

# Sheltered Workshops in Arkansas: Moving From Segregated Work To Integrated Employment



**DisabilityRights**  
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## **Acknowledgements**

Disability Rights Arkansas, Inc. (DRA) is the federally authorized and funded Protection and Advocacy system and Client Assistance Program for individuals with disabilities in Arkansas. DRA's mission is to vigorously advocate for and enforce the legal rights of people with disabilities in Arkansas. DRA is authorized to protect the human, civil, and legal rights of all Arkansans with disabilities consistent with federal law.

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# **Sheltered Workshops in Arkansas: Moving from Segregated Work to Integrated Employment**

## **Executive Summary**

Beginning in 2011, the National Disability Rights Network (NDRN) issued a series of reports calling attention to the employment of individuals with disabilities paid below minimum wage in segregated settings. As a result of these reports, Protection and Advocacy organizations throughout the country began monitoring and investigating sheltered workshops in their states. What they found was widespread payment of subminimum wage in segregated settings.

Disability Rights Arkansas, Inc. (DRA) sought to examine how Arkansas was spending its vocational rehabilitation money and how Arkansans with disabilities were earning subminimum wage. In 2016 and 2017, DRA monitored 40 sheltered workshops, spoke with individuals and providers in those settings, and gathered information from across the state. The first objective of this project was to provide information to Arkansans with disabilities, the public, and policymakers on the status of sheltered workshops in Arkansas. The second objective was to gather information on the access to competitive employment and the need for services or training for Arkansans with disabilities. We found that the state fell short in providing opportunities for competitive employment for Arkansans with disabilities.

Arkansas has approximately 40 sheltered workshops paying subminimum wage to over 2,800 individuals whose average age is 40. Many Arkansans with disabilities participate in sheltered workshops for a decade or longer. A majority of the sheltered workshops reported having a relationship with their local Arkansas Rehabilitation Services agency, yet only a small number of individuals were receiving vocational rehabilitation services. Typical work in these settings includes shredding, recycling, sorting, packaging, and contract work from area businesses.

In October 2010, former Governor Mike Beebe signed an executive order establishing the Employment First Task Force, which was created to direct state agencies to coordinate efforts to increase employment of individuals with disabilities. The Task Force defined Employment First to mean that employment in the workforce at a livable

wage and benefits in the community is the first option in the provision of publicly-funded services for Arkansans with disabilities. Further, it recommended Arkansas Rehabilitation Services to begin transitioning individuals from sheltered workshops to competitive, integrated employment settings.

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which establishes competitive employment in the community as the preferred outcome for individuals with disabilities. This landmark legislation requires states to allocate 15% of federal Vocational Rehabilitation funding to provide pre-employment transition services to young people with disabilities, ensures that individuals working in sheltered workshops receive ongoing career counseling, and prohibits school districts from entering into a contract with a service provider to pay subminimum wage. WIOA was designed to change the way states think about employment outcomes for individuals with disabilities.

Despite national trends of community inclusion of people with disabilities, Arkansans with disabilities remain largely segregated. Arkansas continues to operate segregated settings, including schools, community living, and sheltered workshops, at an alarming rate. Arkansans with disabilities still face segregation in education, housing, and employment opportunities in the state. It's time for Arkansas to do better. We must remove the obstacles that still exist in the state and move individuals with disabilities toward competitive employment.

## **Recommendations**

State agencies should:

- Develop a multi-year plan to reduce the state's reliance on sheltered workshops and to provide supported employment and other services to increase integrated employment outcomes, in conformity with WIOA mandates.
- Collaborate with the Arkansas Business Leadership Network, Arkansas state and local chambers of commerce, and the business community to promote opportunities for individuals with disabilities in competitive employment settings.
  - Develop tax incentives for businesses to hire individuals with disabilities at or above minimum wage.

- Develop community-based services for individuals who are not engaged in competitive integrated employment, with a goal of competitive employment.
- Ensure all participants in sheltered workshops receive comprehensive benefits counseling.

The General Assembly should:

- Pass Employment First legislation to ensure that employment of all citizens with disabilities within the general workforce is the priority for public funding and service delivery.
- Protect funding that allows individuals to live and work in the community of their choice.
- Expand the provision of supported employment services with dedicated resources attached.

# **Sheltered Workshops in Arkansas: Moving from Segregated Work to Integrated Employment**

## **Introduction**

During the last several decades, people with disabilities have been increasingly integrated into American communities. Children with disabilities are no longer isolated from their peers but can receive a free appropriate public education alongside other children, thanks to the Individuals with Disabilities Education Act. Individuals with disabilities are no longer relegated to institutions but can live in the community and have access to public accommodations and services, thanks to the Americans with Disabilities Act. Workers with disabilities are entitled to reasonable accommodations in employment so they can take advantage of the same employment opportunities as workers without disabilities.

Despite the trend toward community inclusion of individuals with disabilities, many people with disabilities, particularly those with intellectual and developmental disabilities, still work in segregated settings, including sheltered workshops. Sheltered workshops are institutional settings in which individuals with disabilities work apart from workers without disabilities and are usually paid less than minimum wage.

The continued existence of sheltered workshops is controversial. Proponents of workshops, including many individuals with disabilities and their family members, maintain that the sheltered environment is appropriate for some people, providing them a safe and stable place to go every day where they can work at their own pace and can socialize with their peers. Many supporters are concerned about what will happen to people currently served in sheltered workshops if the workshops were forced to close. Many individuals and their family members fear losing benefits, including Social Security benefits and health insurance, if sheltered workshops close and the payment of subminimum wage ends.

Detractors of sheltered workshops claim that workshops exploit their subminimum wage employees, with many people earning only cents an hour. They emphasize that workshops are institutional, segregated settings that isolate individuals

from the community at large. In addition, critics assert that workshops do not prepare people for employment in the community but rather leave them isolated for decades. A host of advocacy groups, including the National Federation of the Blind, the Association of People Supporting Employment First, and the Autism Self Advocacy Network, as well as the platforms of both major political parties, have called for an end to subminimum wages for individuals with disabilities.

In 2011, the National Disability Rights Network (NDRN) issued [\*Segregated and Exploited: The Failure of the Disability Service System to Provide Quality Work\*](#) in an effort to call attention to the employment of individuals with disabilities below the minimum wage in segregated settings. This report, along with NDRN's follow-up reports [\*Beyond Segregated and Exploited \(2012\)\*](#) and [\*The Writing on the Wall: Nearing the End of Sheltered and Segregated Employment \(2016\)\*](#), argued that sheltered workshops are akin to "perpetual segregation" and "perpetuate the stereotype that people with disabilities cannot work in competitive and integrated employment."<sup>1</sup> Following NDRN's lead, Protection and Advocacy systems across the country began monitoring, education, and advocacy efforts focused on sheltered workshops and subminimum wage employment.

In 2015, Disability Rights Arkansas, Inc. (DRA), the federally mandated Protection and Advocacy system for the state of Arkansas, began a comprehensive monitoring project to assess the status of sheltered workshops in Arkansas. DRA sought to examine how Arkansas was spending its vocational rehabilitation money and how Arkansans with disabilities were earning subminimum wage. As part of its monitoring project, DRA staff visited 40 sheltered workshops across the state and gathered information on the services provided by workshops and the individuals receiving these services. During these visits, DRA talked to service providers as well as people working in sheltered workshops. We found that the state fell short in providing Arkansans with disabilities meaningful opportunities for competitive employment.

