



Intro to Policy & Advocacy

2022

Agenda

- Today: Policy 101 (pt. 1): Advancing Employment
1:05-2:20pm (209)
- Later today: Policy 101 (pt. 2): Engaging in Advocacy
2:35-3:50pm (209)
- Tomorrow: Unpacking CIE: A Public Policy Roadmap to E1
8:30-9:45am and 10-11:15am (209)

Goals for today

1

Understand the basics of civics (e.g., how the government works, rights and duties of citizens)

2

Understand the fundamental concepts of public policy and the link to effective clinical practice

3

Understand the interrelatedness between policy, practice and advocacy

4

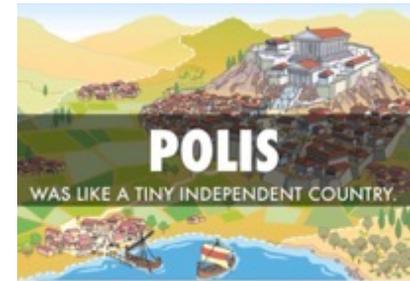
Get to know available resources to become educated on issues in state and federal disability policy

Most importantly...

- My job is to demystify the process and make sure that we're keeping it fun!



Policy vs. Politics



Policy –

What happens on paper

- A plan that embraces the general goals
- A course or action proposed by the government
- A principle or a statement of interest

Politics –

The art of making it happen

- Part of the government system
- The science / art of governing
- An organizational process
- The theory and practice of government



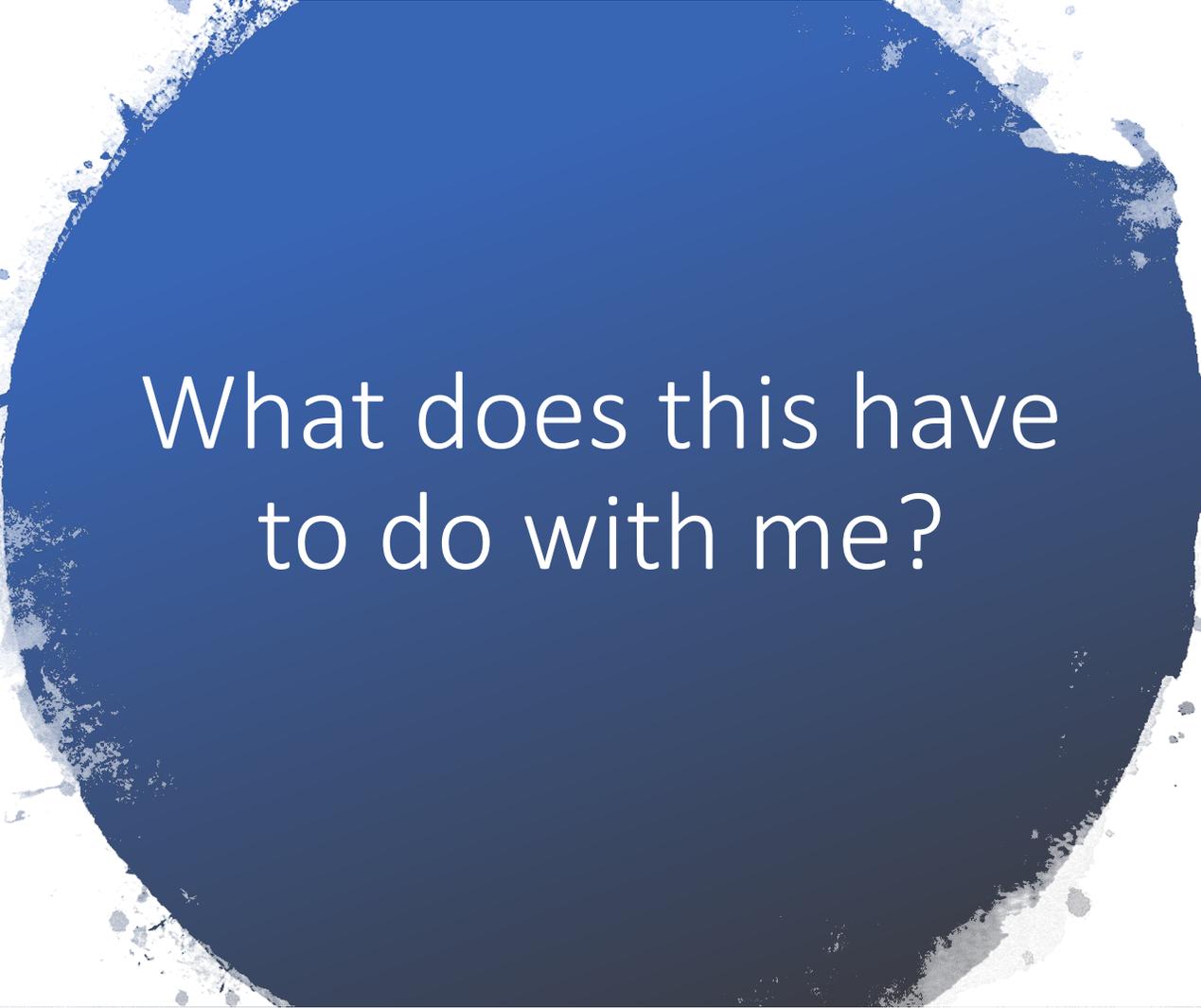
The caveat...



It is increasingly hard to talk about one
without encroaching on the other...

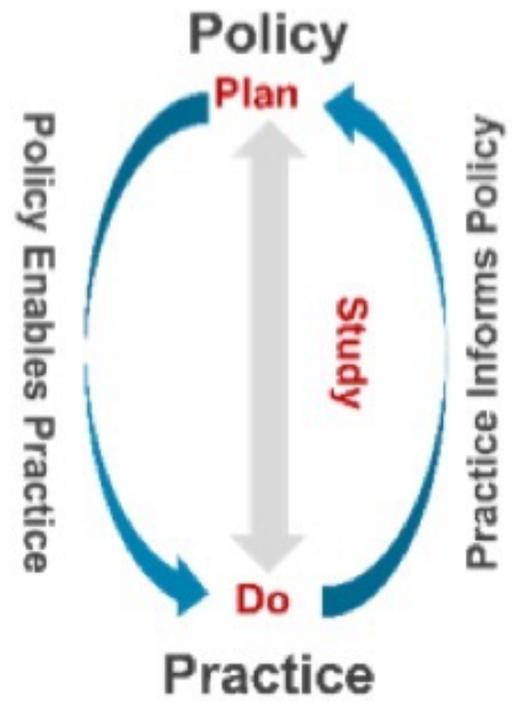
Current politics may impact future policy

- Americans with Disabilities Act (ADA)
- Individuals with Disabilities Education Act (IDEA)
- Rehabilitation Act
- Telecommunications Act
- Fair Housing Act
- Voting Accessibility for the Elderly and Handicapped Act
- Affordable Care Act
- Workforce Innovation and Opportunity Act
- Olmstead Decision (Olmstead v. L.C., 527 U.S. 581)
- Medicaid



What does this have
to do with me?

