

People with developmental disabilities are employed at a much lower rate than people without disabilities. Nationally, 85% of people with developmental disabilities are not working. [1] In New York State (NYS), only 34% of people with disabilities are employed. [2]

There is some good employment news for people with developmental disabilities. The nation is continuing to recover from the economic impact of the COVID-19 pandemic. Now, people with disabilities are entering the workforce in greater numbers than before the pandemic. [3] The average monthly employment rate for people with disabilities increased by 11% from 2021 to 2022. [4]



The NYS Developmental Disabilities Planning Council (DDPC) supports an employment system that includes competitive employment and the elimination of sheltered workshops and subminimum wage. Customized employment is an individualized process focused on matching a person's skills with the needs of an employer. New York reduced the number of people receiving subminimum wages by almost 90% from 2016 [5] to 2022 [6], but there is more to do. The state has the opportunity to:

- Close the employment gap,
- Be a model for other states seeking to transition out of subminimum wage employment and
- Provide meaningful and integrated employment opportunities for all New Yorkers with developmental disabilities.

Barriers to Employment

Paid Work vs. Day Programs

In October 2021, the NYS Assembly held a hearing on employment for people with disabilities. Many people testified during this hearing. Most of the people who stopped receiving subminimum wage from the closing of sheltered workshops moved to day habilitation and other employment training programs. In these programs, they often performed unpaid volunteer work or no work at all. Some people with disabilities are not able to or interested in working in traditional, integrated workplaces, but all people should have the opportunity to build life skills and be appropriately paid for their work.

Public Benefits & Working

Benefit programs that serve people with developmental disabilities, such as Supplemental Security Income and Medicaid, have complicated rules. These rules place restrictions on how much recipients can earn. Many people with developmental disabilities rely on these programs. They fear they will lose supports if they start working or work too many hours. People with developmental disabilities should have easy access to skilled benefit planners. Planners can help to better navigate this system and maximize employment opportunities.

Negative Assumptions about Workers with Developmental Disabilities

Unfortunately, some employers still hold negative assumptions about people with developmental disabilities. A national survey of business leaders found that 73% of employers believed that employees with disabilities could not perform parts of their job. [7] A different study identified other negative employer assumptions, such as people with disabilities:

- Take extra time to complete a task,
- Need more help and
- Make other workers uncomfortable. [7]

These beliefs harm all people with developmental disabilities and greatly interfere with their efforts to find a job.

Navigating Employment Services

NYS has a complicated employment services system for people with developmental disabilities. Several state agencies manage services, primarily, the State Education Department's Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCESS-VR) and the Office for People with Developmental Disabilities (OPWDD). They use both state and federal funds for these services. While many of these services work together, they each have their own eligibility processes and funding rules. Different funding sources with different rules make the system difficult to use. This discourages people with developmental disabilities from seeking employment services.



Financial Feasibility of Minimum Wage

Some service providers have programs that employ people with developmental disabilities. These jobs provide prevocational services and are paid through a Medicaid Waiver. This allows providers to employ people with developmental disabilities at subminimum wage. Some service providers may experience financial barriers with paying a minimum wage in these prevocational programs, if subminimum wage is eliminated. As the state transitions from subminimum wage to competitive and integrated employment, there needs to be an effective transition plan. The state must provide better opportunities for people with developmental disabilities, but it must also consider the fiscal impact on providers.

Policy Recommendations

Expand customized employment and skill building opportunities for people with developmental disabilities.

Customized employment has proven to be successful and can be combined with long-term supported employment services. [8] Existing services in New York already include some parts of customized employment like:

- Comprehensive discovery services,
- Pathway to Employment and
- Prevocational services.

Given its success, NYS should embrace the customized employment model and expand its use.



The state job opportunities program (55-b and 55-c) allows people with disabilities and veterans to apply to some state jobs without taking normally required tests. These positions should be increased to give more veterans and people with developmental disabilities more opportunities for state employment. The state should also expand post-secondary transition planning for students with developmental disabilities. This includes work-based learning experiences and pre-vocational employment services provided through ACCESS-VR.

Every person with a disability interested in working should have that opportunity. The state should consider employment as the first and preferred option. This includes opportunities for remote employment. However, employment is not always feasible or a desired goal for some people with developmental disabilities. For them, day and prevocational programs should provide meaningful activities in place of work. Skill-building and community engagement activities help people with developmental disabilities live more independently.

Provide supports for people with developmental disabilities to better understand benefits management.

Disability Resource Coordinators (DRCs) are federally funded and available in most areas throughout NYS. They provide employment and benefits management guidance for people with disabilities. New York should consider adding more funds to expand this program. This will allow people with disabilities in all areas of NYS to get help with making informed employment choices.

Also, employment education should start long before planning for a person with developmental disabilities' transition stage. The earlier that people with disabilities and their families understand employment services, the better off they will be when it is time to explore employment options.

Invest in education for business owners to address negative beliefs about workers with developmental disabilities.

Many people with developmental disabilities seek employment at private sector businesses. This makes education for business owners a priority to address any myths about employing people with disabilities. The U.S. Department of Labor did a study to find out why employers were not hiring people with developmental disabilities. One of the most common responses was that employers needed more information to eliminate negative beliefs about people with disabilities in the workplace. [9] Education efforts can be done at both the state and local level, and local workforce development boards can help with efforts.

Streamline employment services for people with developmental disabilities and their families.

NYS offers employment services in different NYS agencies. This includes ACCES-VR and OPWDD, but these agencies each have different eligibility processes. The federal Medicaid Waiver defines some of these eligibility requirements. It would be helpful to consider a new process to make participation in employment programs easier, regardless of which agency offers the service.

Create a taskforce to provide recommendations for an effective statewide transition from subminimum wage to competitive employment.

The taskforce should include business owners, service providers, people with developmental disabilities, their families and state agencies. Effective and long-lasting solutions will mean engaging all systems and perspectives.

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[3] United States Department of Labor. (2023). COVID-19 and Employment Trends for People with Disabilities. Retrieved from <https://blog.dol.gov>

[4] Kessler Foundation. (2023). People with disabilities reached new employment levels in 2022, outperforming their peers without disabilities. Retrieved from <https://www.prnewswire.com>

[5] Karlin, R. (2013, July 21). Sheltered workshops are in midst of a storm. Times Union. <https://www.timesunion.com/default/article/Sheltered-workshops-are-in-midst-of-a-storm-4677272.php>

[6] Freeze, S & Kennedy-Lizotte, R. (2016). Number of 14(c) Certificates Held by Community Rehabilitation Programs. The State Employment Leadership Network. <https://tinyurl.com/yc7t9pnx>

[7] Bezyak, J., Iwanaga, K., Moser, E., & Chan, F. (2021). Assessing employers' stigmatizing attitudes toward people with disabilities: A brief report. *Journal of Vocational Rehabilitation*, 54(2), 185–191. <https://doi.org/10.3233/jvr-201129>

[8] Administration for Community Living. (2022). Research Supporting Competitive, Integrated Employment. <https://tinyurl.com/3cfw2zwr>

[9] New York State Employment First Commission. (2015). Report and Recommendations. <https://tinyurl.com/7ct6sunt>