

# MAINE STATE LEGISLATURE

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**MAINE JOBS COUNCIL**

**COMMISSION ON DISABILITY AND EMPLOYMENT**

**2007 ANNUAL REPORT**

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.U62  
M216  
2007**

Submitted to Legislature: September 2007

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John Elias Baldacci  
Governor

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Philip A. Dionne  
Chair

September 2007

To Whom It May Concern:

The Commission on Disability and Employment, a committee of the Maine Jobs Council, is pleased to present its 2006-2007 annual report. This has been a very productive year for the Commission, with achievements made as a result of a better understanding of the needs and untapped resources of workers with disabilities, and also through strategic planning, program development, and educational outreach. These exciting developments are detailed in the attached report.

The Commission is working toward a future in which people with disabilities are employed in jobs that meet their personal and economic needs. A recent survey shows that only 38 percent of Mainers with disabilities are employed and over half are living at poverty level or below. Yet, Maine is facing a severe workforce shortage in the next decade. Giving more people with disabilities an opportunity to enter the workforce is a win-win proposition for the state.

We are committed to working with all interested parties and all branches of the state government to increase employment of persons with disabilities in Maine. Over the next year, we foresee many opportunities to further our vision while helping Maine contend with its workforce shortage and expand its economy.

We hope to follow up this report in the coming weeks with additional opportunities to talk with you about the important work of this Commission.

Sincerely,

Mel R. Clarrage, Chair  
Maine Jobs Council  
Commission on Disability and Employment

JUL 12 2012

## **EXECUTIVE SUMMARY**

During the past year, the Commission on Disability and Employment has continued its leadership role in pursuing the expansion of opportunities for people with disabilities to be fully participating members of Maine's workforce and communities. The Commission was involved in efforts focusing on employment issues in the public and private sectors that addressed concerns of job seekers, as well as those providing employment.

The Commission was created by the Maine Legislature in 1997 to assume the responsibilities of the former Governor's Committee on Employment of People with Disabilities. Integration of the Commission's activities into the overall workforce development efforts of the Maine Jobs Council continues to be a priority. To this end, the Commission's Chair serves on the Council's policy committee, and the Commission's recommendations are included in all deliberations of the Council.

The Commission promotes collaboration between the public and private sectors to increase awareness and to influence policy decisions related to employment of people with disabilities. It promotes recognition that 1) many people who have disabilities are contributing members of Maine's workforce; and 2) that many more are waiting for equal opportunities to achieve that goal. Commission members envision a future in which Maine employers capitalize on the human resource potential of people with disabilities — a future in which the skills and energy of people with disabilities are maximized for the benefit of our State and for the livelihoods of people with disabilities.

The Commission's advocacy efforts have facilitated some major actions during the past year that significantly advanced several Commission priorities. These actions included:

- 1) Passage of Resolve, Chapter 101, "To Create Improved Employment Opportunities for People with Disabilities," which calls for the establishment of three new collaborative initiatives:
  - a) An interdepartmental committee to help expand supported employment for people with developmental disabilities;
  - b) A stakeholder workgroup to create a service system that uses existing resources to support people with developmental disabilities attain employment in integrated community settings; and
  - c) A Public and Private Sector Task Force to develop a marketing plan targeting to employers and people with disabilities that promotes employment of people with disabilities.

Reports on the work of these three groups are to be presented to the Maine Legislature in January 2008.

- 2) Continued implementation of Executive Order #13 (signed by the Governor in February, 2006) directing state agencies to make concerted efforts to transform the Maine State Government into a model employer of people with disabilities. One aspect of the Commission's work in this area was its partnership in a survey of state employees that collected information about experiences with issues related to employment and disability. The results of

that survey were provided to the Governor and the State Legislature in June 2007, and are included with this report.

- 3) Launching of a new business-to-business networking group that exchanges information and best business practices related to the employment of workers with disabilities.

The Commission's work continues to be guided by the strategic plan it released in January 2006, entitled *Working Together: Maine's Strategic Plan to Maximize the Employment of People with Disabilities*. The six priority areas identified in that plan provides the framework for the work of the Commission. The priorities are:

1. Creation of an employer outreach and education plan.
2. The role of Maine state government as a model employer of people with disabilities.
3. Expanded and improved support for young people with disabilities who are transitioning from school to work.
4. Improvement and expansion of Maine's vocational rehabilitation services for people with disabilities.
5. Expansion of benefits counseling for people with disabilities who want to work, as well as for the currently employed who are interested in improving their economic status by assuming more responsibilities in employment.
6. Enhancement of data collection activities to evaluate the success of efforts to guarantee equal employment opportunities for people with disabilities, including

the capacity for relevant data to be shared and used by the state service agencies responsible for achieving this goal.