The relationship between practice and policy



Practice, policy and leadership

- As leaders, we have a role in and responsibility to contribute to and inform practice
 - From best-practice to evidence-based practice
- Practice and policy are integrally linked
 - Remember our circular discussion?
- Being critical consumers of policy allows us to provide decision makers with vital information on how policies actually work in practice
 - Practitioners are a first line of defense against the unintended consequences of good intentions

Civics 101

- Crash Course in Government and Politics

<https://www.youtube.com/watch?v=lrk4oY7UxpQ&list=PL8dPuaaLjXtOfse2ncvffeelTrqvhrz8H>



Want to learn more?
PBS Crash Course in Government and Politics is on YouTube



Federal system of government



Where the power lies

Federal	State	Shared Federal and State	The People
Tax the people to support the government	Tax the people to support the government	Tax the people	Practice our religious beliefs (or not)
Declare & conduct war	Create public schools	Borrow money	Express our opinions
Control trade between the states and other nations	Control trade within state	Provide for the health & welfare of the people	Join with others to ask our government to do (or not do) certain things
Create post offices	Make motor vehicle & traffic laws	Make laws	Elect those who serve in government to reflect our views and opinions
Coin money	Make laws regulating marriage & divorce	Create a court system	

The branches of government

LEGISLATIVE



- ★ Makes laws
- ★ Approves presidential appointments
- ★ Two senators from each state
- ★ The number of congressmen is based on population

EXECUTIVE



- ★ Signs laws
- ★ Vetoes laws
- ★ Pardons people
- ★ Appoints federal judges
- ★ Elected every four years

JUDICIAL



- ★ Decides if laws are constitutional
- ★ Are appointed by the president
- ★ There are 9 justices
- ★ Can overturn rulings by other judges

Limiting the power of government

Separation of powers

- Divides power among the branches

Balancing powers

- No one branch has enough power to completely control another

Checking powers

- Each branch can stop the other branches from making final decisions or taking certain actions

Executive Branch



- President / Governor
- 4-year terms
- 2 term limit (for Federal)
- Elected every four years via general election (& Electoral College for Federal)

https://www.youtube.com/watch?time_continue=79&v=2eXCG-hlaql

(2 minutes)

Judicial Branch - Federal

District Courts

- 94 district or trial courts
- At least 1 in every state

Court of Appeals

- 13 appellate courts
- 12 regional circuits

Supreme Court

- 9 Justices
- Nominated by President
- Confirmed by Senate
- Lifetime terms



Judicial Branch - States

Arkansas:

District Court

- 32 districts, nonpartisan election
- 4-year terms

Court of Appeals

- 12 judges, nonpartisan election
- 8-year terms

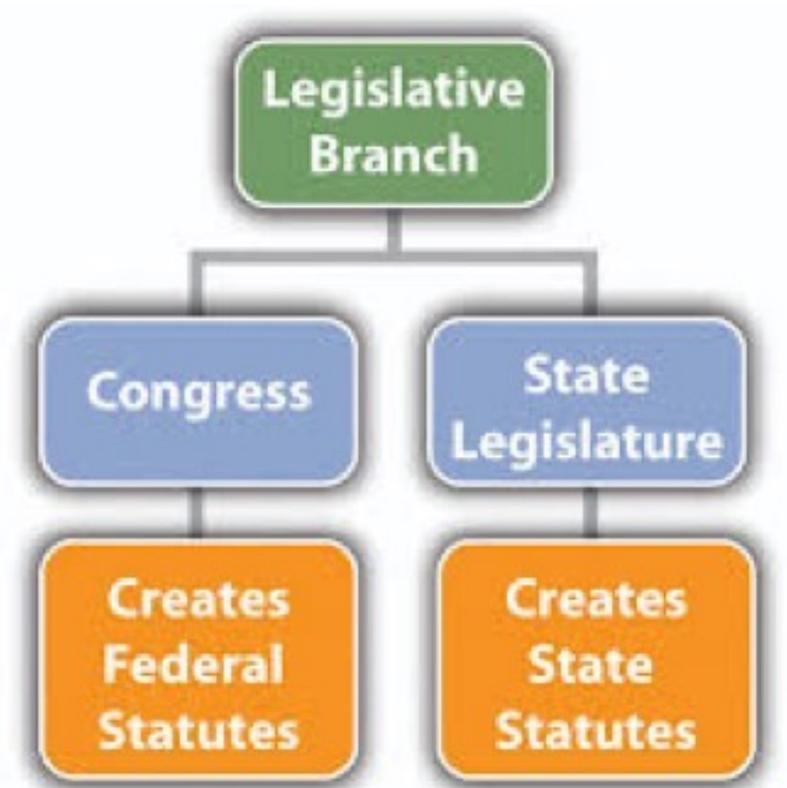
Supreme Court

- 7 judges, nonpartisan election
- 8-year terms



Legislative Branch

- Congress / Legislature
 - House
 - Senate
- Creates laws





Federal Congress

- 2 representatives in the Senate (100)
 - 6 year terms
 - 1/3 reelected every even year
- Proportional number of representatives in the House (435)
 - 2-year terms
 - 100% reelected every even year

NOTE: U.S. Territories and District of Columbia have non-voting delegates.



Arkansas General Assembly

- 35 members of the Senate
 - 4-year terms
 - 100% reelected after Census, then 50% every four years
- 100 members in the House
 - 2-year terms
 - 100% reelected every even year

Legislative committees

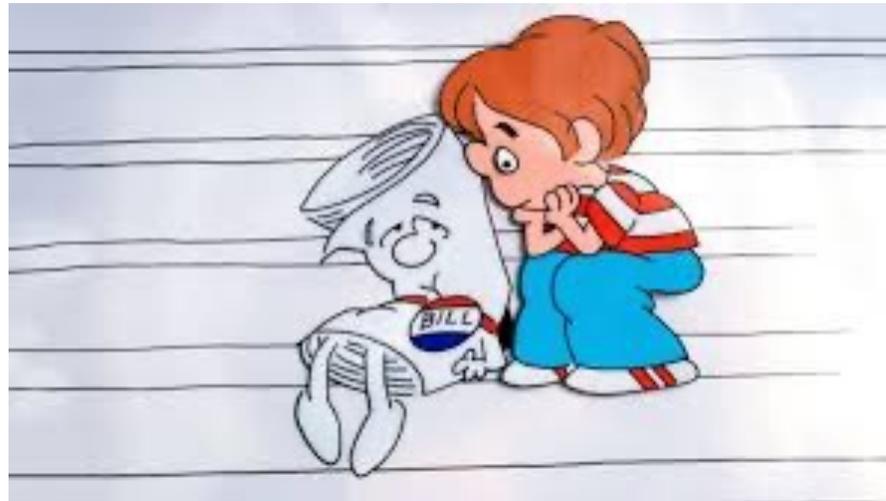
- Committees are an essential part of the legislative process
 - Monitor on-going governmental operations
 - Identify issues suitable for legislative review
 - Gather and evaluate information
 - Recommend course of action to the larger body