## **Sheltered Workshops: A Brief Overview**

Sheltered workshops have existed in this country for over 170 years and were designed to provide individuals with disabilities jobs protected from competition from workers without disabilities.<sup>2</sup> Work done in sheltered workshops primarily consists of repetitive tasks such as "sorting, collating, labeling, folding, mailing, sewing, subassembly, heat sealing, hand packaging or other similarly light assembly work."<sup>3</sup> While many sheltered workshops provide prevocational services to prepare people with disabilities for employment in the community, many individuals remain employed by workshops for decades. Sheltered workshops have been described as "a permanent relegation to a separate and unequal job. By any measure, they are dead-end programs which employees rarely, if ever, leave."<sup>4</sup>

The United States Department of Justice (DOJ), in its investigation of sheltered workshops in Oregon, noted that participants in sheltered workshops typically "perform their tasks on a uniform, fixed shift schedule with designated breaks" and "also break together—whether by eating, talking, or sleeping—in areas just off to the side of the appointed work space, without ever leaving the workshop floor or the facility itself."<sup>5</sup> The DOJ found that "[w]orkshop tasks are often required to be performed irrespective of a particular individual's preference, dexterity, skill, or acumen for the process, as all participants typically rotate across the workshop floor to all of a workshop's various work stations."<sup>6</sup> Moreover, the DOJ found that "[b]eing unnecessarily segregated in a sheltered workshop setting can impose negative consequences upon people with disabilities, in addition to individuals' isolation from non-disabled peers, including stigmatization and a lack of economic independence."<sup>7</sup>

### Subminimum Wage

Most individuals working in sheltered workshops are paid less than the minimum wage. Section 14(c) of the Fair Labor Standards Act, passed in 1938, allows employers who have a special certificate from the Wage and Hour Division of the U.S. Department of Labor to pay workers with disabilities less than the federal minimum wage.<sup>8</sup> The stated purpose of the subminimum wage provision is "to prevent curtailment of opportunities for employment" of individuals "whose earning or productive capacity is impaired by age, physical or mental deficiency, or injury."<sup>9</sup>



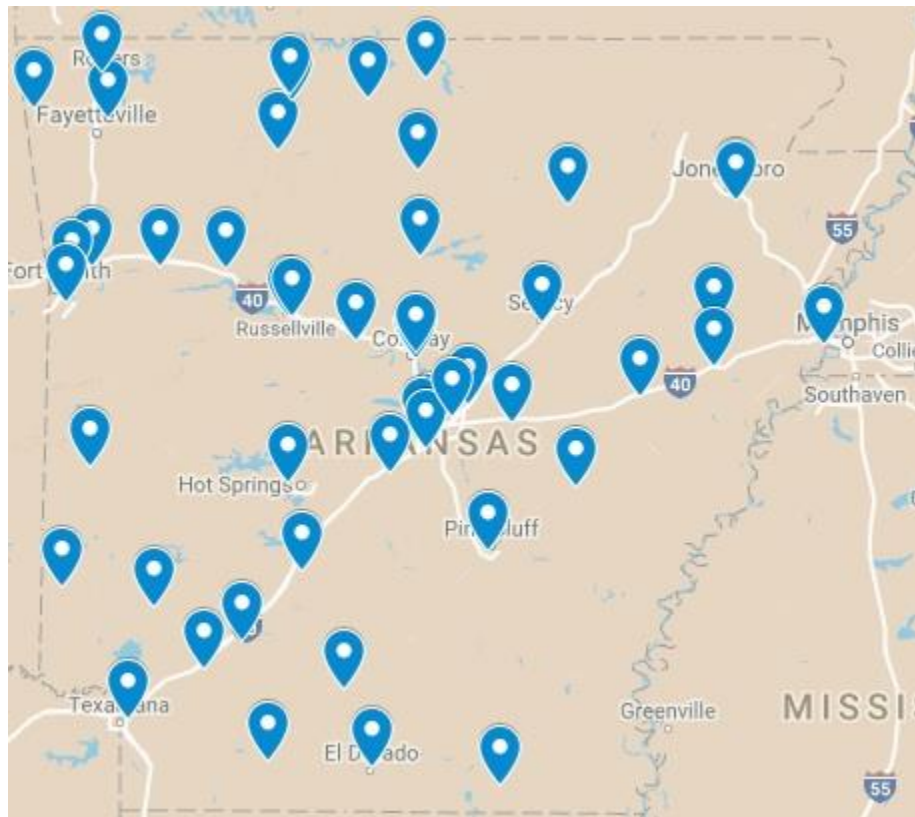
To receive subminimum wage, a worker must have disabilities that impair the worker's earning or productive capacity for the job being performed.<sup>10</sup> Subminimum wages paid to workers with disabilities must be commensurate with wages paid to workers without disabilities performing "essentially the same type, quality, and quantity of work" in the same locality.<sup>11</sup> To determine commensurate wages, the 14(c) employer compares the productivity of a worker with a disability to the productivity of a worker without a disability. These commensurate wages must be reviewed periodically.<sup>12</sup>

Nationally, approximately 228,600 individuals with disabilities are authorized to receive subminimum wage under 14(c) certificates.<sup>13</sup> Recent federal data indicate there are 2,820 holders of 14(c) certificates across the country, 89% of which are Community Rehabilitation Programs (CRPs).<sup>14</sup> CRPs are programs that directly provide or facilitate the provision of vocational rehabilitation services to people with disabilities. Most CRPs in Arkansas operate sheltered workshops. The majority of individuals with disabilities who are paid subminimum wage work in sheltered workshops or other segregated work settings.<sup>15</sup>

## Sheltered Workshops in Arkansas

Approximately 40 Community Rehabilitation Programs, or CRPs, currently operate sheltered workshops in Arkansas, paying subminimum wage under 14(c) certificates to individuals with disabilities. Around 15 additional CRPs let their 14(c) certificates lapse and no longer pay workers subminimum wage. Over the course of its monitoring effort, DRA visited 40 active sheltered workshops and two workshops that no longer pay workers below minimum wage. Roughly 80% of these facilities are located in the western half of the state, while the remaining 20% are located in the eastern half.

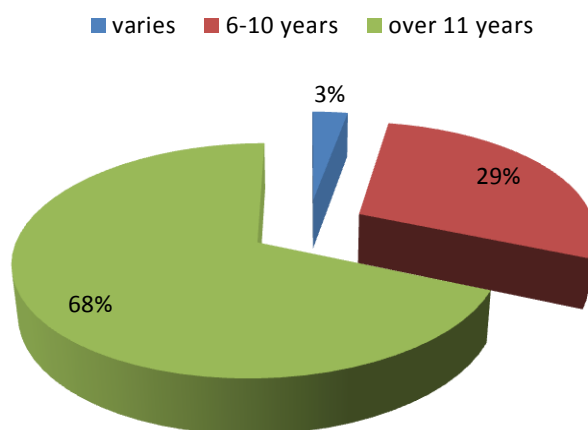
### Locations of Sheltered Workshops in Arkansas



Together, these facilities serve over 2,800 Arkansans with disabilities. According to federal data, the number of people paid subminimum wage by each service provider in Arkansas ranges from 9 to 526, with the majority of workshops employing fewer than 100 individuals.<sup>16</sup> The average age of people served in sheltered workshops in Arkansas is around 40. People tend to work in sheltered workshops for extended periods of time.

Twenty-four facilities reported that individuals remained longer than 11 years on average, while another 10 facilities reported average stays of between 6 and 10 years.

### Average Length of Stay in Sheltered Workshops



#### Worker profile:

One worker is a young man who came to the sheltered workshop out of high school. He performs component work for a nearby factory. He has become so proficient at his job that he outperforms his non-disabled peers at the factory. The sheltered workshop advocated for him to work at the factory, but the factory indicated that they “did not want the liability” of having an individual with a disability work there. The worker did not want to pursue a claim of discrimination.

Individuals in sheltered workshops in Arkansas perform a variety of mostly routine work, including shredding, recycling, sorting, packaging, assembly, and other

contract work for local businesses. Individuals also work in retail thrift stores and perform janitorial work.