The Commission looks forward to continuing its work in these areas, made possible in part because of its involvement with the CHOICES Comprehensive Employment Opportunity (CEO) project, which is funded under a federal grant that continues through 2008 (with a likely extension through 2011).

The Commission also hopes to focus on additional responsibilities itemized in the 1997 statute that established its relationship with the Maine Jobs Council. The statute outlined the Commission's responsibility to address issues important to employment opportunities for people with disabilities, including:

- ◆ informing the public of the benefits of making buildings accessible to, and usable by, people with disabilities;
- ◆ monitoring the enforcement of state and federal laws regarding architectural accessibility; and
- ◆ providing information about accessibility to building owners and making technical assistance available when appropriate.

The Commission does not have the necessary resources at this time to address these important issues, but looks forward to being able to do so in the future.



## **A. INTRODUCTION**

Maine faces enormous challenges as it strives for the economic health and well being of all its residents. With global competition increasing and our population aging, workforce development is one of the most significant strategies available to us as we try to secure Maine's future prosperity.

Labor market projections predict that there will be approximately 68,000 new jobs created in Maine between 2002 and 2012.<sup>1</sup> Since Maine's traditional workforce is rapidly aging, it is critical that we continue to ensure that the demand for new employees is met as current workers retire.

At the same time, statistics indicate that Maine is not using a significant segment of its available workforce. In 2005, only 38 percent of the approximately 121,000 working-age adults with disabilities in Maine were employed. This employment rate was about half that of their non-disabled peers. During the same time, 53 percent of people with disabilities were living in poverty with incomes below 200 percent of the annual Federal Poverty Level (\$9,570). This is more than double the rate for people without disabilities in the same age group living in poverty in Maine (21 percent).<sup>2</sup>

As an unrealized labor pool, people with disabilities are willing to work and have much to offer. The Commission is proud to serve as a champion of this emerging workforce.

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<sup>1</sup> Trends and Implications for the Maine Workforce: 2005; Maine Department of Labor Division of Labor Market Information Services

<sup>2</sup> Snapshot 2006: Maine Workers with Disabilities; Maine Commission on Disability and Employment and the CHOICES CEO Project

## **B. ABOUT THE COMMISSION**

The Commission on Disability and Employment was established by law in 1997 with the following responsibilities:

- (1) Consult and assist Maine state government on activities that effect the employment of people with disabilities;
- (2) Serve as an advocate on behalf of Maine residents with disabilities by promoting and assisting efforts to further equal opportunity for people with disabilities;
- (3) Conduct educational programs that promote public understanding of the needs and abilities of Maine residents with disabilities;
- (4) Provide information and training to promote greater employer acceptance of workers with disabilities;
- (5) Assist employers and other organizations interested in developing employment opportunities for people with disabilities; and
- (6) Inform the public of the benefits of making buildings accessible to people with disabilities; monitor the enforcement of state and federal laws regarding architectural accessibility; and distribute information about accessibility to building owners and make technical assistance available when appropriate.

The Commission is a standing subcommittee of the Maine Jobs Council. Its members meet monthly, and coordinate all activities and action with the Jobs Council and its

policy committee. The Commission's vision and mission statements are as follows:

**Vision:** A workforce that includes all people with disabilities employed in jobs that meet their economic and personal needs.

**Mission:** The Commission on Disability and Employment promotes collaboration with the public and private sectors to increase awareness and to influence policy related to employment for people with disabilities.

The Commission at present has no paid staff and no separate operational budget. It receives staff support and very limited funding through the Maine Jobs Council and Department of Labor.

In 2005, the Commission entered into a strategic partnership with the CHOICES Comprehensive Employment Opportunity (CEO) project. This partnership creates a close alliance between the Commission, the Jobs Council, and other key partners; specifically, the Department of Health and Human Services, the Department of Labor, and the Muskie School of Public Service at the University of Southern Maine.