<https://www.senate.gov/committees>

<https://www.house.gov/committees>



Getting from ideas to laws



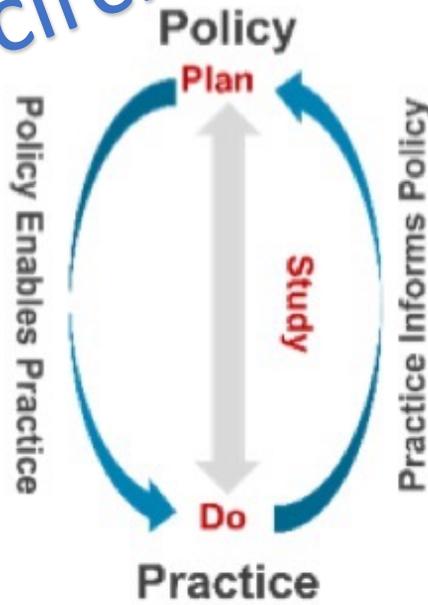
<https://youtu.be/tyeJ55o3E10>



The link between
policy and practice

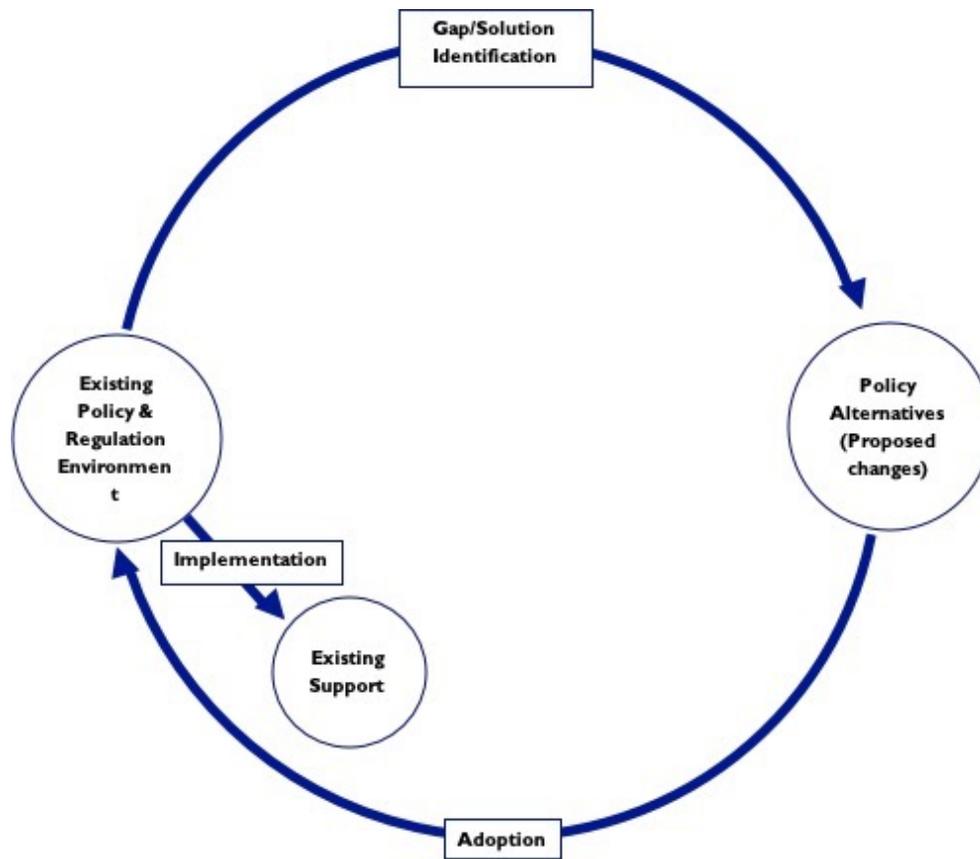
Expanding our understanding

The simple circle...





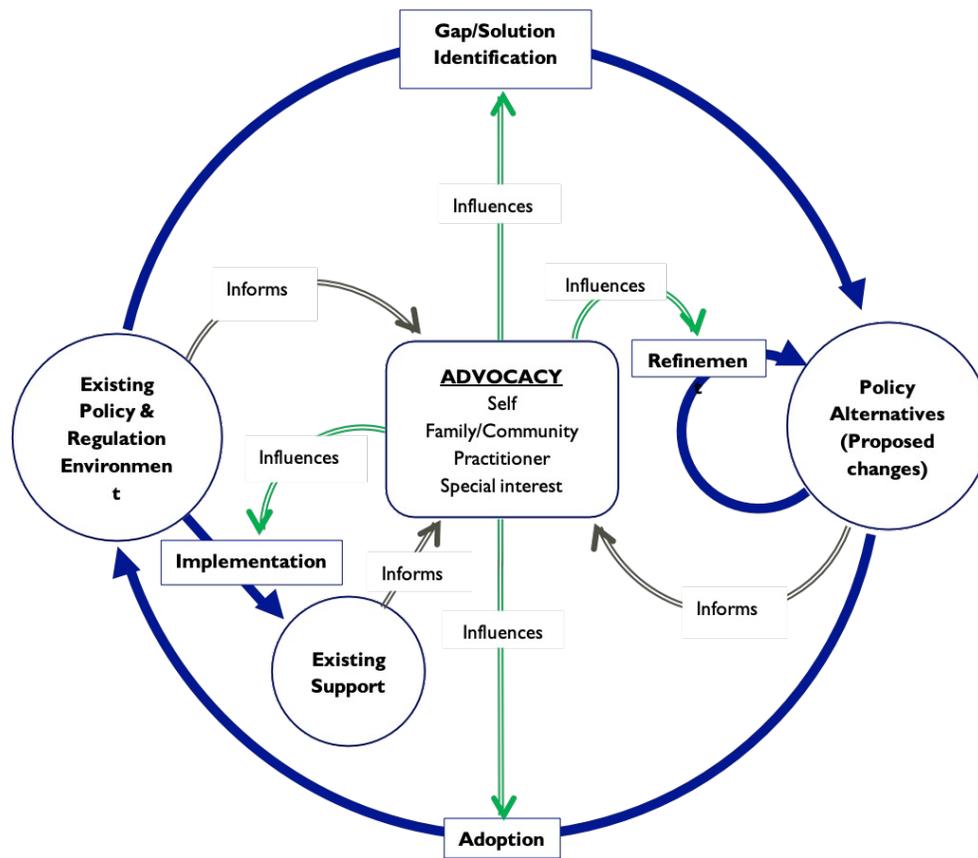
Digging deeper



Source: Veazie, P.J. & Christensen, J.J. (2015). Policy and advocacy framework. University of Rochester Medical Center



Source: Veazie, P.J. & Christensen, J.J. (2015). Policy and advocacy framework.
University of Rochester Medical Center



Source: Veazie, P.J. & Christensen, J.J. (2015). Policy and advocacy framework.
University of Rochester Medical Center

Big P and Little P

... and the Other P



<https://www.youtube.com/watch?v=wXYSsA5yVSY>




LET'S PLAY

“You can be an extraordinary source of surprising solutions to our most pressing and, yes, even wicked problems. But there is only one way to find out.
Ladies and Gentlemen, your move.”

(Vasiliki “Vass” Bednar)



Disability politics & policy



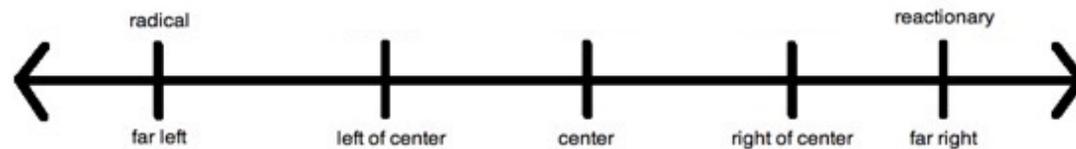
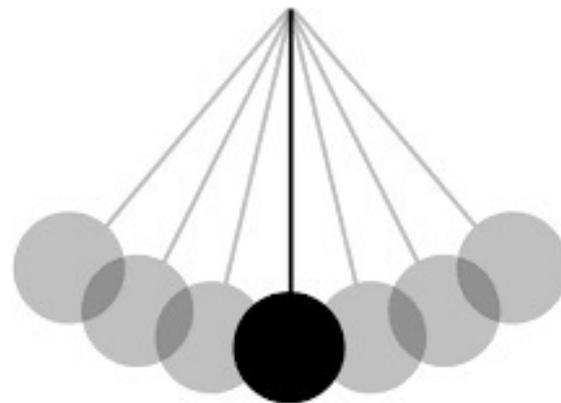
Women's rights, civil rights, LGBT+ rights...
But what about disability rights?