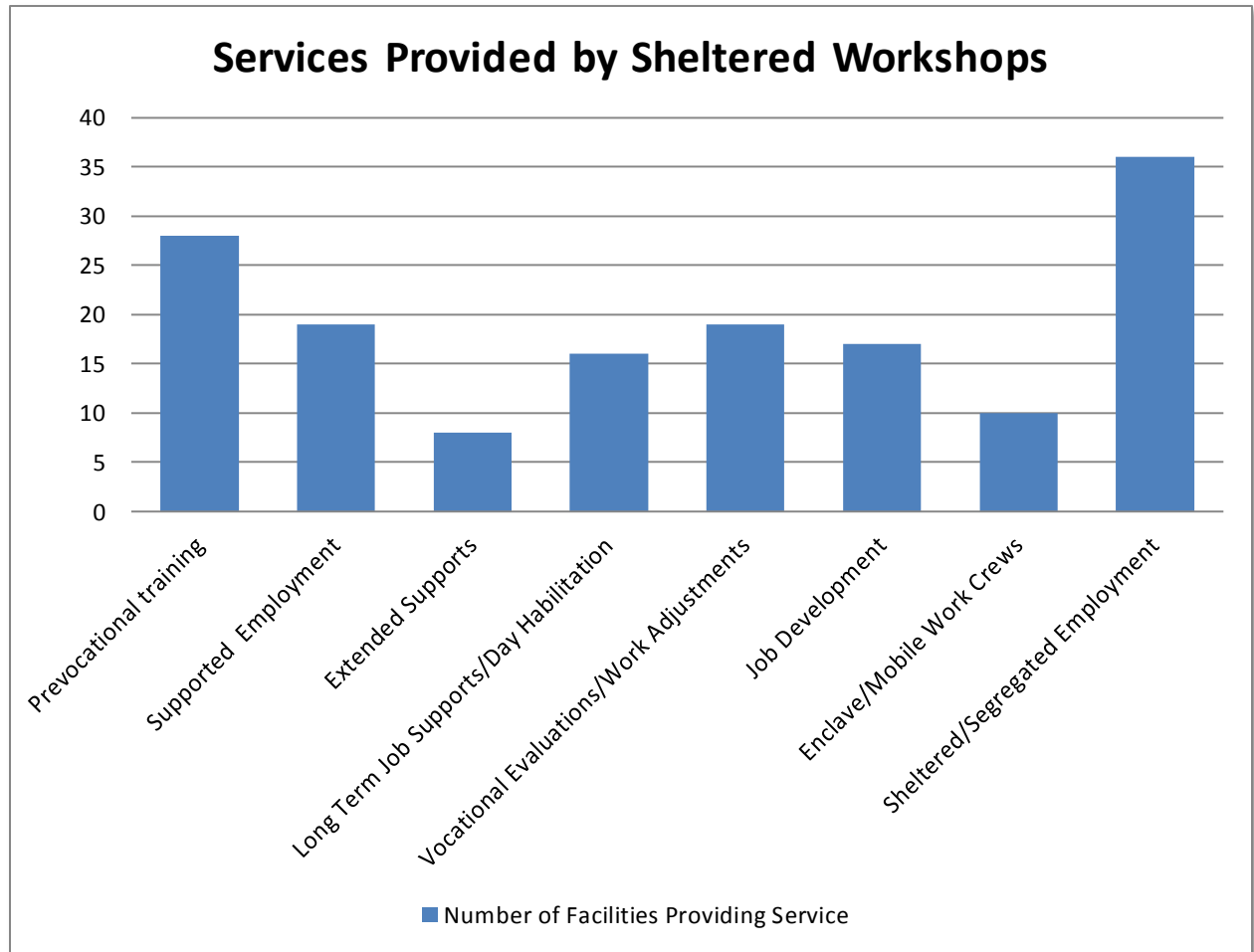
**Worker profile:**

One worker is in his twenties and earned enough money in a sheltered workshop that his benefits were reduced by eight dollars one month. Even though he earned much more than eight dollars, his guardian expressly prohibited the sheltered workshop from allowing the worker to earn an amount that might minimize his benefits by any amount, even as little as eight dollars.

In addition to providing segregated sheltered employment, CRPs in Arkansas offer other employment related services to people with disabilities, including prevocational training, supported employment, vocational evaluations and work adjustment, job development, long-term job supports, day habilitation, enclave and mobile work crew employment, and extended supports.

**Worker profile:**

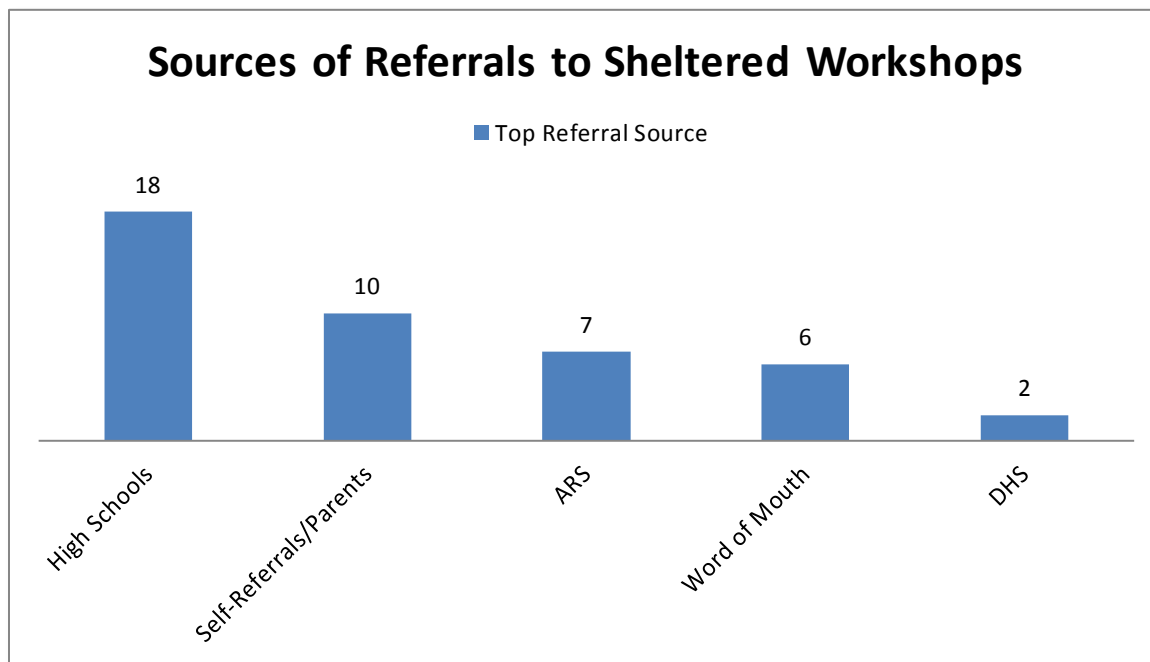
One man began attending a work center as a preschool student, before federal legislation providing a free appropriate public education for students with disabilities was passed in the 1970s. At the age of 16, he was required to leave the center and enroll in public school. After he finished high school, he returned to the center and remains to this date.



The majority (24) of the sheltered workshops DRA visited reported a working relationship with Arkansas Rehabilitation Services (ARS), the state Vocational Rehabilitation (VR) agency. However, workshops reported that only about 70 individuals, or 2.5% of the total number of people served in sheltered workshops, are currently receiving VR services. Five facilities reported participation in an Employment Network/Ticket to Work program, an initiative funded by the Social Security Administration to assist Social Security beneficiaries in obtaining employment.

Sources of referrals vary among Arkansas workshops. Nearly half (18) of the facilities DRA visited reported that the majority of their referrals come from high schools, while 11 facilities reported no relationship with their local school districts. Ten facilities receive the majority of their referrals from individuals with disabilities

themselves or their parents, 7 facilities receive the majority from ARS, 6 receive the majority from word of mouth, and 2 from the Arkansas Department of Human Services.



As noted above, relationships between sheltered workshops and local school districts differ considerably among workshops. The majority (25) of workshops DRA visited reported a relationship with local schools and participated in transition activities for students exiting high school. These activities included attending Individualized Education Program meetings for students with disabilities and participating in resource and transition fairs. Another 11 workshops reported no relationship with local schools.

#### **Worker profile:**

One man has been in his sheltered workshop for over 20 years. He has developed a trade that is so renown, people travel from around the state to have him perform work for them. The sheltered workshop has tried to encourage him to move into the community to perform his work, but he is too apprehensive about what might happen.

## Efforts to Increase Competitive Integrated Employment for Individuals with Disabilities

### National Trends Toward Competitive Employment

Across the country, states are moving away from segregated sheltered workshops toward competitive integrated employment for individuals with disabilities. Sheltered workshops raise two distinct issues: a segregated employment setting and the payment of subminimum wage. Efforts to transform sheltered workshops across the country have focused on one or both of these issues.