## **C. PRIORITY AREAS**

### **1. EMPLOYER OUTREACH AND EDUCATION:**

A group of Maine businesses and organizations have joined in a new business-to-business network that is sharing experiences and resources to further employment opportunities for workers with disabilities. The group is called "Working Together," and members include L.L. Bean, MEMIC, and Mad Gab's. Though focused on businesses working

directly with other businesses, the structure of this group comes out of the Commission's strategic plan and employment advocacy efforts.

On May 10, Working Together made its public debut at two major business gatherings in Maine. The first of these was the 12th annual Maine Human Resources Convention in Rockport. Over 600 human resource professionals from Kittery to Fort Kent attended this important event. There were more than 50 sessions and 80 speakers. Larry Glantz of the Commission co-presented with Merritt Carey, a small business owner and part-time Working Together Business liaison, in a workshop titled, "Employing People with Disabilities: Tapping into Unrealized Potential."

The Working Together information booth premiered at the Human Resources Convention mentioned above, and later was part of the Maine Businesses for Social Responsibility's Sustainable Business Conference in Freeport. The display features the Working Together logo and website, a list of current business partners, and photos of Maine workers at partner worksites.

The Working Together web site is <http://www.ExpandingMainesWorkforce.com>. The site features four video testimonials by Maine businesses addressing the value of workers with disabilities.

A Commission activity that is in support of the Working Together effort is advocacy for a LD 1467, "An Act to Improve Employment Opportunities for Persons with Disabilities in

Maine.” One part of this bill, which passed with an amendment to remove the fiscal note, calls on the Maine Jobs Council to convene a task force to oversee the development of a professional media outreach plan by marketing professionals, and to identify resources for employer outreach. Under an agreement reached during consideration of the bill, the Maine Jobs Council is pulling together resources from various partners in order to proceed with the development of this media outreach and marketing plan.

## **2. EMPLOYMENT SERVICES FOR PEOPLE WITH DISABILITIES:**

### **a. Vocational Rehabilitation Services System**

The demand for employment services by people with disabilities in Maine continues to grow at a rapid pace. A recent study by the Maine Bureau of Rehabilitation Services (BRS) found that, over the past 20 years, there has been a 256 percent increase in the number of people who have started services. Yet, many people with disabilities in Maine still do not receive vocational rehabilitation services or do not receive them in a timely manner. Clearly, the federal Vocational Rehabilitation program, which began in 1920 to assist World War I veterans, is an important component of Maine’s vocational rehabilitation system, but it alone cannot meet the ongoing employment needs of all Maine residents with disabilities.

This year, the Commission has continued to be a strong advocate for legislation and cross-system vocational service improvements that are likely to increase employment opportunities for people with disabilities. As noted elsewhere in this report, bills before the legislature brought positive attention to the employment of people with disabilities as

part of the solution to Maine's anticipated workforce shortages.

The Commission is also pleased to report that collaboration between the Maine Department of Labor (MDOL) and the Department of Health and Human Services (DHHS) has continued to improve as the two organizations focus on employment of people served by both departments. As a result of the consent decree, *Bates v. DHHS*, additional resources have been directed to vocational services for adults with severe and persistent mental illness. Additionally, changes in Maine's community-based Medicaid waiver will allow for significant expansion of employment supports for people with cognitive disabilities. Through memorandums of understanding and regularly scheduled joint meetings between MDOL and DHHS, progress is being made toward the implementation of an aligned service delivery system that promotes proven practices to further employment.

The Commission has great concerns about the sufficiency of available resources to meet the vocational needs of people with disabilities. For instance, although the BRS Division of Vocational Rehabilitation has been able to reduce its waiting list for services to approximately four months from a high of twelve months, flat funding and high service demand make this a precarious situation at best. Additionally, the prevalence of disability among Maine's aging workforce and returning war veterans has only begun to make an impact; these developments will need to be rapidly addressed in the next few years.

#### **b. One-Stop Career Center Services**

Consistent with the Workforce Investment Act, Maine has a One-Stop workforce development system that co-locates employment and rehabilitation services as part of the Maine Department of Labor (MDOL) in Career Centers throughout the state. Over the last several years, a lot has been done to ensure that Career Centers are accessible to people with disabilities and that assistive technology is available. A two-year initiative which started in July 2007 allows the placement of Disability Program Navigators (DPNs) in each of the four Local Workforce Investment Areas. In addition to continuing to improve the accessibility of the Career Centers, the DPNs will build capacity through staff and resource development that is separate from the services provided by the Bureau of Rehabilitation Services. DPNs will not provide direct services to people with disabilities, except thorough technical assistance and training to Career Center staff. The Commission will serve as an advisory group for the DPN project.