Disability as a nonpartisan issue?

- Historically, this is true
- Is it today?



Politics is a pendulum swing...



Liberalism (the “left”)

- Values government action to achieve equal opportunity and equality for all
- Duty of government to alleviate social ills and protect civil liberties & human rights
- Role of government to guarantee that no one is in need
- Policy emphasizes empowerment of individuals to solve problems

Conservatism (the “right”)

- Values personal responsibility, limited government, free markets, individual liberty, traditional American values, strong national defense
- Role of government is to provide people the freedom necessary to pursue their own goals
- Policy emphasizes the need for government to solve problems

Not right vs. wrong

... just different



20th Century timeline of key policies

- **1964 Civil Rights Act** – prohibits discrimination based on race, color, religion, sex, or national origin
- 1965 Voting Rights Act – outlawed discriminatory voting practices
- 1965 Elementary and Secondary Education Act – provided equal access to education

- 1973 Rehabilitation Act – addressed access to curriculum, programs, buildings and activities
- **1975 Individuals with Disabilities Education Act** – right to free and appropriate education

- 1982 Job Training Partnership Act – established federal assistance programs to support entry into labor market for individuals facing significant barriers

- **1990 American’s with Disabilities Act** – prohibits discrimination based on disability
- 1998 Workforce Investment Act (replaced JTPA) – statewide and local investment in workforce development
- 1999 Olmstead v. L.C. Decision – ends “unnecessary institutionalization

21st Century timeline of key policies

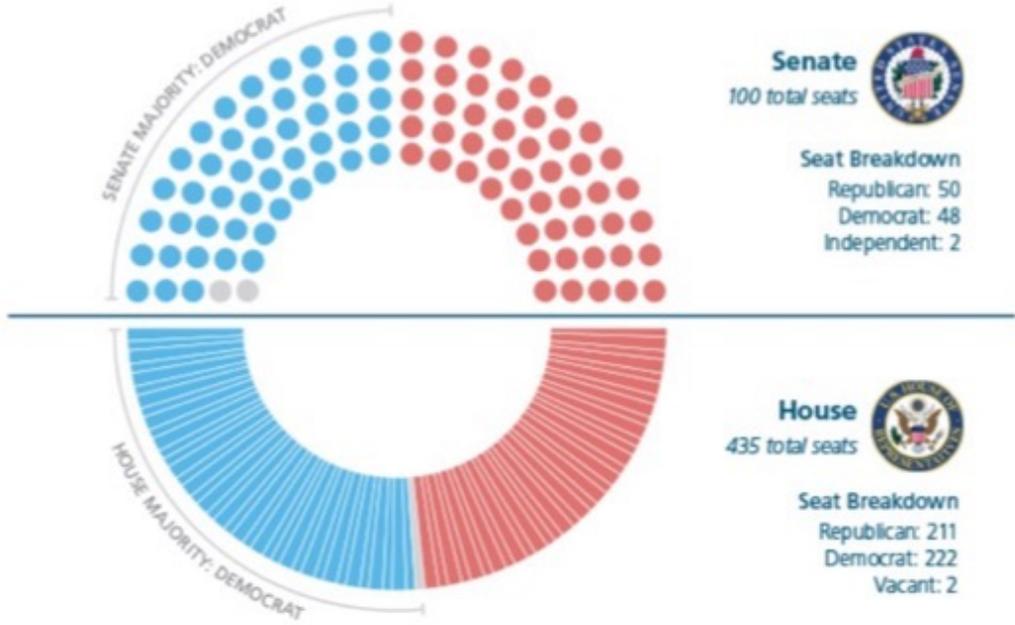
- 2001 No Child Left Behind Act (replaced ESEA) – aimed to address the achievement gap via standards-based education reform
- 2010 Affordable Care Act – regulatory overhaul and expansion of Medicaid
- 2014 HCBS Settings Rule – Medicaid funded services must be available in the community
- 2014 Workforce Innovation & Opportunity Act (replaced WIA) – defines and promotes competitive, integrated employment and limits use of sub-minimum wage
- 2014 Achieving a Better Life Experience Act (ABLE) – established mechanism to save funds that supplant (but don't replace) SSI/SSDI
- 2015 Elementary and Secondary Education Act (replaced NCLB) – students must be included in accountability systems

Disability policy in 2022

- Many existing disability policies currently being revisited
 - HCBS Settings Rule
 - WIOA
 - ABLE
 - ACA & Medicaid
 - IDEA
 - SSI
 - JWOD???
- Right to self-determination is a critical piece for SCOTUS



Current Congress



Public Service Announcement

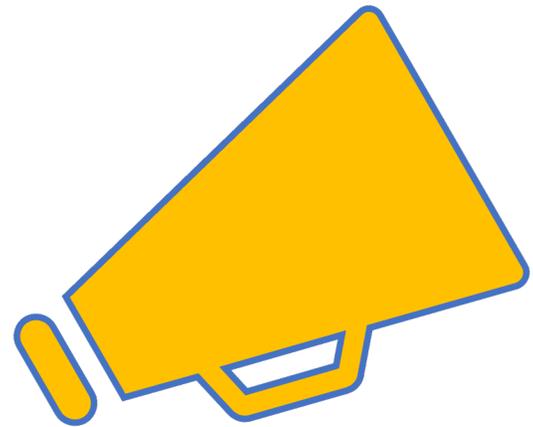


*A government designed to represent the people can only do so
if all of the people make their voices heard!*

Advocacy 101

come back this
afternoon

2:35-3:50pm (209)



Agenda

- Earlier Today: Policy 101 (pt. 1): Advancing Employment
1:05-2:20pm (209)
- Now: Policy 101 (pt. 2): Engaging in Advocacy
2:35-3:50pm (209)
- Tomorrow: Unpacking CIE: A Public Policy Roadmap to E1
8:30-9:45am and 10-11:15am (209)

Goals for today

1

Understand the basics of civics (e.g., how the government works, rights and duties of citizens)

2

Understand the fundamental concepts of public policy and the link to effective clinical practice

3

Understand the interrelatedness between policy, practice and advocacy

4

Get to know available resources to become educated on issues in state and federal disability policy