#### Olmstead

Segregated employment has been the target of legal challenges across the country. The “integration mandate” of Title II of the Americans with Disabilities Act (ADA) requires public entities to “administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.”<sup>17</sup> The preamble to this regulation defines the “most integrated setting” as a setting that “enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible...”<sup>18</sup> In 1999, the U.S. Supreme Court in *Olmstead v. L.C.* held that the ADA’s integration mandate required public entities to provide community-based services to individuals with disabilities when such services are appropriate, the affected individuals do not oppose community-based services, and community-based services can be reasonably accommodated.<sup>19</sup>

“The civil rights of people who can and want to receive employment services in the community are violated when they are unnecessarily segregated in sheltered workshops.”

—U.S. Department of Justice

The United States Department of Justice (DOJ) has worked to expand the integration mandate of *Olmstead* to employment settings. The DOJ has recognized the importance of integrated work, stating that “‘work options’ are frequently an important gateway to the other ‘everyday life activities’ that the Supreme Court recognized in *Olmstead* to be severely diminished by unnecessary segregation, including ‘family

relations, social contacts...economic independence, educational advancement, and cultural enrichment.' *Olmstead*, 527 U.S. at 600-01. It is axiomatic that when 'work options' in the community are severely diminished because of unnecessary segregation, so too are most other important everyday life activities, regardless of where one resides." <sup>20</sup> The DOJ concluded that "the unnecessary segregation of individuals with disabilities in segregated, non-residential employment and vocational programs violates Title II of the ADA and *Olmstead*. The civil rights of people who can and want to receive employment services in the community are violated when they are unnecessarily segregated in sheltered workshops." <sup>21</sup> The DOJ has litigated cases in Rhode Island and Oregon, resulting in settlement agreements requiring those states to reduce reliance on sheltered workshops and to provide supported employment services and other services to increase integrated employment outcomes for individuals with disabilities.<sup>22</sup>

### Proposed Legislation

On the national level, lawmakers have made several attempts to reduce or eliminate the use of 14(c) certificates in recent years. The most recent bill, the Transitioning to Integrated and Meaningful Employment (TIME) Act of 2017, H.R. 1377, was introduced in the House on March 7, 2017 by Rep. Gregg Harper of Mississippi. The TIME Act would immediately discontinue the issuance of new 14(c) certificates and eliminate them completely within 6 years.

### Workforce Innovation and Opportunity Act (WIOA) of 2014

The Workforce Innovation and Opportunity Act (WIOA), enacted in 2014, establishes competitive employment in the community as the preferred employment outcome for individuals with disabilities. WIOA requires states to develop agreements to increase collaboration among state Vocational Rehabilitation agencies, Medicaid agencies, and agencies serving individuals with intellectual and developmental disabilities.<sup>23</sup>



### **What is Competitive Integrated Employment?**

WIOA defines competitive integrated employment as work that is performed on a full-time or part-time basis, including self-employment

- for which an individual is compensated at a rate that is not less than minimum wage and not less than the customary wage paid to similarly situated employees who do not have disabilities;
- in the case of self-employment yields an income that is comparable to the income received by similarly situated individuals who do not have disabilities;
- for which an individual is eligible for the level of benefits provided to other employees;
- that is at a location where the employee interacts with other individuals who do not have disabilities; and
- that presents opportunities for advancement that are similar to those for other employees who do not have disabilities.

Source: 29 U.S.C. § 704(5)

Section 511 of WIOA limits the payment of subminimum wages to individuals with disabilities.<sup>24</sup> Under Section 511, which became effective July 22, 2016, subminimum wages cannot be paid to an individual age 24 or younger unless certain requirements are met. Before receiving subminimum wages under 14(c) certificates, a young person with disabilities age 24 or younger must have:

- received pre-employment transition services under WIOA or transition services under the Individuals with Disabilities Education Act;

- applied for vocational rehabilitation services and either was determined ineligible or was determined eligible and had an employment plan developed, worked toward an employment outcome for a reasonable period of time, and had a closed VR case; and
- received career counseling and information and referral services.<sup>25</sup>

WIOA prioritizes pre-employment services for students transitioning out of secondary school, requiring states to allocate 15% of federal Vocational Rehabilitation funding to provide these services. Pre-employment transition services include job exploration counseling; work-based learning experiences, including in-school or after school opportunities provided in an integrated setting; counseling on post-secondary education opportunities; workplace readiness training; and instruction in self-advocacy, including peer mentoring.<sup>26</sup>

Section 511 also requires that individuals of all ages with disabilities who earn subminimum wage receive career counseling and information and referrals from the state Vocational Rehabilitation agency in a manner that facilitates independent decision-making and informed choice. Workers earning subminimum wage must also be informed by the 14(c) certificate holder of self-advocacy, self-determination, and peer mentoring training opportunities available in the worker's geographic area. These services must be provided every six months during the first year of subminimum wage employment and annually thereafter.<sup>27</sup>

In addition, Section 511 prohibits a school district from entering into a contract or other arrangement with a 14(c) certificate holder for the purpose of operating a program for an individual age 24 or younger for work compensated at subminimum wage.<sup>28</sup>

The Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities was established under WIOA to recommend ways to increase competitive integrated employment opportunities for individuals with intellectual or developmental disabilities and other significant disabilities.<sup>29</sup> In its Final Report, issued September 15, 2016, the Committee found that "[t]he current widespread practice of paying workers subminimum wages, based on assumptions that individuals with disabilities cannot work in typical jobs, or on assumptions about the unavailability

of alternative work opportunities, is antithetical to the intent of modern federal policy and law.”<sup>30</sup> The Committee recommended that Congress amend the Fair Labor Standards Act to allow for a well-planned, multi-year phase-out of Section 14(c), with measures to mitigate the impact on individuals currently receiving subminimum wage. In addition, the Committee recommended stronger federal oversight of 14(c) certificate usage and greater federal technical assistance to states to encourage transformation of 14(c) certificate holders into providers of competitive integrated employment services.<sup>31</sup>

### Medicaid Changes

Recent changes in Medicaid have incentivized states to move toward competitive integrated employment as the preferred outcome for people with disabilities. States receive the majority of their funding for day and employment services for individuals with disabilities from Medicaid Title XIX Waiver funds.<sup>32</sup> In March 2014, the Centers for Medicare and Medicaid Services issued regulations requiring that Home and Community-Based Services programs be delivered so that individuals “have access to the benefits of community living and the opportunity to receive services in the most integrated setting.”<sup>33</sup> Under the regulations, home and community-based settings must be integrated into the greater community to give individuals receiving services “opportunities to seek employment and work in competitive integrated settings.”<sup>34</sup> In September 2015, CMS clarified that states can create reimbursement strategies to incentivize the provision of integrated employment and supported employment.<sup>35</sup>

### Efforts in Other States

In recent years, several states have curtailed their support for facility-based work services.<sup>36</sup> Vermont was one of the first states to gradually restrict support of sheltered workshops, phasing them out completely by 2005.<sup>37</sup> Since then, several other states

“The current widespread practice of paying workers subminimum wages, based on assumptions that individuals with disabilities cannot work in typical jobs, or on assumptions about the unavailability of alternative work opportunities, is antithetical to the intent of modern federal policy and law.”

—Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities

have created policies to eliminate public funding of sheltered workshops, including New York, Maine, New Hampshire, Massachusetts, and the District of Columbia.<sup>38</sup> Recently, Maryland passed legislation gradually eliminating the use of subminimum wage in the state, and the city of Seattle stopped issuing certificates authorizing subminimum wage for workers with disabilities.<sup>39</sup>

Unfortunately, there is a lack of empirical research examining what happens to individuals with disabilities when sheltered workshops close. A longitudinal study of deinstitutionalization in Oklahoma found that while segregated employment declined during the period studied, integrated employment did not increase significantly. Rather, many of the individuals who previously worked in workshops became unemployed or were working significantly fewer hours than they worked in sheltered workshops.<sup>40</sup> Similarly, a study examining outcomes in Maine found that individuals with disabilities did not achieve competitive integrated employment at higher rates since the closure of sheltered workshops, but spent more time in non-work activities and worked fewer hours.<sup>41</sup> On the other hand, in Vermont, the first state to eliminate sheltered workshops, the integrated employment rate for individuals with intellectual and developmental disabilities in FY 2015 was 38%, compared to the national average of 18.6%.<sup>42</sup>

Research suggests that individuals who move from sheltered workshops into supported employment earn significantly higher wages, along with increased productivity, self-worth, and integration in the community.<sup>43</sup> Service providers interviewed in Maine noted benefits of competitive integrated employment to individuals with disabilities, including improved verbal and social skills, as well as benefits to their coworkers and employers.<sup>44</sup>

### **What are Customized and Supported Employment?**

Customized and supported employment services provide opportunities for individuals with disabilities to work for competitive wages in the community rather than in sheltered workshops.

Customized employment is a personalized process in which an individual's strengths and interests are matched with an employer's needs. Customized employment can include job sharing, job carving, and task reassignment.

Supported employment means services that enable individuals with disabilities to perform competitive integrated work, in the case of individuals with developmental disabilities, for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of significant disabilities and who need intensive supported employment services or extended services to perform such work. Supported employment services include job development, job coaching, and extended supports.

Source: Office of Disability Employment Policy, U.S. Department of Labor, What is Customized Employment? available at <https://www.dol.gov/odep/categories/workforce/CustomizedEmployment/what/index.htm>  
42 U.S.C. §15002(30)

## **Arkansas Initiatives to Increase Competitive Integrated Employment**

While Arkansas has not taken formal steps to close sheltered workshops or eliminate the payment of subminimum wage, the state is making efforts to increase competitive integrated employment for Arkansans with disabilities.

### **Employment First**

Arkansas was one of the first states in the country to adopt Employment First, a philosophy that employment in the community should be the preferred option for individuals with disabilities. On October 21, 2010, former Governor Mike Beebe issued an Employment First Executive Order directing state agencies to coordinate efforts to increase employment of individuals with disabilities.<sup>45</sup>

According to the Employment First Task Force created to plan the implementation of the order, Employment First means that “employment in the workforce at livable wages and benefits is the first and preferred option in the provision of publicly funded services for all working age Arkansans with disabilities, regardless of disability.”<sup>46</sup>

In its 2011 report, the Employment First Task Force recommended the state Vocational Rehabilitation agencies (Arkansas Rehabilitation Services and the Division of Services for the Blind) “[d]evelop strategies to transition individuals from sheltered employment to competitive, integrated employment” by working with CRPs “to promote and encourage the employment of persons with disabilities in competitive, integrated employment settings.”<sup>47</sup>

According to the Arkansas Employment First Task Force, “employment in the workforce at livable wages and benefits is the first and preferred option in the provision of publicly funded services for all working age Arkansans with disabilities, regardless of disability.”

In 2014, Arkansas was selected by the federal Office of Disability Employment Policy as a core state in its Employment First State Leadership Mentoring Program. With federal assistance, the Arkansas Employment First Core Team was formed to guide state agencies in their planning, decision making, implementation, and evaluation of services

supporting Arkansans with disabilities to make employment the first and preferred option.<sup>48</sup>

Since it was established, the Employment First Task Force has developed memoranda of understanding among state agencies, coordinated technical assistance from subject matter experts, and issued recommendations. However, Arkansas has not passed legislation mandating Employment First policies. At least 17 other states have passed legislation establishing Employment First policies as state law.<sup>49</sup> The Illinois Employment First Act, for example, requires all state agencies to follow the policy that competitive integrated employment be considered the first option when serving working age individuals with disabilities and to ensure that the policy is effectively implemented.<sup>50</sup> Indiana recently enacted a law requiring state agencies to follow the policy of advancing competitive integrated employment, including self-employment, for individuals regardless of the nature or severity of their disabilities, consistent with

In recent years, ARS has made improvements toward moving individuals with intellectual and developmental disabilities into employment, from 14.1% of Vocational Rehabilitation case closures in 2008 to 33.3% of case closures in 2015, according to federal data.

individuals' right to make informed choices regarding employment.<sup>51</sup> Such legislation solidifies a state's obligation to follow Employment First policies more consistently than a governor's executive order. The Arkansas General Assembly should pass similar legislation to strengthen the state's commitment to Employment First policies.

#### Arkansas Rehabilitation Services Efforts

Following state and federal directives, Arkansas Rehabilitation Services (ARS) has increased efforts to transition individuals with disabilities to employment in the community. In recent years, ARS has made improvements toward moving individuals with intellectual and developmental disabilities into employment, from 14.1% of the closures of Vocational Rehabilitation cases of these individuals in 2008 to 33.3% of case closures in 2015, according to federal data.<sup>52</sup> ARS has updated agreements with the state Department of Education, Developmental Disabilities Services, and Division of Behavioral Health to

reflect changes mandated by Section 511 of the WIOA.<sup>53</sup> ARS has revised its Memorandum of Understanding with the state Department of Education to “address the issue of referring students to CRPs for services while the student is still enrolled in school or referring the student to a CRP upon graduation as part of transition planning.”<sup>54</sup>

Specifically, ARS has focused on working with CRPs to increase the capacity of the programs to provide services to prepare individuals for competitive employment. The agency is developing new cooperative agreements with CRPs “focused on moving CRPs from fee for service to performance based outcomes.”<sup>55</sup> ARS has educated service providers on WIOA changes during CRP site visits and trained staff and service providers on revamping services.<sup>56</sup> In addition, ARS, along with Developmental Disabilities Services, reports that it is planning pilot projects “focused on transitioning from facility based services to community based services,” according to the WIOA State Plan.<sup>57</sup>

ARS has increased referrals for supported employment services in recent years. Despite the agency’s emphasis on providing supported employment services, supported employment outcomes were only 4.8% of all vocational rehabilitation outcomes in FY 2015, well below the 12% national average.<sup>58</sup>

In 2013, the University of Arkansas, along with the Arkansas Department of Education, received a five-year, \$35.7 million grant from the U.S. Department of Education and the Social Security Administration to implement the Promoting Readiness of Minors in Supplemental Security Income (PROMISE) project. PROMISE is open to youth with disabilities aged 14-16 who are currently receiving SSI benefits and provides them with education and employment support as well as two 200-hour paid competitive employment experiences.<sup>59</sup> Examples of job placements include a lawn and garden center, a hardware store, and a Habitat for Humanity ReStore.<sup>60</sup> ARS has partnered with PROMISE to provide individual job coaches to youth enrolled in the project.<sup>61</sup> The project has worked with families of youth with disabilities, providing them with benefits counseling. The PROMISE project is slated to end September 2018, when the federal grant funding ends.



## The Legislative Task Force on Workforce Education Excellence

In 2017, the Arkansas General Assembly established the Legislative Task Force on Workforce Education Excellence, charged with researching and recommending strategies to improve career and technical education programs and workforce development programs in the state. The Task Force began meeting in August 2017 and has engaged a wide array of state agency leaders, business leaders, and experts in its review of the state's workforce needs. The Commissioner and Deputy Commissioner of ARS described the services ARS provides to Arkansans with disabilities to the Task Force in December 2017. The Task Force is slated to release its final report on September 1, 2018.<sup>62</sup> Strengthening workforce development and career and technical education programs throughout the state should have a positive impact on expanding employment opportunities for Arkansans with disabilities.

### Efforts of Service Providers

Many Community Rehabilitation Programs themselves are moving away from providing sheltered employment for individuals with disabilities. DRA's monitoring project found that approximately 29% of the sheltered workshops identified in the state have let their 14(c) certificates lapse and no longer pay subminimum wage. Other providers continue to operate sheltered workshops but have expanded services aimed at transitioning individuals into competitive integrated employment.

