear about the role, purpose of, and when/how to use VR and IDD state agency services for supporting CIE and to further living and connecting in all parts of the community.

Collecting success stories and information about resources and strategies, and sharing of these broadly will help schools, students, and families to build the knowledge and expectations at the local, state, and national level.

Both IDEA and WIOA make clear that transition services require a coordinated set of activities for a student with a disability within an outcome-oriented process. This process promotes movement from school to post-school activities such as post-secondary education, vocational training, and competitive integrated employment.

All Federal Agencies (Federal Hiring):

- Set specific goals: for and reporting requirements specific to the hiring of individuals with IDD in CIE through Schedule A Hiring Authorities

- Set a targeted hiring goal specifically for individuals with IDD in CIE within Federal Agencies: Use a newly established prevalence rate of IDD (as discussed above) to set the hiring goal and require Federal Agencies to report annually on progress toward this goal. Individuals with IDD are typically excluded in the Schedule A hiring efforts, in part because Federal Agencies need to consider how best to develop meaningful position descriptions and modify recruitment and hiring practices to assure jobs within Federal Agencies are attainable for individuals with IDD.

- Additional information: Schedule A Hiring Brief 2.1.24.docx

Finally, in the interest of assuring that there is information to help inform families of the promise of CIE for all individuals with IDD, I recommend that video and written testimonials from individuals with IDD, their family members, and employers be collected and disseminated by DOL, SSA, CMS and DOE to drive the expectation that CIE is achievable and desirable for all working aged adults with IDD.

Conclusion

Thank you, Senator Casey, and Senator Braun, for the opportunity to provide written testimony. I am hopeful that renewed focus on CIE will allow individuals with IDD to take their rightful place as contributing and valued employees alongside the diverse array of individuals within the workforce.