#### **3. BENEFITS COUNSELING:**

In January 2007, four additional Benefits Specialists (now called Community Work Incentives Coordinators, or CWICs) were hired by the Maine Medical Center Department of Vocational Services — the Social Security Administration's Work Incentives Planning and Assistance (WIPA) contractor for the State of Maine. The hiring of these additional staff was made possible by collaboration with, and resources from, the Bureau of Rehabilitation Services (BRS), the Department of Health and Human Services Office of Adult Mental Health Services (OAMHS), and the CHOICES CEO Project. Additional Benefits Counselors will offer detailed benefits plans to more people with disabilities.

This will allow more workers with disabilities to make quick and informed decisions regarding job offers and advancement.

The new CWICs were trained by the Social Security Administration in late January and were successfully cleared to work by the end of February. Aggressive outreach began to reach clients previously underserved by this project, specifically in the coastal counties and in Penobscot and Piscataquis counties. Over 1500 people received information about Work Incentives Planning and Assistance services and how to access it, while approximately 50 people learned about Social Security Work Incentives.

The Maine Medical Center WIPA project is collecting data about people served, including county of residence, disability category, educational status, employment, and wait time. The percentage of people receiving WIPA services by county is comparable to the total distribution of SSA beneficiaries by county. Consistent with history, people with psychiatric disabilities were the largest disability group served (51 percent). People with cognitive or developmental disabilities represented 13 percent of people served.

Other areas of this report describe the changes occurring in the Department of Health and Human Services Office of Adults with Cognitive and Physical Disabilities (OACPD). These changes will result in an increase of affected people seeking WIPA services, which will in turn impact the overall wait time for all potential WIPA service recipients. It is predicted that these cases will be complex and involve many service providers, making a



disproportionate impact on the ability of CWICs to successfully meet demand for all groups.

#### **4. MAINECARE WORK INCENTIVES:**

Over the past several years, a number of bills have been submitted to the Legislature that have attempted to remove the unearned income cap for the MaineCare Workers with Disabilities option. This year LD 1746 was introduced; this bill would have increased the cap to from 100 to 150 percent of federal poverty level. As in past years, the expansion of Maine Care was simply not an option for the legislature and the income cap was not lifted. In the future, the Commission will seek input from stakeholders about how to proceed on this issue, including whether to continue efforts on the income cap or shift the focus to more affordable health care for all low-income Mainers.

Some very exciting work is being done by the Department of Health and Human Services regarding employment supports for people with cognitive and physical disabilities. The department applied for a Supports Waiver through the Centers for Medicare and Medicaid Services. This waiver, as approved, allows people receiving entitlement services for day habilitation to have the option to use this funding for employment supports instead. Prior to this new waiver, these people do not have this kind of flexible funding, which would allow them to prepare for, and maintain, employment.

The Commission will be monitoring the progress of affordable health care for all low-income Maine residents, as well as the implementation of the new supports waiver.

## **5. MAINE STATE GOVERNMENT AS MODEL EMPLOYER:**

Supporting the transformation of the Maine state government into a model employer of people with disabilities has been a high priority for the Commission this reporting period. This year, primary attention has been given to three areas: a March 2007 Maine Jobs Council report (as required by the Governor's Executive Order), a survey of state employees, and a bill proposing the reinstatement of the position of Disability Coordinator in the Department of Administrative and Financial Services' Bureau of Human Resources.

Attached you will find 1) the report from the Maine Jobs Council updating the progress made through the Governor's Executive Order; and 2) the results of the survey of state employees, which was conducted jointly by the Commission, the CHOICES CEO project at the Muskie School of Public Service, and the Bureau of Human Resources.

While a bill to reintroduce the position of Disability Coordinator (LD 1032) — with the recommendation of the Maine Jobs Council and unanimous support of the Joint Standing Committee on Labor — passed both the House and Senate, it was not included in the Governor's budget. The Administration was neither able to indicate why the position was not included in the budget, nor why it was not a priority. However, the Appropriations Committee found the bill to be important enough to carry over for next year with the hope for a better financial situation then.

