Public Policy to Practice: Making a Difference in Employment

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What is public policy?

- System of laws, rules, regulations, actions, and funding decisions from a government entity or its representatives
Who creates public policy?

- Legislators
- Executive branches
  - Governors, Presidents, cabinet secretaries, etc.
- Courts
- Public Agency Directors and Staff
How is public policy created?

- Legislation
- Rules and regulations to implement legislation
- Other rules and regulations
- Executive Orders
- Court rulings
- Policy directives
Why is Public Policy Important?

Public policy creates the structure for the

- Availability
- Quality
- Success
- Failure

of community inclusion of people with disabilities including employment.
Public Policies That Made This a Reality

- **ADA**: non-discrimination in employment, right to accommodation; essential function
- **RSA regulation**: no successful public VR closures in sheltered workshop
- **Public Vocational Rehabilitation**: funds job development & placement
- **Medicaid waiver**: allows funding for long-term supports
- **Social Security Work Incentives**: allows individual to maintain Medicaid coverage while working
- **State policies**: Policy directives on community employment; funding support and incentives for community employment; staff competency requirements
- **Court rulings & settlement agreements**: deinstitutionalization, shift resources to community
Proposed Federal Legislation
Transformation to Competitive Employment Act

- **State Grant Program**: Assists states to transition all sub-minimum wage service providers to competitive, integrated employment

- **Ends Subminimum Wage**: Discontinues issuance of sub-minimum wage (14c) certificates, and phases out sub-minimum wages over six years

- **TA Center**: Establishes a national technical assistance center on transition to competitive integrated employment
Setting is integrated in and supports **full access of individuals to the greater community**, including opportunities to seek **employment and work in competitive integrated settings**, engage in community life, control personal resources, and receive services in the community, **to the same degree of access as individuals not receiving Medicaid HCBS.**
What This Means

- States required to transition services to comply with this rule by 2021
- Transition plans were submitted to CMS by each state and currently under review
- [www.hcbsadvocacy.org](http://www.hcbsadvocacy.org)
Raise the Wage Act

- Raises the federal minimum wage to $15 per hour over five years
- Would discontinue issuance of sub-minimum wage (14c) certificates, and phase out sub-minimum wage over six years
Disability Employment Incentive Act

Work Opportunity Tax Credit: Increases employer tax credit for hiring individuals with disabilities

Disability Access Expenditures Tax Credit: Increases tax credit for small businesses from $5,000 to $10,000

Architectural and Transportation Barrier Tax Credit: Raises tax credit from $15,000 to $30,000 annually for removing barriers.

The Disability Employment Incentive Act (DEIA) is designed to encourage employers to hire and retain employees with disabilities. It enhances three existing tax credits to support employers who hire individuals with disabilities and make workplaces more accessible to those employees.

The need to increase disability employment is great. While studies indicated that 60 to 80 percent of individuals with disabilities report they want to work, only 32.2 percent of people with disabilities were in the workforce according to a May 2018 report from the Bureau of Labor Statistics, less than half the rate at which people without disabilities participate in the workforce.

Many barriers continue to exist, including prejudice about the abilities of people with disabilities and workplace barriers that make it more difficult for people with disabilities to conduct their work. The tax credits will provide incentives to small and large employers and not only encourage employers to hire but to retain individuals with disabilities as members of their workforce. A description of the three components of the DEIA follow.

Work Opportunity Tax Credit—The DEIA will increase the tax credit for employers who hire a person with a disability referred to them through a state Vocational Rehabilitation agency, a person who is receiving Supplemental Security Income (SSI) benefits, and a person who is receiving Social Security Disability Insurance (SSDI) benefits. The credit will continue to be 40 percent of the individual’s salary for the first year of employment, but raise the amount of the salary considered for credit from $6,000 to $12,500, raising the maximum available tax credit from $2,400 to $5,000. The DEIA also provides a tax credit for a business that retains an employee for a second year of employment and permits the business to take a credit on 20 percent of the employee’s salary up to $12,500, which is a $2,500 credit.

Disability Access Expenditures Tax Credit—The DEIA will increase this credit, available to small businesses with gross receipts of less than $3 million annually or with no more than 60 full-time employees. The maximum tax credit will be raised from $5,000 to $10,000.

Architectural and Transportation Barrier Tax Credit—The DEIA will increase this tax credit to $30,000 for expenses incurred during a single year by a business in removing existing physical barriers in qualified facilities or transportation vehicles. Businesses will also be able to take the credit for expenses for making their telecommunications and on-line business operations accessible. This tax credit has been available since 1976. The current limit $15,000. The credit may not be used for new structures, only for existing structures where the expenses are used to create accessible spaces to the standards of the U.S. Access Board.

For more information or to cosponsor, please contact michael_gamel-mccormick@aging.senate.gov.
**Disability Integration Act**

**FOCUS:** Medicaid funded long-term services and supports

**INTENT:** Ensure that individuals with disabilities have the right to live and receive services in their own home

The Disability Integration Act is bipartisan, bicameral legislation that ensures that disabled Americans have a right to live and receive services in their own homes. The DIA further secures our Constitutionally-protected right to liberty by preventing people with disabilities from being forced into costly institutional settings by unnecessary government regulations. DIA was first introduced in the 114th Congress. Senate Minority Leader Schumer has reintroduced the bill (S.910) in the 115th Congress with minor changes that have strengthened the bill. Representative Sensenbrenner (R-WI), who was a cosponsor during the 114th Congress, has introduced DIA (HR.2472) in the House of Representatives.

**Summary of Legislation**

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**Legislative Approach**

The Disability Integration Act creates a comprehensive solution, assuring the full integration of disabled people in the community by:

- clarifying that every individual who is eligible for LTSS has a federally protected right to a real choice in how they receive services and supports;
- ensuring that states and other LTSS insurance providers deliver services in a manner that allows disabled individuals to live in the most integrated setting, have maximum control over their services and supports, and lead an independent life;
- articulating the right to live in the community without creating unnecessary or wasteful Government programs; States have broad latitude to determine how they will secure that right;
- establishing a comprehensive planning requirement that includes enforceable benchmarks;
- requiring public entities to address the need for affordable, accessible, integrated housing that is independent of service delivery; and establishing stronger, targeted enforcement mechanisms.
• Increases age limit for tax-free ABLE savings accounts for individuals with disabilities from age 26 to age 46
Discussion

- State issues
Discussion

- Effective policy advocacy
“If they don’t give you a seat at the table, bring a folding chair.”

- Shirley Chisholm
“We need hustlers with heart.”

- Dr. Allen Crocker