**Kansas Employment First Oversight Commission**

**2017 Recommendations Statement**

The Kansas Employment First Oversight Commission was passed into law as part of the Employment First Initiative Act in 2011 and amended in 2013 (K.S.A. 44-1136 et seq., as amended). The law establishes Employment First as the official policy of the State of Kansas. The purpose is to increase the number of Kansas residents with disabilities who are employed in competitive and integrated settings. All state agencies and their programs and services must ensure that competitive and integrated employment is the **first** option when serving people with disabilities.

As part of the law, the Kansas Legislature established a seven-member oversight commission to establish the measurable goals and objectives to ensure the effective and proper implementation of this act. The Commission also tracks the measurable progress of public agencies in implementing this act. All state agencies are required to “fully cooperate with and provide data and information to assist the Commission in carrying out its duties.” The Commission is required to issue this annual report to the Governor and Legislature.

The Kansas Employment First Oversight Commission applauds the important progress made by the State of Kansas regarding the planning necessary to engage in systems change which we believe will result in significant improvement in the employment outcomes of Kansans with disabilities. In particular, the Commission wishes to note that a Disability Employment Workgroup has been meeting and carrying out tasks which hold the promise of real and meaningful improvement in this area. The Disability Employment Workgroup was established by Governor Brownback’s Disability Subcabinet and is made up of employees of the Kansas Department of Commerce, Kansas Department of Health & Environment (including the Working Healthy Program), Kansas Department of Corrections (including the Employment Initiatives program), Kansas Department of Aging and Disability Services (including Managed Care), Kansas Commission on Disability Concerns and the Kansas Department for Children and Families (including the Vocational Rehabilitation, Temporary Aid to Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) employment programs.) As just a few examples, the Commission would like to note that the Disability Employment Workgroup has been working on issues such as cross-agency data sharing, funding realignment and incentivizing rates in order to better fulfill the promise of the Employment First law. Additionally, the Disability Employment Workgroup’s plan is that each state agency will review program policies and procedures to determine whether they are consistent with youths and adults with disabilities obtaining and maintaining integrated employment at competitive wages. When this is not the case, each agency will develop an action plan to revise policies and procedures inconsistent with this goal (outcome).

The Commission has been impressed with the depth of interagency collaboration taking place with the Disability Employment Workgroup. The Commission has previously recommended that this type of cross-agency collaboration is needed in order to obtain meaningful and positive systems change with this issue. As part of this interagency collaboration, the Disability Subcabinet and decision makers from the highest levels of state government have been engaged. This Cabinet-level buy-in is critical to improving the employment outcomes for Kansans with disabilities.

The Commission also wishes to acknowledge and commend the State of Kansas for the next phase of the Disability Employment Workgroup, which includes stakeholder engagement across different disability groups. Having the top government leaders and decision makers in the State of Kansas engage in meaningful cross-disability stakeholder engagement in a systems change planning process to improve the employment outcomes of Kansans with disabilities has been a key recommendation of the Employment First Oversight Commission for quite some time.

As the Commission noted in its 2016 report, many of the studies and reports generating proactive ideas to improve employment outcomes for Kansans with disabilities have already been completed. These reports and recommendations agree with and reinforce each other. As we did in our 2016 and prior reports, the Commission wants to stress that action and positive systems changes are needed in order to deliver on the promise of the Employment First law. The Commission is optimistic that the combination of the good work of the Disability Employment Workgroup, the Disability Subcabinet, meaningful cross-disability collaboration, state agencies’ efforts to make improvements, and the implementation of existing ideas and recommendations from stakeholders to make positive changes (for example: the Developmental Disabilities Coalition of Kansas, the original Employment First Workgroup, the Big Tent Coalition, the Kansas Council on Developmental Disabilities and the past recommendations of this Employment First Oversight Commission) will lead to effective systems change. We believe the time is right for concrete, measurable action steps with published timelines to be developed, with the full engagement of stakeholders, which will lead to activities and systems changes to create improvements in this important program and policy area. We believe that given the positive actions of the Disability Employment Workgroup and Disability Subcabinet, the time is right to better deliver on the promise of the Employment First law.

The Employment First Commission also notes that Kansas law is clear that competitive integrated employment must be the first option. Kansas law defines competitive employment as “work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.” Kansas law defines an integrated employment setting to mean “with respect to an employment outcome, a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.” With this Kansas law as the back drop, the Commission believes there should be strict adherence to the state definitions of competitive employment and integrated employment. As one example, even though the final settings rule from Center for Medicare and Medicaid Services (CMS) speaks about the need to have people with disabilities served in the “most” integrated setting, Kansas law places a clear preference that the first option must be truly both fully integrated and fully competitive, not just the setting that is the “most” integrated for the individual. The Commission highlights this as an issue because when Kansas implements policy changes, it needs to ensure that it looks at and adheres to the Employment First law as well.

The Commission wants to note that positive progress has been made by state agencies regarding initiatives and programs previously listed in our 2015 report. In this report the Commission is simply listing some of these promising initiatives. The Commission is in the process of actively engaging state agencies and stakeholders regarding these initiatives. The Commission will issue a supplement to the Kansas Legislature with further details about these initiatives and the positive progress made.

* Project Search
* Wichita and Kansas City Business Leadership Network (BLN)
* Developmental Disabilities Systems Change Grant
* Disability Employment Initiative
* Executive Order 15-02 Employment practices for veterans and disabled individuals
* Kansas Bidders Preference Program
* Federal Contractor/Subcontractor Expectations (Department of Labor regulations implementing Section 503 of the Rehabilitation Act of 1973, at 41 Code of Federal Regulations (CFR) Part 60-741)
* Temporary Aid to Needy Families (TANF) Employment Services and the Supplemental Nutrition Assistance Program (SNAP) GOALS program
* End-Dependence Kansas
* Enhancing Supported Employment in Kansas Grant
* Home and Community Based Services (HCBS) Settings Rule Transition Planning
* Initiatives of Managed Care Companies under KanCare
* Transition Transformation Workgroup
* Workforce Innovation and Opportunity Act (WIOA) Implementation and Planning
* Employment Systems Change Coalition’s engagement with people with disabilities