Quick Activity

- Break into groups of three
 - Idea generator
 - Drawer
 - Guesser

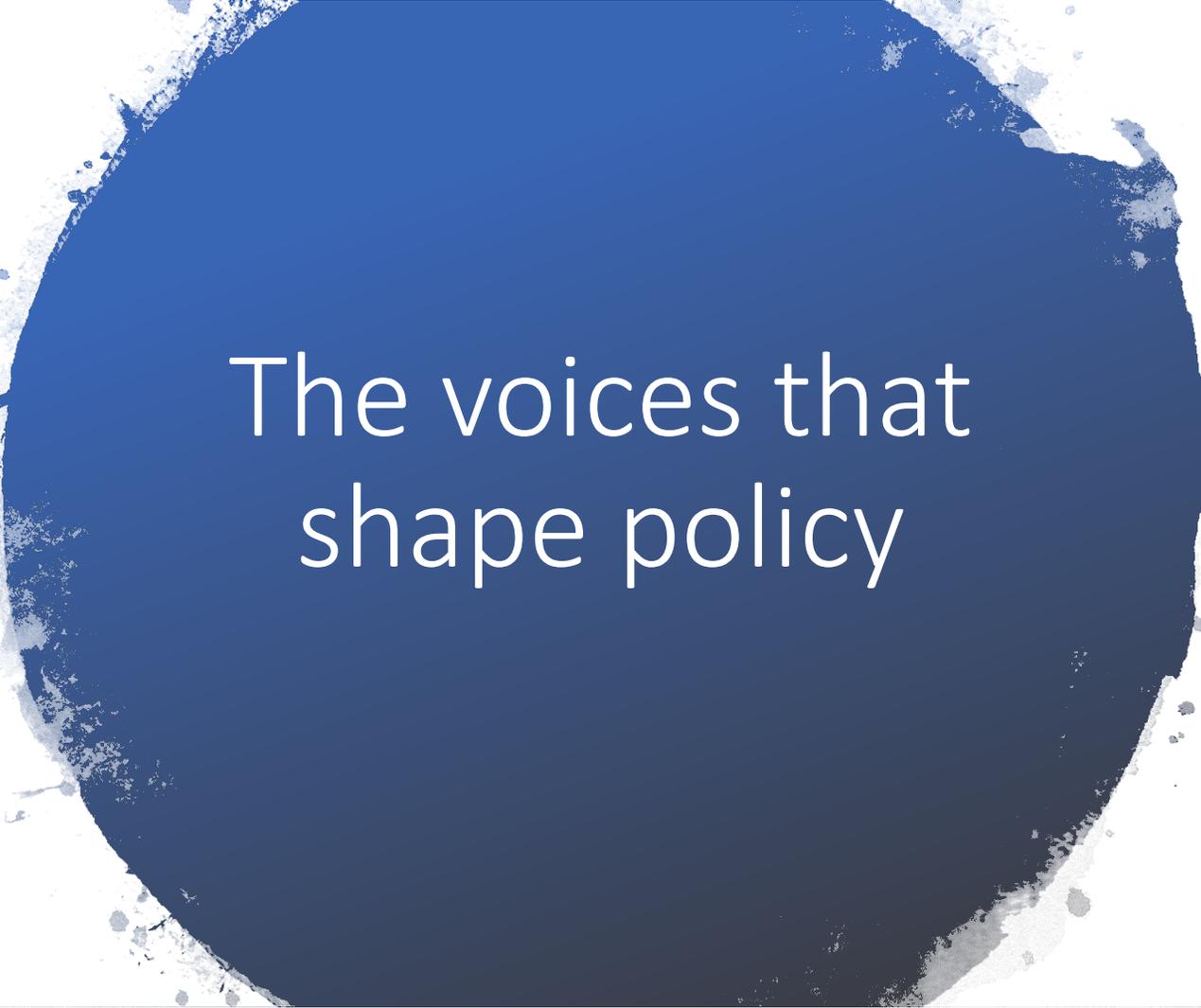


What does this have to
do with public policy?



“There’s a tremendous gap between public opinion and public policy.”

Noam Chomsky



The voices that
shape policy

Finding our voice through education & advocacy

To change expectations and active outcomes, we must:

Advocate

1. Champion the Employment First principle that employment and careers be the expected and preferred outcomes of all publicly funded services for those with disabilities
2. Change philosophies, policies, practices and funding to advance employment, career development and economic advancement for people with disabilities

Educate

1. Promote attitudes and beliefs that fully include and support people with disabilities to be part of the economic and social mainstream, to achieve careers and lifestyles like anyone else
2. Empower individuals with disabilities to fully recognize their abilities
3. Raise awareness within the business community as to the benefits of hiring individuals with disabilities

Source: APSE Policy Manual (2013)



What is our role?

- **Advocacy:** Arguing in favor of a cause, idea (or policy*)

*There's a fine line here!

- **Lobbying:** An attempt to influence legislation via
 - Communication with a policymaker
 - Referring to or reflecting on specific legislation/regulations
 - Encouraging specific action on a bill
 - May be required to register as a lobbyist
 - May not use Federal dollars to fund activities

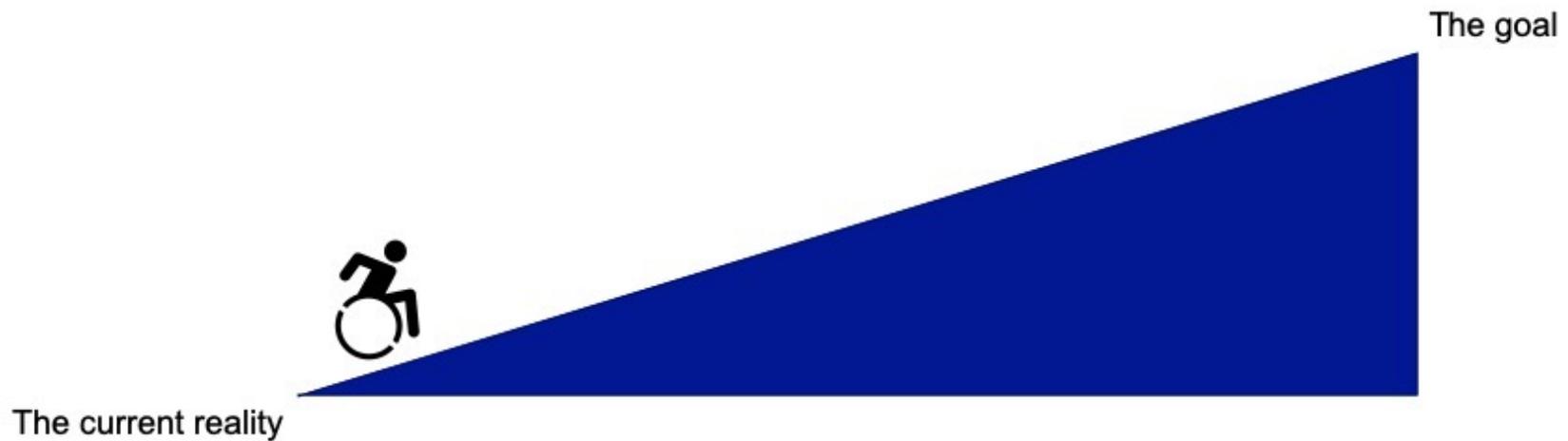
NOTE: We do not lobby.



