

Barriers and Issues for Employment

a report prepared by Maine's Work Group for Community-Based Living

The employment record for individuals with disabilities remains dismal. Perhaps the strongest statement on the poor progress of individuals with disabilities in regard to employment comes from a national survey. The National Organization on Disability/Lou Harris conducts a periodic "Survey of Americans with Disabilities," a significant nationwide survey of 1,000 Americans with disabilities aged 16 and older. The most recent one, conducted in 1998, found that "Americans with disabilities continue to lag well behind other Americans in many of the most basic aspects of life," particularly employment. Unfortunately, the 1998 findings are very similar to previous Harris studies from 1994 and 1986, representing little if any progress despite major changes in national disability policies, most notably the Americans with Disabilities Act (ADA) of 1990.

According to the Harris Survey:

"The summary of the state of employment for individuals with disabilities is quite depressing: employment, education, income, frequency of socializing and other basic measures of ten major "indicator" areas of life. Furthermore, most of these gaps show little evidence of narrowing. In some cases, the gaps have even widened. ***Employment continues to be the area with the widest gulf between those who are disabled and those who are not.***

Only three in ten working-age adults with disabilities are employed full or part-time, compared to eight in ten non-disabled adults. Working age adults with disabilities are no more likely to be employed today than they were a decade ago, even though almost three out of four who are not working say that they would prefer to be working. This low rate of employment has, in turn, led to an income gap that has not narrowed at all since 1986, with one in three disabled adults, compared to just one in eight non-disabled Americans, living in very low income households with less than \$15,000 in annual income. And, while adults with disabilities continue to make progress in higher education - they are now just as likely to have completed at least some college as other adults - they continue to lag behind in getting a basic education, with one in five failing to complete high school, compared to only one in ten non-disabled adults." (Emphasis added.)¹

Maine statistics are less easy to come by, but two Maine surveys conducted in 1997 show very similar findings to the national data. According to Disability Income Systems:²

- *Most persons with disabilities are unemployed or underemployed (only 30.7% worked in past 12 months; only 2.9% were looking for work);*

¹ Author unknown. (1999) *Summary of 1998 NOD/Lou Harris Poll*. Available: <http://www.ichp.edu/ssi/materials/mchb-ssi-news/901562612.html>

² Disability Income Systems, Inc. (1997) *Disability in Maine: The results of a new survey*. UNUM Insurance Company of America: Portland, ME.

- *Onset of disability takes a toll on employment* (half of those surveyed stopped working permanently at onset of injury); and
- *Sheltered employment is still significant.* (12.1% of employed respondents were in sheltered employment).

Kilbreth et al.³ found:

- *26.1% of 1,435 adults with disabilities surveyed were working;* and
- *49.1% reported not working, and only 11.4% of them said they were looking for work.*

This section provides a brief overview of some of the issues and problems with employment for individuals with disabilities, including:

- eligibility criteria;
- waiting list for services;
- integration in the workplace;
- transportation and housing;
- labor shortages;
- school-based support services and early work experiences;
- work disincentives;
- conviction barriers; and
- continued discrimination in the private sector.

Eligibility Criteria

Categorical eligibility criteria for employment services have produced unequal treatment across the disabled and non-disabled, and across types of disabilities. In many cases specific eligibility criteria segregate disability services from the employment supports provided to a wider population of adults that do not have disability diagnosis or labels. In addition, eligibility criteria often separate different disability groups, often with undesirable results. For example, funding for extended employment supports for persons with mental retardation comes from BDS (Department of Behavioral and Developmental Services), while funding for the persons with a brain injury is under a separate fund administered by BRS (Bureau of Rehabilitation Services). The inequitable results can include waiting lists or even no services for individuals in one disability category, while others get adequate service and may even have more funding resources than needed.

Waiting Lists

From time to time, overwhelming demand and limited resources may force state agencies to institute waiting lists for certain services. The way agencies administer waiting lists vary according to State and federal requirements. In most cases, agencies are required to provide

³ Kilbreth, E., Leighton, A., and Olsen, L. (1997) *Health needs assessment for persons with disabilities and chronic illness in Maine, 1997*. Edmund S. Muskie School of Public Service: Portland, ME.

information and referral services to people who are waiting for services. To determine how best to obtain services as soon as possible, people placed on waiting lists are usually advised to contact the agencies.