We will be following this along in our recommendations for next reporting period.

## **6. TRANSITIONING YOUTH AND POST-SECONDARY EDUCATION:**

For all youth and families, this transition is a taxing one. Youth with disabilities face even greater hurdles. There is a critical problem transitioning from mandated school-based programs to adult services, which are often not as comprehensive as child services. Adult services are primarily eligibility-based, unlike K-12 programming, which is an entitlement guaranteed under the IDEA. Families familiar with ongoing supports struggle to negotiate the challenge of unfamiliar requirements and new application procedures once their child leaves school. Further, Maine is out of federal compliance in the area of school-based transition planning, which negatively impacts some young people.

Improved coordination among the agencies serving youth and adults is a necessary part of increasing the number of youth successfully transitioning to employment or further education. Continued emphasis on improving school-based transition planning continues to be a critical factor. Additionally, the funding of adult services and the types of services offered need to be fully examined to ensure resources are being spent in the most effective way.

The Commission was involved in the following activities:

- **Transition-related Legislation:** 1) Major and substantive changes were made to 20-A Chapter 101, the Special Education Regulations. Changes were made to language that requires all aspects of secondary transition planning to begin at age

14 instead of the federally required age 16. 2) Public Law, Chapter 152 was enacted. This law requires the Departments of Education, Corrections, Labor and Health & Human Services to “consider and evaluate methods to coordinate information and data that would facilitate the identification and tracking of the needs of people with mental retardation, serious emotional disturbance, pervasive developmental disorder or other developmental disabilities and report recommendations to the Interdepartmental Committee on Transition.” 3) Public Law, Chapter 451 was enacted. This law implements the initial recommendations of the Task Force To Engage Maine's Youth (see discussion below).

- **Curriculum Development:** The CHOICES CEO grant to the Interdepartmental Committee on Transition (COT) and the Maine Transition Network (MTN) to develop a *411 Disability Disclosure* Curriculum is nearing completion. An existing adult-focused curriculum was adapted for youth by youth. The resulting curriculum, designed to prepare youth to ask for appropriate accommodations in employment, education, and community settings, has been developed and tested. Over the early winter months, 21 youth were trained and led sessions for other young people using the curriculum to study its effectiveness. Ninety-eight young people participated in the study. Pre and post evaluations and a follow-up six months later show promising preliminary results.
- **Mission Transition** is a collaborative venture between the COT Regional Coordination Committees and the Department of Labor. This spring, at six

daylong events in four state regions, youth learned about the process of transitioning into life after graduation, connected with employers, learned about post-secondary educational opportunities and developed self-advocacy skills. This year, Mission Transition served 663 transitioning youth and over 100 educators from 56 schools. Additionally parents and dozens of agency personnel attended or took part. The COT has established a long-term goal of expanding statewide, and will look for collaborative support from the Children's Cabinet.

- **The Governor's Task Force to Engage Youth:** The Commission, the Department of Labor, the CHOICES CEO project and the COT all participated in this Task Force, which is preparing its final report and recommendations. Its purpose was to address the problem of the thousands of Maine youth who are neither in school nor employed. Outcomes of the task force include the following:
  - A new law ensuring that students experiencing education disruption will have the same opportunities as other Maine students to earn a high school diploma through a challenging academic program that provides the opportunity to demonstrate achievement within Maine's system of learning results.
  - Recommendations for statewide policy and legislation that include improving the state's data system to better serve the effected population, improving the integration of supports, and increasing access to services. Recommendations will be made to evaluate the effectiveness of Public

Law, Chapter 451, and to begin annual cross-departmental reporting that cites the progress on Task Force recommendations.

## **7. TRANSPORTATION SUPPORTS:**

Although transportation was not one of the six priority areas chosen for focus in the *Working Together: Maine's Strategic Plan to Maximize Employment for People with Disabilities*, it clearly was identified as an area of concern for people with disabilities who want to work. As a large state with very limited public transportation, most Mainers rely on personal vehicles for travel. Barriers exist, not only in outlying areas, but also within cities and large towns that have public transportation.

The Commission is concerned that people with disabilities, who primarily have low incomes, lack access to reliable transportation that can help them get to and from jobs. It is notable that the Division of Vocational Rehabilitation spends nearly \$1 million in transportation-related costs each year and provides considerable counselor time to solve transportation barriers that prevent its clients from working. Although DVR has embarked on an effort to improve efficiency and reduce costs in this area, a much broader systems effort is needed to address such a major shortcoming in the state's infrastructure.