Policy & Advocacy: A culture clash

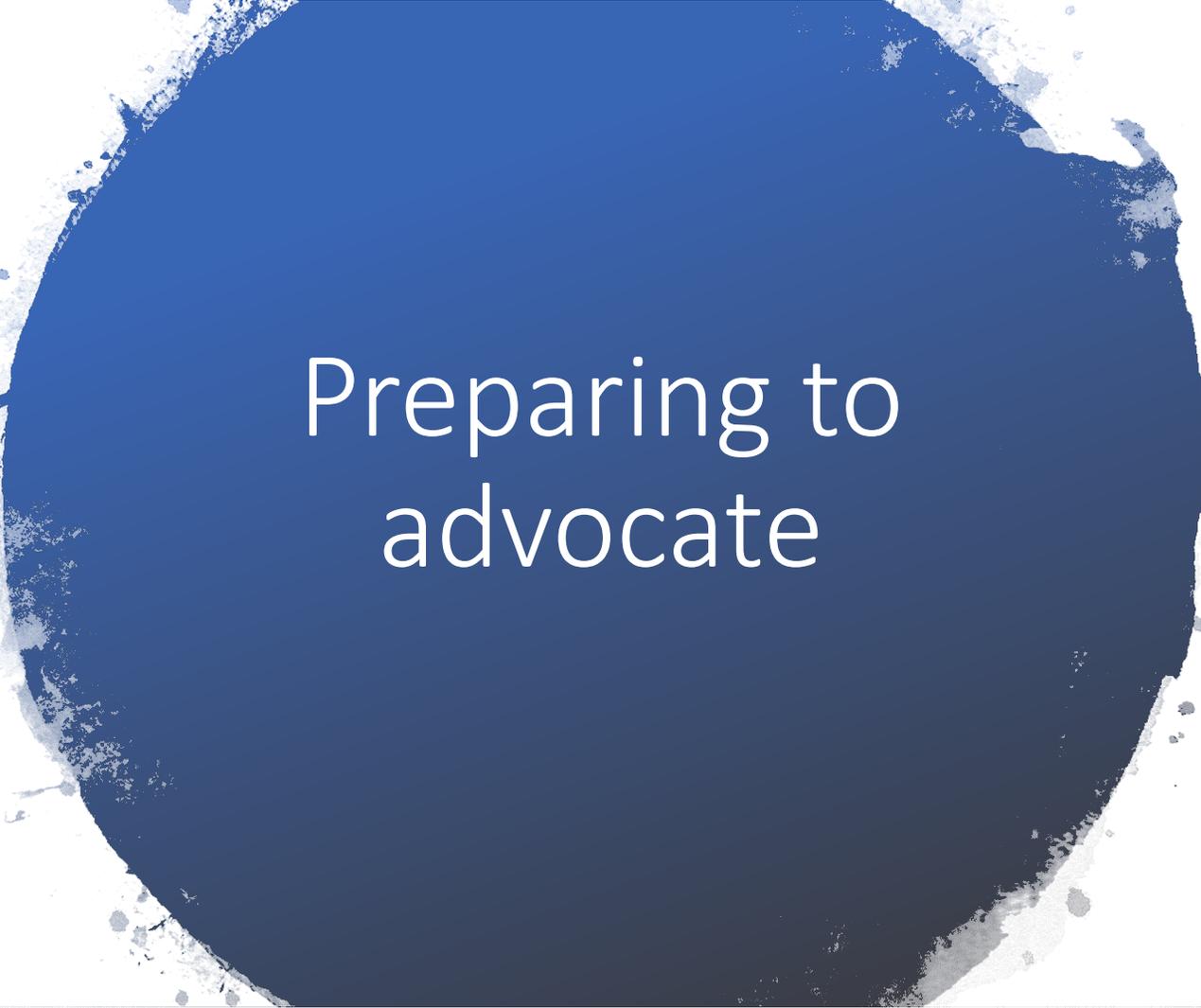
- Policy and advocacy are related, but have two different goals (and very different timelines)
- Policy change is largely reactive
 - Example: Increased traffic accident related deaths → seat belt laws
- Advocacy aims to be proactive, but increases in intensity when forced into a reactionary mode
 - Example: Gun control debate in response to recent mass shootings

How do we get from here to there
(without rolling off the ramp entirely)?



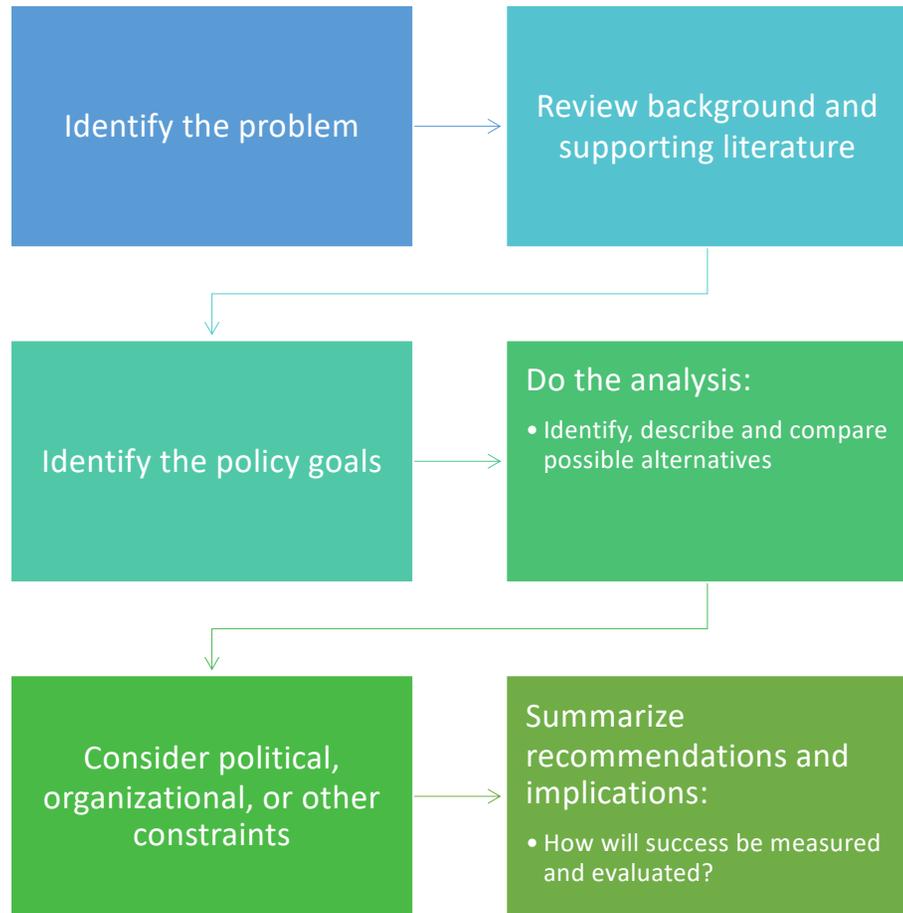


Different
measures of
success

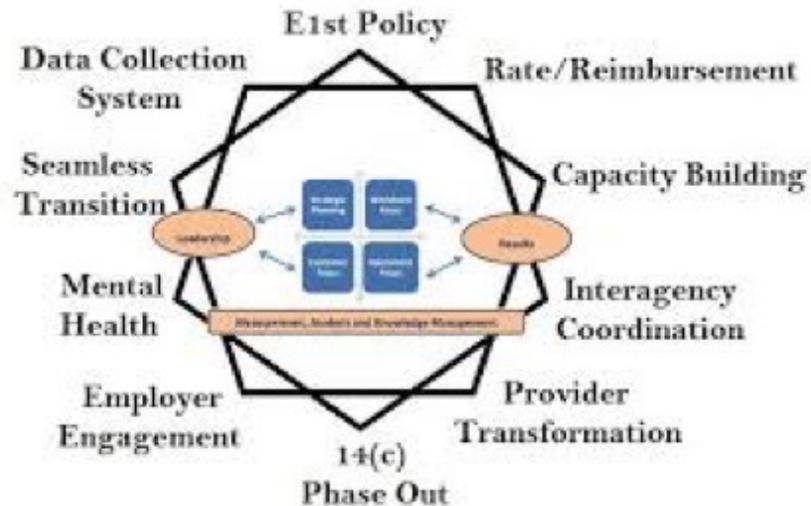


Preparing to advocate

An "easy" 6-step process



Example: 14(c) and subminimum wage



Source: 10 Critical Elements of Employment Systems Change (ODEP/EFSLMP, 2017)

Step 1: Identifying the problem

- The Workforce Innovation and Opportunity Act (WIOA) of 2014 established as a priority competitive integrated employment (CIE), where people with disabilities work in mainstream jobs alongside, and are paid comparable wages to, co-workers without disabilities.
- Despite advances in education, training and supports – which have proven effective in preparing for and supporting people with disabilities in the general workforce – people with disabilities continue to face barriers to CIE.
- The employment gap for people with disabilities has not dramatically changed despite these advances.
- Aspects of current law promote fiscal discrimination and segregation for people with disabilities through the continued use of 14(c) certificates, which are at odds with the goals of WIOA.