Integration in the Workplace

Prior to the 1980s, most agencies and programs provided employment services for people with disabilities using “sheltered workshops,” which are non-competitive, segregated settings. Despite efforts to move away from sheltered workshops, these types of programs still exist.

While some sheltered workshop programs still operate, there are many success stories in Maine involving the conversion of provider services from sheltered workshops to community employment programs. The details and elements of one provider success story, Katahdin Friends Inc. (KFI), were documented in a report by Syracuse University⁴.

Since the 1980s, beginning with some key amendments (in 1986 as PL 99-506 and also in 1992) to the federal Rehabilitation Act 1973, there has been a shift toward the concept of supported employment. First applied to people with developmental disabilities and later expanded to people with serious mental illness, supported employment emphasizes the “place and train” model, in which workers are placed into integrated settings right away, before any training is started. This is in stark contrast to the past where training took place in sheltered workshops, often leading to problems when individuals attempted to adapt to a competitive work setting after having picked up many bad habits in the sheltered workshops. A number of models of supported employment have been tried with somewhat varying results, most share common programmatic roots developed in reaction to traditional vocational training and sheltered employment. The move toward supported employment has led to the development of many models for providing ongoing multidisciplinary on-the-job supports through job coaches.

The proper role and definition of integration has been a troubling issue for vocational services. Supported employment approaches helped to institute new integration initiatives, but many of the earlier ones were either adaptations of, or more extreme counter-reactions to, the earlier overuse of sheltered workshops. One early adaptation was the so-called industry-based “enclaves, in which groups or teams of workers with disabilities would work together, but in a regular business or industrial environment. Some service providers went to the opposite extreme of allowing no more than a certain ratio of workers with disabilities to those with no disabilities, and/or to define and monitor the extent of interaction between these two groups of workers. One problem with these approaches was the removal or limiting of worker choice as to where, and with whom, s/he would like to work.

Transportation and Housing

It is difficult for individuals with a disability to pursue employment if they live in a rural area with no public transportation, and do not have a car or cannot drive. Nor can someone be successful in work if they do not have satisfactory housing for themselves and their families.

⁴ Walker, P. (2000) *Acting on a vision: Agency conversion at KFI, Millinocket, Maine*. Center on Human Policy, Syracuse University: Syracuse, NY.

The State's ability to maximize employment options depends to a very great extent on the State's ability to provide the housing and transportation programs and services that will support the availability and choice between those options. For more details, see the AFFORDABLE, APPROPRIATE, INTEGRATED HOUSING and TRANSPORTATION ISSUES AND PROBLEMS reports.

Labor Shortages

This country experienced record low unemployment rates since the middle of the 1990s. Overall, such labor shortages are often seen as beneficial, as employers make efforts to recruit from all sources, including workers with disabilities, and take steps to more effectively retain the workers that they have.

Such labor shortages also can stymie efforts of persons with disabilities, particularly those with more severe disabilities, to seek independent employment. Such labor shortages affect the availability and quality of direct care workers who provide important employment support services, including personal care attendant, job development, job coaching, and related support services. Often the problem is that a strong economy pulls workers away from the direct care field, since direct care jobs are often shown, in comparison to private sector jobs, to have:

- lower rates of pay and job benefits;
- fewer opportunities for career advancement; and
- less recognition and respect.⁵

School-based Support Services and Early Work Experiences

In the past, middle and secondary schools were focused primarily on in-school academic subjects, and were slow in providing community-based employment services for students with disabilities. Reasons cited for this include:

- the mission of the schools should be limited to only classroom teaching;
- concerns of insurance liability when students and teachers are in business or industrial settings;
- not enough teachers, or not the right teacher skills, to support real community-based employment supports and experiences;
- vocational rehabilitation needing to provide more supports to students and to schools; and
- difficulties and pressure that youth with disabilities face in meeting, and where possible exceeding, basic academic requirements.

There are extensive research findings⁶ showing, for example, that youth with disabilities have many fewer after-school and weekend work positions than similar youth with no disabilities, and

⁵ Bratesman, S. (2000) *Direct care workforce challenges: Improving the recruitment and retention of workers who provide direct support to persons with disabilities*. Edmund S. Muskie School of Public Service: Portland, ME.