For example, Independent Living Services, a CRP in Conway, began the Community Access Supported Employment program to assist people with disabilities find employment in the community. The program provides individuals with job readiness classes, job development assistance, job coaching, transportation to and from the job site, and extended services following successful employment. Job coaches assist workers on-site as they learn their jobs and continue to check in with workers after they are employed. Independent Living Services also continues to operate a sheltered workshop employing over 80 individuals.<sup>63</sup>

**Worker profile:**

One young woman who receives supported employment services works two days a week at a florist shop. Her job duties include cleaning and making deliveries on the florist shop van. She lives in an apartment in the community. When asked what she enjoyed about working in the community, she replied, "Everything."

Another service provider, Group Living, Inc., in Arkadelphia, maintains its 14(c) certificate for individuals working at its resale shop but also has a growing supported employment program, with participants working in competitive employment in the community. Group Living is developing additional supported employment placements for a number of other individuals, in a time-intensive process focusing on the best job fit for each individual rather than placing participants into the first available job. Group Living also ensures that participants receive benefits counseling through Project AWIN in order to understand the effect of competitive employment on their public benefits.

**Worker profile:**

One young woman works five days a week in a school cafeteria. She also works in a cafeteria at a local university, a job she obtained on her own. She performs her job duties so well she often trains other employees. She lives on her own and emphasized that she enjoyed receiving a paycheck for her work.

For those service providers that have let their 14(c) certificates lapse, the outcomes differ. One such CRP still maintains a small contract with intermittent piece work when such work is available. This CRP also has a supported employment program, enabling several participants to start their own small businesses and another individual to maintain a full-time retail job. Another CRP with a lapsed certificate has a few workers who do contract work for minimum wage, but they are working fewer hours per week than they did before the certificate lapsed. This CRP reported no individuals were interested in working in the community.

**Worker profile:**

One young man works five days a week in a pharmacy. His job involves using technology to package prescription medication. He said his favorite thing about working was being able to help people and give back to the community. This young man dreams of opening a camp for children with disabilities in the future.

### **Project SEARCH Arkansas: ACCESS Initiative**

One promising program aimed at increasing competitive integrated employment in the state is Project SEARCH Arkansas: ACCESS Initiative. Project SEARCH is a collaboration between ARS, ACCESS (a nonprofit agency providing a range of services to individuals with disabilities), and local businesses. Project SEARCH participants complete a 9-month internship program consisting of three 10-week rotations in a hospital setting. After the internship rotations, Project SEARCH provides participants assistance with securing and maintaining employment. The initiative currently serves young adults ages 18-35 in four sites in Little Rock, Camden, and Jonesboro, and high school students in Hot Springs.

In its first three years of operation, 97% of Project SEARCH Arkansas graduates secured employment, half in full-time positions, with an average wage of \$9.44 per hour. The highest wage was \$15.40 per hour. Graduates are employed in positions including patient transport, central supply, mail room clerk, administrative specialist, dietary aide, patient care tech, steward, processing associate, equipment manager, receiving room coordinator, and kennel tech.

Source: <http://projectsearcharkansas.org/>

## Challenges and Opportunities Moving Forward

Despite the emphasis at the federal and state levels on transitioning individuals with disabilities into competitive integrated employment, significant challenges remain in Arkansas and throughout the country. While states across the country are scaling back or eliminating support for sheltered workshops, individuals with disabilities are still experiencing challenges in finding competitive employment. A national report found that only 16% of individuals served by state agencies for individuals with intellectual and developmental disabilities in the community had paid employment in the community in 2014-2015, and only 9% had individual integrated employment.<sup>64</sup> Other data show that while the percentage of people served by agencies for individuals with intellectual and developmental disabilities in facility-based work decreased from 27% in 2008 to 22% in 2015, the percentage served in integrated employment also decreased slightly, from 20.3% in 2008 to 18.6% in 2015.<sup>65</sup> The percentage of individuals served in facility-based non-work activities increased from 34% in 2008 to 53% in 2015.<sup>66</sup> Clearly there is room for improvement in getting individuals into integrated employment.

### Obstacles to Adequate Service Provision

DRA's monitoring efforts revealed that a mere 2.5% of individuals in sheltered workshops are receiving vocational rehabilitation services from ARS. With new federal requirements that workers in sheltered workshops receive career counseling and information and referrals from ARS annually, the state must ramp up its efforts to serve these individuals. In addition, under WIOA the state is required to reserve 15% of its federal VR funding for pre-employment transition services. In FY 2015, the state fell far short of this requirement, spending only approximately 3% of its VR funding on pre-employment transition services.<sup>67</sup> The state must devote considerably more resources to comply with WIOA requirements to provide vocational rehabilitation services to these individuals.

ARS recognizes some of the challenges in providing services to increase competitive employment for individuals with disabilities, particularly transition services to students. In its WIOA State Plan, the state maintains that the "existing infrastructure for service provision is inadequate because of the added responsibilities related to transition services for students with disabilities. It will take creative partnerships with

stakeholders in secondary education to be successful. It is critical for local resources to include provisions to assist people with disabilities to develop the skills needed for competitive integrated employment." The state also noted that "increased workloads and performance goals put a strain on vocational rehabilitation staff."<sup>68</sup> Moreover, a Comprehensive Statewide Needs Assessment done in December 2015 found that many school districts do not want VR counselors to provide services in school, making the provision of WIOA-mandated transition services difficult.<sup>69</sup> Studies indicate that the strongest predictor of successful employment after high school graduation is having a competitive job during school, making these transition services critically important.<sup>70</sup> The condition of career and technical education and workforce development programs in the state presents additional barriers to providing young people with disabilities opportunities to obtain competitive employment.<sup>71</sup>

Another substantial obstacle to the expansion of competitive employment of individuals with disabilities is the dearth of services and service providers throughout the state. The state acknowledged that "the lack of a sufficient number of CRPs together with the need for some CRPs to expand and improve services, have significant negative consequences for individuals with disabilities in their achievement of timely and relevant services and positive rehabilitation outcomes."<sup>72</sup> The state noted a "lack of consistency in provision of services among CRPs around the state" and found that the "continued emphasis of CRPs on providing workshop type services limits ARS's ability to utilize them for achieving acceptable outcomes according to RSA regulations."<sup>73</sup>

Expanding the provision of supported employment services is another challenge. Supported employment is a highly individualized process that requires a considerable commitment of time and resources to be successful. The statewide needs assessment identified the need for a "significant increase in the resources necessary" to meet the additional demand for supported employment services. The WIOA Plan also found a lack of supported employment services in many areas of the state and stated that, according to ARS staff, "many CRPs indicate they do not have the financial resources to provide supported employment."<sup>74</sup> Research suggests that individuals with mental health disabilities who receive evidence-based supported employment services can achieve competitive employment outcomes,<sup>75</sup> meaning expanding supported employment should be a top priority for ARS.

## Geographic Limitations

DRA's monitoring efforts identified a scarcity of services in rural areas of the state, especially in eastern Arkansas. Likewise, the state has found that VR services are lacking in areas of the state, "particularly in rural areas, thus consumers do not have access to many services needed for successful completion of their vocational goals."<sup>76</sup> Rural areas characterized by high unemployment, lack of public transportation, and lack of social services in general pose a significant challenge to efforts to move individuals with disabilities into competitive employment.

Arkansas's unemployment rate of 3.7% is lower than the national unemployment rate of 4.1%. Such a low unemployment rate could create employment opportunities for individuals who are traditionally more challenging to employ, including individuals with disabilities. As former Treasury Secretary Lawrence Summers stated, "When the unemployment rate is lower, employers will adapt to people rather than asking people to adapt to them."<sup>77</sup> However, this low statewide rate fails to capture the wide geographic disparities in unemployment rates throughout the state. For example, the unemployment rate in Chicot County, in southeast Arkansas, is 7.0%, while the unemployment rate in Washington County, in northwest Arkansas, is 2.4%.<sup>78</sup> Any statewide plan to increase employment opportunities for individuals with disabilities in Arkansas must take these disparities into account.

### **Unemployment Rate**

Arkansas:	3.7%
Washington County:	2.4%
Chicot County:	7.0%

## Opportunities for Expanded Employment of Arkansans with Disabilities

The low unemployment rate in Arkansas presents a genuine opportunity to move more individuals with disabilities from sheltered workshops into competitive integrated employment. Any efforts to reduce reliance on segregated employment and phase out subminimum wage must be gradual, to allow individuals currently working in sheltered workshops, their family members and loved ones, and service providers time to adapt to the change. Efforts to increase integrated employment must be coupled with a general shift in attitudes toward individuals with disabilities, from a focus on limitations to a focus on capabilities.