Step 2: Reviewing background info

- Since 1938, Section 14(c) of the Fair Labor Standards Act authorizes employers who apply for special certificates to pay people with disabilities below the the Federal minimum wage.
- Section 14(c) is based on a productivity model, and was designed during an era when manufacturing was the prevailing industry in the U.S.
- Section 14(c) was instrumental in advancing employment of people with disabilities during an era when segregation in non-work institutions was the norm.
- 14(c) certificates are predominantly held by community rehabilitation providers, and often implemented in “sheltered workshop” settings.

Step 3: Identify the policy goal

- To phase out of the use of 14(c) certificates and sub-minimum wage for all individuals with disabilities.

Step 4: Doing the analysis

- Review the available data
- Explore pros and cons of potential policy change

14(c) example: Who is impacted?

Current National data on 14(c)*

14(c) ACTIVE certificates held by CRPs:

679

individuals earning sub-minimum wage REPORTED:

37,673

*(4/2022)

Arkansas Employment Outcomes for People with Disabilities

Competitive

Paid at least minimum wage and comparable to coworkers

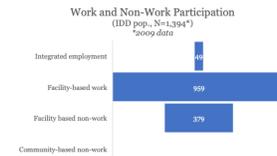
14(c) certificates:
33
(active & pending)

individuals earning sub-minimum wage:
1,321*

* Estimate for number of pending certificate employees calculated based on average # of employees per active certificate within the state

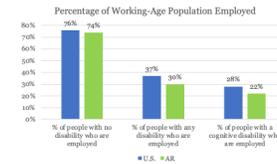
Integrated

In a setting that is both inclusive of people with and without disabilities and is in the community



Employment

A person with a disability applies for and is hired to fill an open position



Data sources:

<https://www.apse.org/press/what-works-for-people-with-disabilities/injection-14/certificate-holders> (4/1/2022)

<https://www.bls.gov/data> (2018 outcome data, published 2021)

APSE is the only national, non-profit membership organization dedicated to Employment First, a vision that all people with disabilities have a right to competitive employment in an inclusive workforce.
7361 Calhoun Place, Suite 680, Rockville, Maryland 20855
www.apse.org 301-279-0075 info@apse.org



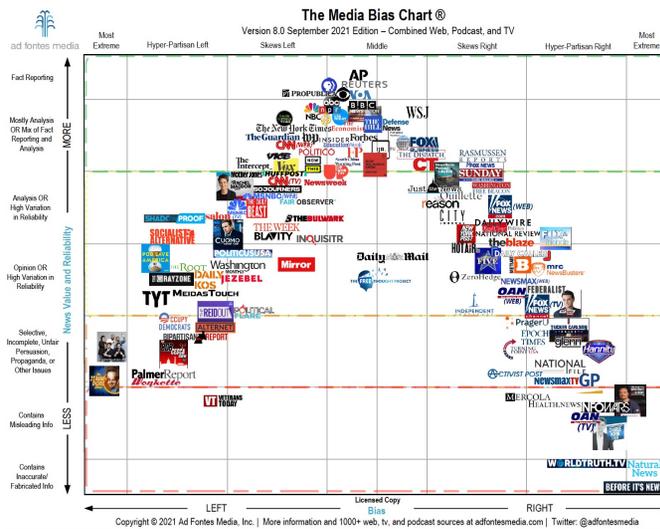
14 (c) example:
What are the current trends?



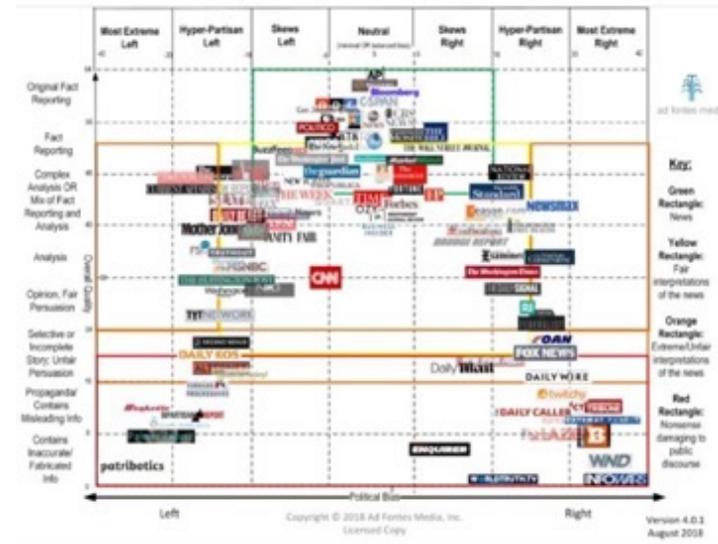
Step 5: Other considerations

- Look for opposing views
 - Be open to the notion that these are the “alternatives”
 - Can you articulate the counter argument?
- Consider the source
 - What role does the Op-Ed play in informing your view of the issues?
 - Whose research / opinion is it?
 - Is it representative of people with disabilities?
 - Who is benefiting?

And it changes over time...



Version 8.0



Version 3.0

Step 6: Making a recommendation

- Issuance of new sub-minimum wage 14(c) certificates to employers by the U.S. Department of Labor should end immediately.
- The phase out of sub-minimum wage should occur over time, accompanied by a comprehensive, national systems change movement based on the principle that employment in the community is the first, or preferred service option for service recipients – i.e., Employment First.
- A national effort must be undertaken to improve the overall quality of community employment outcomes both in terms of individual outcomes (wages, hours, diversity of employment), and system outcomes (efficiency and effectiveness). Such efforts should be undertaken in conjunction with current systems change efforts and in collaboration with OSERS, CMS, RSA and DOL.
- The movement of individuals into non-work day habilitation services, instead of into community employment, is not an acceptable outcome of the phase out of 14(c) and sub-minimum wage. Similarly, it is not acceptable to reclassify individuals currently receiving sub-minimum wage as “trainees” or similar designation, to comply with the requirement to discontinue use of sub-minimum wage.

See APSE’s full statement and recommendations:

<https://apse.org/we-believe/employment-first/eliminating-14c-subminimum-wage/>



Advocacy in action

Transformation to Competitive
Integrated Employment Act

[HR 2373](#) & [S3238](#)



TCEA/TCIEA in the 116th & 117th Congress

“To assist employers providing employment under special certificates issued under section 14(c) of the Fair Labor Standards Act of 1938 to transform their business and program models, to support individuals with disabilities to transition to competitive integrated employment, to phase out the use of such special certificates, and for other purposes. “

- Title 1 – State and certificate holder grants
- Title II – Phase out of special certificates under 14(c) of FLSA over 6 years
- Title III – Technical assistance and dissemination
- Title IV – Reporting & evaluation

APSE's steps in advocacy

- Legislative outreach – focus on House Education & Labor and Senate HELP committees
 - Development of state-specific data sheets (making it relevant)
 - Connect to local constituents (especially on “home turf”)
 - Track and report on progress of the bill
- Member engagement
 - Develop talking points
 - Social media campaign
 - Participation in national dialogue
 - Promotion of state-specific policy