⁶ Much of this research came from the National Longitudinal Transition Study of Special Education Students. One relevant report is Wagner, M., et. al. (1993) *What makes a difference? Influences on postschool outcomes of youth*

speculation that this differential might have long-range impact. Some of this is no doubt due to youth with disabilities facing the same type of challenges, and even discrimination, faced by adults in the job market.

Public school systems, with the help of Maine Department of Education and the statewide Committee on Transition system, have greatly increased the type and range of employment orientation and support services for students with disabilities. Many of these successful efforts started with the Individuals with Disabilities Education Act (IDEA) of 1990 that required specific transition planning, including connection to later work and additional schooling, starting when a student is aged 14. Maine's Committee on Transition has helped to foster a team approach to helping youth with disabilities plan transition services, involving teachers, guidance personnel, adult service agencies, parents, advocates, and most importantly students, including peer mentors who have negotiated the transition process themselves. Other recent school/agency partnerships in the area of "school-to-work" and even cooperative education has helped to build a better understanding that work-based education is very appropriate for all students, in many cases particularly so for students with disabilities.

Work Disincentives

Many unemployed individuals with disabilities must rely on a complex array of support services for their very livelihood. These critical supports might be financial (SSI, Temporary Aid for Needy Families (TANF), targeted subsidies (Food Stamps, Section 8 Housing support), health insurance (Medicaid or Medicare), or other. Most of these programs are triggered to become less, or to stop altogether, when earnings increase such as from employment. Some of these aid programs, such as Food Stamps and housing assistance, trigger off with only a slight increase in earnings. Some, such as the SSI cash program, have gradual dollar for dollar reductions so that at least a person with a disability who goes to work won't reduce their income level. But then there are others which have been set up to be quite punitive in nature, causing major and abrupt losses in support, often compounded by significant difficulties in re-establishing the support if the person loses their job and thus no longer has the former level of earned income.

Many of these disincentives to employment have been identified, and most have been modified or are being modified in a way that reduces or eliminates the punitive nature of the support reduction. Nonetheless, most of these disincentives have been around for so long that individuals with disabilities are very careful not to jeopardize their much needed supports. Many will not consider going to work, or even preparing to go to work, for fear of losing their supports. Many are quite distrustful of new incentives or opportunities in systems that have caused them so many problems before. Much consumer outreach, education and support is needed to help individuals with disabilities take advantage of new incentive policies, as well as to continue to identify and modify those disincentives and related punitive policies which continue to act as a significant barrier to pursuing competitive employment.

with disabilities: The third comprehensive report from the National Longitudinal Transition Study of Special Education Students. SRI International: Menlo Park, CA.

Conviction Barriers

Another long-lasting barrier to employment is the consequence of felony convictions and related experiences in the justice system. Some people who are in recovery from substance abuse acquired felony convictions while they were in addiction, often for drug offenses or repeat OUI (operating a vehicle under the influence) convictions. Although a person who is in recovery may behave very differently from the way they had behaved while in addiction, the felony record can be a big obstacle to gaining meaningful employment. Also, being unemployed and unemployable can lead to a higher risk of relapse. Some advocates would like to see this issue addressed, seeing if there is some possible measure to encourage employers to take into account the nature of a person's felony conviction and the efforts that have been made in post-conviction recovery.

Continued Discrimination in the Private Sector

It is quite discouraging to find that, despite the ADA being the law of the land since 1990, little progress has been made in regard to employment of persons with disabilities. The sad result is that the law has not appeared to change discriminatory attitudes, or behavior, of employers and managers in the American workforce.

One particularly striking finding comes from a study conducted by Cornell University in 2000, coinciding with the 10th anniversary of the Americans with Disabilities Act's signing. That survey found that:

- 90% of government employers reported having acquired or altered equipment to assist disabled employees, but only 59% of private employers had; and
- 87% of federal employers, but only 69% of their private counterparts, said they had restructured jobs or adjusted work hours to assist the disabled⁷.