The Interagency Transportation Coordinating Committee, established by Governor Baldacci through Executive Order in 2004, is charged with coordinating the efforts of the Maine Departments of Health and Human Services, Transportation and Labor to improve passenger transportation; to be more effective and financially efficient; and to improve

universal mobility for Maine citizens and visitors. One example of how this collaborative effort may bear fruit is the potential for DVR to tap the group buying power of the Maine Department of Transportation (MDOT) when purchasing adaptive vehicle equipment for clients. Also related, is a statewide survey, completed in fall 2006, that resulted in the establishment of local transportation networks to work on local transportation issues. For example, in the greater Portland area, there is a plan to add new bus routes to key outlying towns. Expansion of access to Regional Transportation Services for employment has also been identified as a priority.

It is critical that people with disabilities participate, and that their interests be represented, as transportation issues are addressed both locally and across the state. One area of promise is a new grant program of the Federal Transit Administration called *New Freedoms*. This program will make funding available through the Maine Department of Transportation for new public transportation services and public transportation alternatives that go beyond those required by the Americans with Disabilities Act of 1990 (which assist people with disabilities with transportation, including transportation to and from jobs and employment support services). Based upon the ratio of disabled populations, this grant opportunity will provide a total of \$1.4 million to urban and rural areas of Maine over four years.

## **8. DATA COLLECTION AND OUTCOME MEASURES:**

In January 2007, the Maine Disability & Employment Dashboard was launched. The Dashboard is an online resource presenting measures of the employment and economic

status of people with disabilities in Maine. You can view the Dashboard at <http://choices.muskie.usm.maine.edu/dashboard/>.

The Maine Disability and Employment Dashboard shows the most current information available related to the employment of people with disabilities in the state of Maine. The *Dashboard* builds on a set of indicators developed jointly by the Commission on Disability and Employment and the CHOICES CEO project. These indicators are reported on annually in “*Snapshot: Maine Workers with Disabilities*” publication. It draws on a range of administrative and survey data sources, and uses graphs and narratives to describe the “state of the state.” New data presentations and topics will be added on a periodic basis. It is hoped that data indicators for each of the Commission’s priority areas will be added to both the Dashboard, as well as to the annual *Snapshot* publication.

The Snapshot publication for 2007 will be released later this fall.

In June, representatives of the Commission on Disability and Employment met with Garret Oswald, director of the Maine Jobs Council, about a major new data integration project that Governor’s Workforce Cabinet is coordinating. The Commission expressed its interest in working closely with this new effort as part of its overall strategic focus on Disability/Employment Data and Outcome Measures.



#### **D. COMMISSION ACTION AREAS FOR 2008**

As the Commission looks forward to the next year, its vision of a workforce that includes all people with disabilities employed in jobs that meet their economic and personal needs remains strong. Increasing visibility, seeking input from its constituency, and being disability advocates in the legislative process are primary areas of action in 2008. To that end, the Commission will convene statewide forums for people with disabilities, will be actively involved in an employer strategic marketing plan, and will maintain a strong presence legislatively. Additionally, the Commission will continue to encourage cross-systems collaboration among state agencies and participate as advisors and trainers of state agency staff to increase the employment support and encouragement provided to individuals with disabilities.

#### **E. RECOMMENDATIONS FOR THE GOVERNOR AND LEGISLATURE**

In its role as advisor to Maine state government, the Commission has several specific recommendations for the Governor and Legislature that could positively affect the employment of people with disabilities in Maine:

1. Fund the Disability Coordinator position in the Bureau of Human Resources through a Department of Administrative and Financial Services state agency administrative fee. This would allow for an equitable distribution across all state agencies and would further promote the state as a model employer.

2. Initiate state agency integration of employment data systems related to employees with disabilities.
3. Encourage growth in Mission Transition activities.
4. Increase the number of Community Work Incentives Coordinators, also known as benefits counselors, available to effectively provide education and outreach to all people with disabilities who want to work, including youth entering adulthood.
5. Bridge services between the youth and adult systems to facilitate transition.
6. Take steps to eliminate sheltered workshops, which employ people with disabilities in segregated settings and offer sub-minimum wages.
7. Take steps to ensure employers are addressing emergency preparedness for employees with disabilities.