Eliminating sheltered workshops without creating alternatives will not lead to increased inclusion of individuals with disabilities. Increasing employment opportunities for these individuals is critical. The state could incentivize private employers in the community to hire individuals with disabilities. At least six states currently offer incentives for employers to hire people with disabilities, including tax credits, tax deductions, and tax refunds. Preferential contracting is another incentive states can offer to employers who hire individuals with disabilities.<sup>79</sup> The business community in Arkansas must work to encourage hiring people with disabilities. Service providers and state agencies should strengthen collaboration with the Arkansas Business Leadership Network, as well as state and local chambers of commerce, to promote opportunities for individuals with disabilities in competitive employment settings. Providers themselves can create competitive job opportunities. At least one researcher has suggested that providers open integrated businesses in the community, such as florist shops, to provide integrated employment opportunities.<sup>80</sup>

At the same time, the state and service providers must work together to strengthen integrated services for individuals who are not engaged in employment. The research in other states suggests that people transitioning from sheltered workshops are at risk of unemployment or underemployment. Young people who can no longer move straight from high school into sheltered workshops are at risk of falling through the cracks and receiving no employment services or day habilitation services. Individuals currently employed in sheltered workshops are at risk of unemployment or placement in segregated day habilitation services if sheltered workshops close without adequate planning. The state and service providers must be adequately prepared to provide community-based non-work services to individuals who no longer work for subminimum wage and are not engaged in competitive integrated employment. In addition, benefits counseling is crucial to educating individuals who wish to obtain employment in the community and their families about the effects of employment on public benefits.



## Recommendations

State agencies should:

- Develop a multi-year plan to reduce the state's reliance on sheltered workshops and to provide supported employment and other services to increase integrated employment outcomes.
  - Require assessments every six months by Arkansas Rehabilitation Services with achievable outcomes for each individual.
  - Require Arkansas Rehabilitation Services to devote more resources to comply with WIOA requirements to provide vocational rehabilitation services, including pre-employment transition services.
  - Strengthen relationships among Arkansas Rehabilitation Services, local schools, and service providers.
  - End programs that move young adults from the classroom to a segregated or subminimum wage employment environment – regardless of funding source.
  - Begin developing transition plans for individuals who have been receiving services more than 10 years at a sheltered workshop.
  - Develop a system of monitoring to ensure individuals are not left in workshops without receiving rehabilitation services.
- Collaborate with the Arkansas Business Leadership Network, Arkansas state and local chambers of commerce, and the business community to promote opportunities for individuals with disabilities in competitive employment settings.
  - Develop tax incentives for businesses to hire individuals with disabilities at or above minimum wage.
- Develop community-based services for individuals who are not engaged in competitive integrated employment, with a goal of competitive employment.
- Ensure all participants in sheltered workshops receive comprehensive benefits counseling.

The General Assembly should:

- Pass Employment First legislation to ensure that employment of all citizens with disabilities within the general workforce is the priority for public funding and service delivery.
- Protect funding that allows individuals to live and work in the community of their choice.

- Expand the provision of supported employment services with dedicated resources attached.
- Follow the recommendations of the Legislative Task Force on Workforce Education Excellence to improve career and technical education and workforce development throughout the state.

Research shows that most individuals with disabilities, including those with intellectual and developmental disabilities, want to work in the community.<sup>81</sup> However, many of these individuals have been employed for subminimum wage in sheltered workshops for years without being given an adequate opportunity to make informed choices about competitive employment. Arkansas has the opportunity to transform its provision of services to people with disabilities in a manner that allows these men and women to become more fully integrated in the community. It's time for Arkansas to do better. We must remove the obstacles that still exist in the state and move individuals with disabilities toward competitive employment.

## **Glossary**

14(c) Certificate: A certificate issued by the Wage and Hour Division of the U.S. Department of Labor authorizing employers to pay special wages below the minimum wage to workers with disabilities for the work being performed.

ADA: Americans with Disabilities Act

ARS: Arkansas Rehabilitation Services

Customized Employment: A personalized process in which an individual's strengths and interests are matched with an employer's needs. Customized employment can include job sharing, job carving, and task reassignment.

CRP: Community Rehabilitation Program. A CRP is a program that directly provides or facilitates the provision of vocational rehabilitation services to people with disabilities.

Competitive Integrated Employment: Employment in the community for which an individual receives competitive wages and interacts with individuals who do not have disabilities.

Day Habilitation: Services provided to individuals with disabilities in a non-residential setting. Day habilitation services may be pre-vocational or may be provided to individuals who are not seeking employment.

Enclave: Employment service in which workers with disabilities work together in small groups off-site.

Extended Supports: Ongoing support services to help individuals maintain employment once they are employed.

Supported Employment: Services that enable individuals with disabilities to perform competitive integrated work. Supported employment can include job development, job coaching, and extended supports.

VR: Vocational Rehabilitation

WIOA: Workforce Innovation and Opportunity Act of 2014

Work Adjustment: Services to assist individuals develop work skills and work habits.

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<sup>1</sup> National Disability Rights Network (NDRN). (2016). *The Writing on the Wall: Nearing the End of Sheltered and Segregated Employment*, p. 1, available at

[http://ndrn.org/images/Documents/Issues/Employment/The\\_Handwriting\\_fnl\\_letterhead.pdf](http://ndrn.org/images/Documents/Issues/Employment/The_Handwriting_fnl_letterhead.pdf).

<sup>2</sup> NDRN. (2011). *Segregated and Exploited: The Failure of the Disability Service System to Provide Quality Work*, p.11, available at

<http://www.ndrn.org/images/Documents/Resources/Publications/Reports/Segregated-and-Exploited.pdf>.

<sup>3</sup> Id. at 32, citing Alberto Migliore, et al. "Why do adults with intellectual disabilities work in sheltered workshops?" 28 *Journal of Vocational Rehabilitation* 29, 6, 29-40.

<sup>4</sup> Schwartz, Steven J. and Maissa Boulos. (2011). Center for Public Representation and Training and Advocacy Support Center. *Fact Sheet. Promoting Integrated Employment: Using the ADA's Integration Mandate to Challenge Sheltered Workshops*, p. 11

<sup>5</sup> U.S. Department of Justice Letter of Findings re: United States' Investigation of Employment and Vocational Services for Persons with Intellectual and Developmental Disabilities in Oregon Pursuant to the Americans with Disabilities Act, dated June 29, 2012, p. 10., available at

[https://www.ada.gov/olmstead/documents/oregon\\_findings\\_letter.pdf](https://www.ada.gov/olmstead/documents/oregon_findings_letter.pdf).

<sup>6</sup> Id.

<sup>7</sup> Id. at 11.

<sup>8</sup> Fair Labor Standards Act of 1938, 29 U.S.C. §214(c).

<sup>9</sup> 29 U.S.C. §214(c)(1).

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> 29 C.F.R 525.12(h)(2)(i)

<sup>13</sup> Final Report, Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities. Sept. 15, 2016, p.28, available at

[https://www.dol.gov/odep/topics/pdf/ACICIEID\\_Final\\_Report\\_9-8-16.pdf](https://www.dol.gov/odep/topics/pdf/ACICIEID_Final_Report_9-8-16.pdf).

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Community Rehabilitation Programs List, U.S. Department of Labor, Wage and Hour Division, Oct. 2017, available at <https://www.dol.gov/whd/specialemloyment/CRPlist.htm>. Note that this list of programs include sheltered workshops operated by Arkansas's Human Development Centers, large residential institutions for individuals with intellectual and developmental disabilities operated by the state.

<sup>17</sup> 28 C.F.R. § 35.130(d).

<sup>18</sup> 28 C.F.R. p. 35, app. B.

<sup>19</sup> *Olmstead v. L.C.*, 527 U.S. 581 (1999).