Another similar Cornell study showed that the economic boom in the 1990s did not benefit the employability of Americans with a disability, in fact their situation may have become just a little worse. The study found that in 1999, 10.8 percent of Americans of working age reported that a disability was partially or completely limiting their ability to work, down from 11.3 percent in the mid-1990s and essentially unchanged from the 1992 level of 10.7 percent.⁸

While these findings might be indeed discouraging, advocates for employment services for people with disabilities should apply current tools and opportunities toward these problems. Systemic change is indeed difficult and takes time, but at least many individuals will benefit as new efforts move toward real and lasting change.

⁷ Bruyère, S. M. (1999) *Disability employment policies and practices in private and federal sector organizations*. Cornell University, Program on Employment and Disability, School of Industrial and Labor Relations: Ithaca, NY.

⁸ Burkhauser, R.V., Daly, M.C., and Houtenville, A.J. (2001) How working-age people with disabilities fared over the 1990s business cycle. In Budetti, P. et. al. (Eds.). *Ensuring Health and Income Security for an Aging Workforce*. W.E. Upjohn Institute for Employment Research: Kalamazoo, MI.

Many advocates lay a good share of the blame for this lack of progress at the feet of the national Vocational Rehabilitation (VR) program. These programs, it is alleged, have been oriented too much toward short-term interventions, and they often focused on providing services to individuals with less severe disabilities. One report summed the failure as the following:

“First, state vocational rehabilitation services are time limited and predicated on the idea that once people obtain employment, they no longer require services and supports from the vocational rehabilitation system. This idea is entirely contrary to the realities of severe brain disorders such as schizophrenia and bipolar disorder (manic-depressive illness)....,

Second, since its inception, state vocational rehabilitation agencies have perpetuated a system that rewards counselors for putting their greatest efforts and resources into those individuals who are easiest to place into employment and most likely to retain employment after placement.”⁹

This perspective, for a wide range of disability groups, provided a lot of support for passage of the Ticket to Work and Work Incentives Improvement Act (TWWIIA) legislation, which now give consumers a "ticket to independence" voucher so that they can choose a rehabilitation provider that meets their real long-term support needs. With the "ticket," they can avoid the state VR system altogether if they choose, and can also receive supports and services for as long as five years to help them continue working.

The National Vocational Rehabilitation Program

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⁹ Noble, Jr., J.H., et. al. (1997) A legacy of failure: The inability of the federal-state vocational rehabilitation system to serve people with severe mental illnesses [accessed October 8, 2003]. Available: <http://www.nami.org/update/legacy.htm>

¹⁰ Noble, Jr., J.H., et. al. (1997).

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Recommendations

- Expand legal resources to advise people on how to protect their employment rights.
- Support training programs to educate people about their employment rights.
- Explore current personal-assistance service offerings and additional policy options that Maine might take advantage of under federal law.
- Modify personal-assistance services assessment tools to identify what a person specifically needs in the home in order to prepare for work, as well as what personal-assistance services might be needed on the job site to successfully complete job tasks.
- Expand supported employment services to all who need them regardless of diagnosis.
- Eliminate sheltered workshops and enclaves.
- Improve and expand coordination between schools and vocational rehabilitation services.
- Increase awareness and understanding of disability to eliminate stigma and fear of litigation and costs of complying with the ADA.
- Educate providers on their role in protecting an employee's rights under the ADA.
- Increase support within local secondary schools to provide assistance for students with disabilities in seeking and maintaining after-school and weekend jobs, internships, and cooperative education (work-study) arrangements
- Undertake a statewide effort in partnership with the Social Security Administration to make better use of existing Plan for Achieving Self-Support (PASS) and Impairment Related Work Expenses (IWRE) procedures that allow people with disabilities to target earnings to meet specific work support needs in a way that also continues cash support and medical insurance.
- Develop and sustain additional means of involving employers, particularly small businesses, in leadership networks which allow them to both define and oversee employment preparation and support services. Current opportunities for this include the national Business-Leadership Network, employer networks which are forming under the federal Workforce Investment Act (WIA), and Project with Industry models as funded in the federal labor and vocational rehabilitation systems.
- Promote and support alternative and flexible work options that meet the needs, skills and availability of workers with severe disabilities, including telecommuting, job-sharing arrangements, and use of assistive technology.
- Explore and develop strategies to increase employment options for people with disabilities who have criminal records.