**Kansas Employment First Oversight Commission**

**2019 Recommendations to the Governor and**

**Members of the Kansas Legislature**

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**Who is the Commission?**

The Kansas Employment First Oversight Commission was created by the same state law that requires competitive and integrated employment to be the first option when serving people with disabilities (KSA 44-1136 to 44-1138, also called the Employment First Initiative Act).

Under this law, the focus of the Commission is on making recommendations to increase the number of Kansans with disabilities in competitive integrated employment. The Commission may issue an annual report making recommendations to the Governor, Legislature and state agencies on strategies to increase the number of Kansans with disabilities in competitive integrated employment.

**Kansas Employment First Oversight Commission**

**2018 Recommendations Statement**

The Kansas Employment First Oversight Commission was established 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, 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 looks forward to working with Governor-Elect Laura Kelly as she establishes her administration. The Commission strongly recommends that Governor-Elect Kelly closely examines reports and recommendations made by numerous groups and organizations, which if enacted, would positively impact competitive and integrated employment outcomes for Kansans with disabilities. The Employment First Oversight Commission recommends that concrete, measurable action steps with published timelines be developed and made public to engage stakeholders as well as identify issues and opportunities in order to make a measurable improvement in the employment outcomes for Kansans with disabilities. As part of these measurable action steps, there needs to be a determination of a specific process for decisions to be made and change to occur. Action is needed since this law was enacted in 2011 and although there have been some positive steps made in this effort, the needle has not moved enough regarding competitive and integrated employment for Kansans with disabilities. Simply put, the number of people with disabilities who have been positively impacted by this important Employment First law unfortunately remains relatively small. This process for positive system~~s~~ changes needs to be inclusive of all state agencies and all disabilities. It must include decision makers from the highest levels of state government. Many of the studies are completed and are incorporated as addendums to this recommendation. Many recommendations have been generated and remain to be implemented. These different recommendations often agree and reinforce each other. There are existing ideas and recommendations from stakeholders to make positive changes in the employment outcomes for Kansans with disabilities. All of these should be examined by the Governor-Elect and Kansas Legislature. For example: the Developmental Disabilities Coalition of Kansas, the original Employment First Workgroup (before passage of the current law), the Big Tent Coalition, the Kansas Council on Developmental Disabilities, the Employment Systems Change Coalition, and the past recommendations of this Employment First Oversight Commission. Specific recommendations should be selected for implementation to begin in the coming year.

As the Governor-Elect examines these issues, the Commission wishes to call out some specific examples of positive things happening in state government regarding the issue of competitive and integrated employment for 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 Sam 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 re-alignment 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 youth 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 recommends that as the Governor Kelly Administration examines expanding and improving Medicaid and other government services that every opportunity be taken to consult this Commission and stakeholders in regard~~s~~ to also improving competitive and integrated employment outcomes for Kansans with disabilities. The promise of Employment First must become an everyday reality. Employment First should be the North Star that guides the rest of state policy. A central part of this examination should be incentivizing competitive and integrated employment and dis-incentivizing services which are not competitive or integrated.

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 collaboration needs to move forward with implementing policies that assist Kansans with disabilities in their pursuit of employment.

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. 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. There are a wealth of existing ideas and recommendations from stakeholders to make positive changes in this area which warrant careful consideration (for example: the Developmental Disabilities Coalition of Kansas, the original Employment First Workgroup, the Big Tent Coalition, the Kansas Council on Developmental Disabilities, the Employment Systems Change Coalition and the past recommendations of this Employment First Oversight Commission). If followed, these recommendations hold the promise of creating meaningful and effective systems change with implementation and bi-partisan support of the legislature combined with business support throughout the State.

The time is long past due 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.

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 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 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 also wishes to highlight some positive information about employment and people with disabilities happening in Kansas, such as:

* According to a recent report by Respectability which compiled data from the 2017 annual disability statistics compendium, Kansas joined the top 10 states with the best disability employment rates.
* The Disability Subcabinet has been a positive presence for disability planning and policy, and the Commission recommends that the Subcabinet continue.
* The Employment First Oversight Commission has found that bringing state agencies and stakeholders together through the Commission has been positive, but that follow through is needed on the past recommendations made by this Commission.