

JEWISH DISABILITY ADVOCACY DAY

ON CAPITOL HILL, WASHINGTON DC SPONSORED BY THE JEWISH DISABILITY NETWORK



The Jewish Federations®
OF NORTH AMERICA

THE STRENGTH OF A PEOPLE.
THE POWER OF COMMUNITY.



Help People with Disabilities Gain Competitive, Integrated Employment

Urge Members of the Senate and the House of Representatives to support S.1604, the Transition to Independence Act, or companion legislation. This bill would provide funding for a demonstration program for states to undertake innovative approaches to increase competitive, integrated employment opportunities for people with disabilities.

Background: While the Americans with Disabilities Act made much progress in achieving equality for people with disabilities, unemployment, and, as a result, poverty are still issues of great concern for this community and their families. Shockingly, 28% of all Americans with disabilities live in poverty (approximately 19,588,600 people).

A lack of employment or payment below the minimum wage perpetuates the cycle of poverty for people with disabilities and increases reliance on government programs. Businesses may apply to the Federal government to pay people with disabilities less than minimum wage, which is permitted under the Fair Labor Standards Act of 1938. Furthermore, employment in non-integrated settings, where all of the staff with the exception of the supervisor have a disability, often do not allow people with disabilities to learn the necessary skills needed for working in an integrated environment.

Sheltered workshops and enclaves are two types of employment settings that have historically been created exclusively for people with disabilities, particularly for those with developmental disabilities. Typically, individuals in these settings perform the same routine task many times daily and can often earn far less than minimum wage for their work.

In recent years, the U.S. Justice Department's Civil Rights Division has reached legal settlements with Rhode Island and Oregon finding that those states' low wages paid at sheltered workshops and enclaves violated the civil rights of people with disabilities. In a sheltered workshop, people with disabilities seldom have the opportunity to interact with peers who do not have a disability with the exception of the direct support professionals hired to help them.

There is a new emphasis on competitive, integrated employment due to the enactment of the Workforce Innovation and Opportunity Act of 2014 (WIOA). WIOA defines, for the first time, the term "competitive, integrated employment" as: full or part-time work at the minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work and in an environment that is fully integrated with co-workers without disabilities. WIOA places

a number of restrictions on states to avoid putting young adults with disabilities into sheltered workshops or enclaves when at all possible.

Proposed Legislation: On June 18, 2015, as a result of the significant employment and socio-economic challenges faced by people with disabilities, Senators Chuck Grassley, (R-IA), Bob Casey Jr. (D-PA), and Ron Wyden (D-OR) introduced S.1604, the Transition to Independence Act. It is pending before the Senate Finance Committee. At this time, the bill has not yet been introduced in the House but will likely be introduced within the next few weeks.

This bill would allow a set number of states to compete for funding through a demonstration program that would provide Federal Medicaid dollars for both closing sheltered workshops and creating innovative opportunities for competitive, integrated employment. These “demonstration projects” would provide opportunities for the government to learn from the experience of the participating states and to share their findings with other states so that they can learn from participants’ experiences and best practices. To apply, states would be required to participate in the Medicaid Buy-In Program. Furthermore, participating states would be given minimum targets that each would need to meet regarding closures of sheltered workshops and placements of employees into competitive, integrated positions.

JFNA supports S. 1604 as we have long been committed to increasing the number of people with disabilities who are employed in integrated settings and providing avenues for economic self-sufficiency.

We urge members of the Senate to cosponsor S.1604 and to encourage the Senate Finance Committee to pass this legislation out of committee. Furthermore, we urge House members to learn about the Transition to Independence Act and to cosponsor the legislation upon its forthcoming introduction.

For further information, please contact Aaron Kaufman, JFNA’s Senior Legislative Associate, at 202 736 5865 or Aaron.Kaufman@jewishfederations.org

The Jewish Federations of North America represents 151 Jewish Federations and over 300 Network communities, which raise and distribute more than \$2 billion annually for social welfare, social services and educational needs. The Federation movement, collectively among the top 10 charities on the continent, protects and enhances the well-being of Jews worldwide through the values of Tikkun Olam (repairing the world), Tzedakah (charity and social justice) and Torah (Jewish learning).