<sup>20</sup> U.S. Department of Justice Letter of Findings re: United States' Investigation of Employment and Vocational Services for Persons with Intellectual and Developmental Disabilities in Oregon Pursuant to the Americans with Disabilities Act, dated June 29, 2012, p. 3.

<sup>21</sup> Id.

<sup>22</sup> *Lane v. Brown*, *United States v. Rhode Island*. For more information on these cases and other *Olmstead* cases, visit <https://www.ada.gov/olmstead/index.htm>.

<sup>23</sup> Winsor, J. et al. (2017) *StateData: The National Report on Employment Services and Outcomes*. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion, p. 12, available at [https://www.statedata.info/sites/statedata.info/files/files/statedata\\_bluebook\\_2016.pdf](https://www.statedata.info/sites/statedata.info/files/files/statedata_bluebook_2016.pdf).

<sup>24</sup> 29 U.S.C. §794g.

<sup>25</sup> Id.

<sup>26</sup> 29 U.S.C. §733(b).

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- <sup>27</sup> 29 U.S.C §794g(c).
- <sup>28</sup> 29 U.S.C. §794g(b)(2).
- <sup>29</sup> Final Report, Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities. Sept. 15, 2016, p.ii.
- <sup>30</sup> Id. at 29.
- <sup>31</sup> Id. at 29-31.
- <sup>32</sup> Winsor, p. 29.
- <sup>33</sup> Center for Medicaid and CHIP Services, Disabled and Elderly Health Programs Group, *Final Rule, Medicaid HCBS* Powerpoint Presentation, slide 3, available at <https://www.medicaid.gov/medicaid/hcbs/downloads/final-rule-slides-01292014.pdf>
- <sup>34</sup> <https://www.federalregister.gov/d/2014-00487/p-1390>
- <sup>35</sup> Winsor, p. 30.
- <sup>36</sup> Winsor, p. 23.
- <sup>37</sup> Sulewski, Jennifer Sullivan. (2007). *Shifting Resources Away from Sheltered Workshops in Vermont*. Institute for Community Inclusion, available at [https://www.communityinclusion.org/article.php?article\\_id=200](https://www.communityinclusion.org/article.php?article_id=200).
- <sup>38</sup> New York State Office for People with Developmental Disabilities, Work Settings Plan, Feb. 2016; Winsor, p. 27.
- <sup>39</sup> <https://disabilityrightsmd.org/maryland-to-phase-out-14c-subminimum-wage>;  
<https://www.seattle.gov/laborstandards/enforcement/rules-and-ordinances/minimum-wage>
- <sup>40</sup> Spreat, Scott. (2017). Challenges of “Employment First,” *Social Innovations Journal*, available at <http://www.socialinnovationsjournal.org/sectors/89-government-policy/2349-challenges-of-employment-first>.
- <sup>41</sup> Phoenix, Janet A. and Tyler Bysshe. (2015). Transitions: A Case Study of the Conversion from Sheltered Workshops to Integrated Employment in Maine. George Washington University, pp. 23-24, available at [http://www.vaaccses.org/vendorimages/vaaccses/REPORT\\_Transitions\\_ConversionFromShelteredWorkshops\\_Maine\\_July2015.pdf](http://www.vaaccses.org/vendorimages/vaaccses/REPORT_Transitions_ConversionFromShelteredWorkshops_Maine_July2015.pdf).
- <sup>42</sup> Winsor, p. 24.
- <sup>43</sup> Schwartz and Boulous, pp. 22-23.
- <sup>44</sup> Id. at 28.
- <sup>45</sup> Arkansas Employment First Task Force Final Report, December 2011, pp 10-11, available at [http://hs.ar.gov/images/uploads/daas/Employment\\_First\\_Task\\_Force\\_Report\\_-\\_Final.pdf](http://hs.ar.gov/images/uploads/daas/Employment_First_Task_Force_Report_-_Final.pdf).
- <sup>46</sup> Id. at 11.
- <sup>47</sup> Id. at 54.
- <sup>48</sup> LEAD Center, Employment First Technical Brief #4: Federal Resources Available to Support State Employment First Efforts, available at [http://www.leadcenter.org/system/files/resource/downloadable\\_version/Employment\\_First\\_Technical\\_Brief\\_4.pdf](http://www.leadcenter.org/system/files/resource/downloadable_version/Employment_First_Technical_Brief_4.pdf).
- <sup>49</sup> APSE, Employment First Across the Nation, available at <https://public.tableau.com/profile/nord0364#!/vizhome/APSEEmploymentFirst/EmploymentFirst>.
- <sup>50</sup> Illinois Employment First Act, 20 ILCS 40.
- <sup>51</sup> Indiana Senate Enrolled Act 390, Pub. Law 68 (2017)
- <sup>52</sup> Winsor, p. 95. This number includes closures from Division of Services for the Blind (DSB), which provides vocational rehabilitation services to individuals who are blind or visually impaired.
- <sup>53</sup> WIOA State Plan for the State of Arkansas, approved January 1, 2017, available at <http://humanservices.arkansas.gov/dsb/DSB%20Documents/Approved%20WIOA%20Combined%20State%20Plan%201-18-2017.pdf>.
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- <sup>54</sup> Id.
- <sup>55</sup> Id.
- <sup>56</sup> Id.
- <sup>57</sup> Id.
- <sup>58</sup> Id.
- <sup>59</sup> <http://www.promisear.org/>
- <sup>60</sup> "State agency to provide one-on-one job coaching for Arkansas PROMISE," University of Arkansas News, Jan. 26, 2016; "Bentonville Teen with Cerebral Palsy Excels at First Summer Job Through PROMISE," University of Arkansas News, Oct. 19, 2017, available at <http://www.promisear.org/>
- <sup>61</sup> "State agency to provide one-on-one job coaching for Arkansas PROMISE," University of Arkansas News, Jan. 26, 2016, available at <http://www.promisear.org/>
- <sup>62</sup> Interim Report of the Legislative Task Force on Workforce Education, Feb. 1, 2018.
- <sup>63</sup> Independent Living Services website, available at <http://indliving.org/services/>; Independent Living Services Annual Report 2016, available at <http://indliving.org/home/wp-content/uploads/2017/08/2016-Annual-Report-PDF.pdf>. See also Tammy Keith, "ILS Grant Provides Supported Employment" River Valley and Ozark, Jan. 8, 2015, available at <http://www.arkansasonline.com/news/2015/jan/08/ils-grant-provides-supported-employment/?f=rivervalley>.
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- <sup>65</sup> Id., p. 69.
- <sup>66</sup> Id.
- <sup>67</sup> WIOA State Plan.
- <sup>68</sup> Id.
- <sup>69</sup> Id.
- <sup>70</sup> Federal Partners in Transition Workgroup, The 2020 Federal Youth Transition Plan: A Federal Interagency Strategy (2015), p. 12 (internal citations omitted), available at [https://youth.gov/docs/508\\_EDITED\\_RC\\_FEB26-accessible.pdf](https://youth.gov/docs/508_EDITED_RC_FEB26-accessible.pdf).
- <sup>71</sup> Interim Report of the Legislative Task Force on Workforce Education, Feb. 1, 2018.
- <sup>72</sup> WIOA State Plan.
- <sup>73</sup> WIOA State Plan.
- <sup>74</sup> Id.
- <sup>75</sup> Bond, G.R., Xie, H., Drake, R.E. (2007). Can SSDI and SSI beneficiaries with mental illness benefit from evidence-based supported employment? *Psychiatric Services*, 58 (11), 1412-1420, available at <https://www.ncbi.nlm.nih.gov/pubmed/17978250>.
- <sup>76</sup> WIOA State Plan.
- <sup>77</sup> Quoted in Ben Casselman, "As Labor Pool Shrinks, Prison Time is Less of a Hiring Hurdle," *New York Times*, Jan. 13, 2018.
- <sup>78</sup> December 2017 preliminary data, source: Arkansas Department of Workforce Services, LAUS Program, available at [www.discoverarkansas.gov](http://www.discoverarkansas.gov)
- <sup>79</sup> Spreat.
- <sup>80</sup> Id.
- <sup>81</sup> Winsor, p. 17.