Transformation to Competitive Employment Act

State Co-Sponsors
REV. 6/28/19



Julie Christensen @swiva · Jul 26

Thank you, @Rep.JoseSerrano, for co-sponsoring the Transformation to Competitive Employment Act!
#EmploymentFirst
#WorkWithUs
#RealWorkRealPay

APSE ACTION ALERT

Please join us in support of the
Transformation to Competitive Employment Act (H.R. 873 / S. 260)

Call-in Tuesdays:
July 23 – August 27, 2019

Ways to engage:

- Call your Members of Congress (U.S. Capitol Switchboard: 202-224-3121 or Google the phone number for your local office)
 - ✓ Provide your name and city/state where you live.
 - ✓ Ask your Member support the TCEA. Make sure to provide the Bill number (H.R. 873 for the House or S. 260 for the Senate).
 - ✓ Share your personal stories about sub-minimum wage.
 - ✓ Additional talking points on reasons to support the TCEA are included below.
- Tweet or Facebook Message your Members

Reasons to support the TCEA:

- This bill will help address barriers to employment of people with disabilities.
- It provides funding and technical assistance to states and providers to expand capacity for competitive, integrated employment while carefully phasing out the ability of businesses to pay people with disabilities below the minimum wage under Section 14(c) of the Fair Labor Standards Act over six years.
- The bill will help businesses using 14(c) certificates transform into competitive, integrated workplaces where people with disabilities work alongside people without disabilities and get paid real pay for real work.

Current data on 14(c)¹

14(c) certificates:

1,298

individuals earning
sub-minimum wage:

99,905

Status of Bill²



¹Data source: <https://www.dhs.gov/ohd/employment-development/certificates-14c/99905>
²Last update: 6/28/19

7906 Calhoun Place, Suite 680, Rockville, Maryland 20855
www.apse.org 301-279-0000 info@apse.org



Ross Ryan – My Story

My name is Ross Ryan, and I am currently the Community Advocate for the Oregon Self Advocacy Coalition. I live in the small town of Mt. Angel, Oregon. I have spent the majority of my life working in a sheltered workshop (where I was often paid subminimum wages) and now I work in the community alongside many people without disabilities. I wanted to share my story transitioning out of a subminimum wage job.



Things were good when I was in school, but there was no information to tell me about what to do after school when I graduated with a modified diploma. My parents did not know what to do with me. I knew I wanted to find a job, but I had no support to help me find one. I started working at a grocery store doing recycling, but it was not a good fit for me. I did not have the necessary assistance to do the job, I did not like the hours, and the environment did not let me socialize with other people.

“People with disabilities want to be paid a minimum wage or higher so we can live like anyone else.”

After I was fired from the grocery store because of a lack of employment supports, I went into a sheltered workshop to receive job training skills. I stayed there for 22 years until the workshop closed down in 2014. It closed down because of the class action lawsuit (Lane v. Brown), which I was a member of the class. I was an advocate for myself and others so that we could have real jobs in the community at minimum wage or higher.

When the sheltered workshop closed, I transitioned into my current job with the Oregon Self Advocacy Coalition (OSAC) as a Community Advocate, where I have worked for almost 5 years. I also worked at a restaurant as a dishwasher during this time until my hours at OSAC reached what I wanted. Since leaving the workshop, I have gained more community and became a part of my community since I was spending more time out in public. I was able to save money for vacations, and I have my own townhouse that I rent, which is part of the neighborhood. I make more than minimum wage, and I like my job.

People with disabilities want to be paid a minimum wage or higher so we can live like anyone else. I was not given choices growing up and this led to me feeling trapped in a sheltered workshop for most of my adult life. I think phasing out subminimum wages is important to give people like me choices and the ability to experience employment out in the community.

7361 Calhoun Place, Suite 680, Rockville, Maryland 20855
www.apse.org 301-279-0075 info@apse.org



Ryan Dougherty – A Mom’s Story

When Ryan graduated from High School, he had no job and no plan, other than being told employment was not an option. After an attempt with the local OOD office, his case was closed. He was deemed non-employable. Notes written by the provider described Ryan as a sloppy worker, very distracted, can't read, write or tell time and has poor eye contact. The only option given was the local county board workshop where he could earn subminimum wage doing menial tasks. Knowing this was not an option for Ryan, we decided to seek out employment opportunities on our own. Talking with friends and coworkers Ryan was able to land a few part time positions, though they didn't last long before he was fired or phased out. We took each job loss in stride knowing there would be a perfect position for Ryan.



Not wanting to give up on our dream for community employment, Ryan entered a vocational training program onsite at a local hospital where for three years he trained and developed job skills. He spent the majority of his training in the Environmental Services Department (EVS).

“Had Ryan entered the 14(c) workforce, he would continue to be described by his deficits that he is unable to work in the community. Instead, Ryan is thriving and competing along side his coworkers.”

As part of Aultman's Environmental Services (EVS) Department, Ryan worked with the EVS crew, but Ryan was not just a regular crew member. From the very beginning, Ryan was part of the team and greatly enjoyed his work. He was able to quickly learn the Aultman Campus, a difficult task in and of itself. Ryan always worked quickly and efficiently. Whenever Ryan came across a task that needed improvement, he listened to his job coach, coworkers and supervisors to make those improvements. Ryan completed four years of vocational training, but more importantly, Ryan never gave up. When Ryan was told there were not job openings in the EVS Department for him to officially work for Aultman, his coworkers took it upon themselves to go to the hospital executives and request adding an additional employee on the EVS crew because they knew they couldn't lose him. His friends and crew members were successful and Ryan became an official Aultman employee. For the many that told Ryan he wasn't capable of employment, his success probably comes as shock.

Ryan works part-time at 24 hours a week. He earns \$13.31/hour and has a 401K. Ryan is described in his evaluations as an awesome employee. He works hard and boosts the morale of the department. Ryan is always dependable and someone willing to work where ever he is needed. Ryan always comes to work with a positive attitude and is well liked by all his coworkers.

Had Ryan entered the 14(c) workforce, he would continue to be described by his deficits that he is unable to work in the community, created by a culture of low expectations, in addition to thousands of dollars lost due to the subminimum wage practices. Instead, Ryan is thriving and competing along side his coworkers.

7361 Calhoun Place, Suite 680, Rockville, Maryland 20855
www.apse.org 301-279-0075 info@apse.org



Elimination of 14c as a State Strategy

- New Hampshire (2015)
- Maryland (2016)
- Alaska (2018)

TCEA Introduced (2019)

- Oregon (2019)
- Maine (2020)

TCIEA Reintroduced (2021)

- Washington (2021)
- Hawaii (2021)
- Colorado (2021)
- California (2021)
- Delaware (2021)
- Tennessee (2022)
- South Carolina (2022)
- Rhode Island (2022)



Want to learn
more?

Helpful online resources:

National disability consortia

- CCD: <http://www.c-c-d.org/index.php>
- CPSD: <http://thecpsd.org>
- CIE Coalition: <https://integratedemploymentnow.org>

Bill tracking

- Congress.gov: <https://www.congress.gov> (Federal)
- Legiscan: <https://legiscan.com> (State)
- National Council of State Legislators: <http://www.ncsl.org/research/labor-and-employment/disability-employment-database.aspx> (State)

Federal Senate / House websites

- Senate: <http://www.help.senate.gov/>
- Senate HELP Committee: <https://www.help.senate.gov>
- House: <https://www.house.gov>
- House Education & Labor Committee: <https://edlabor.house.gov>

Stay in touch!



Julie Christensen, MSW, PhD
Executive Director, Director of Policy & Advocacy
National APSE
julie@apse.org