The Commission stands poised to provide the information and technical assistance necessary for the above actions and any others that promote opportunities for Mainers to be employed. The Commission looks forward to working together with the Governor and Legislature in this effort, which is extremely important to the future economic health of our state.

## ATTACHMENT A

### Member Listing for the Maine Commission on Disability and Employment 2007

<b>Mel Clarrage, Chair</b> Disability Rights Center Augusta	<b>Michael Ashmore</b> Maine Transition Network Augusta
<b>Julia Bell</b> Maine Developmental Disabilities Council Augusta	<b>Alan Brigham</b> Windham
<b>Dennis Bouley</b> Readfield	<b>Butch Dawbin</b> West Gardiner
<b>Gayla Dwyer</b> Aroostook County Mental Health Caribou	<b>Norman Fournier</b> County Commissioners' Office Caribou
<b>Larry Glantz</b> Muskie School of Public Service, USM Portland	<b>Jennifer Kimble</b> Maine Medical Center Department of Vocational Services Portland
<b>Kirsten King</b> Saco	<b>Norbert Nathanson</b> Northport
<b>Jill Duson, Liaison</b> Department of Labor Bureau of Rehabilitation Services Augusta	<b>Jim Braddick</b> Department of Health and Human Services Office of Adult Mental Health Services Augusta
<b>Karen Fraser, Staff</b> Department of Labor Bureau of Rehabilitation Services Augusta	

# EGISLATIVE REPORT

**The Maine Jobs Council Report to the  
Governor and Legislature Concerning  
Executive Order 13 FY 06/07:  
An Order Regarding Maine State  
Government as a Model Employer  
of People with Disabilities**



*Maine Jobs Council*

**MAINE**  
**DEPARTMENT OF**  
**LABOR**

**The Maine Jobs Council report to the Governor and Legislature concerning  
Executive Order 13 FY 06/07; An Order Regarding Maine State Government as a  
Model Employer of People with Disabilities**

February 24, 2006

13 FY 06/07

WHEREAS, Maine people with disabilities offer a valuable asset for promoting Maine's future workforce and economic growth; and

WHEREAS, Maine people with disabilities are underemployed; and

WHEREAS, Maine State Government has been a recognized leader for its affirmative efforts to hire qualified workers with disabilities in state positions; and

WHEREAS, Maine State Government has an opportunity to become a model for all employers seeking to improve their workforce and raise the skills and incomes of Maine people;

NOW, THEREFORE, I, John E. Baldacci, Governor of the state of Maine, by the authority vested in me, do hereby order that:

*1. The Maine Department of Labor, in cooperation with the Maine Bureau of Human Resources, implement a promotional outreach campaign for people with disabilities that emphasizes the benefits of working for Maine State Government, including a statewide job recruitment and career fair focused on workers with disabilities.*

*2. The Maine Department of Labor, in cooperation with the Maine Bureau of Human Resources, identify state jobs that are difficult to fill today and that are projected to be difficult to fill in future years.*

*3. The Maine Commission on Disability and Employment, in cooperation with the Maine Bureau of Human Resources, conduct a survey of current state employees who volunteer such information, to determine the prevalence of workers with disabilities.*

*4. The Bureau of Rehabilitation Services and the Bureau of Human Resources, partner to lead efforts to facilitate the employment of people with disabilities in all state agencies.*

*5. The Maine Job Council, in cooperation with the Bureau of Human Resources and the Department of Labor, develop a plan to promote the employment of people with disabilities. This plan will be submitted to the Maine Commission on Disability and Employment by September 1, 2006.*

*6. The Maine Jobs Council, in cooperation with the Bureau of Human Resources and the Department of Labor, report to the Governor and Legislature on the results of these efforts by March 1, 2007.*

The implementation costs associated with this Executive Order shall be covered by existing resources within participating agencies.

The provisions of this Executive Order are not intended to supersede existing collective bargaining agreements or State and Federal Law.

Effective Date: The effective date of this Executive Order is February 24, 2006.

*1. The Maine Department of Labor, in cooperation with the Maine Bureau of Human Resources, implement a promotional outreach campaign for people with disabilities that emphasizes the benefits of working for Maine State Government, including a statewide job recruitment and career fair focused on workers with disabilities.*

#### Results:

##### Job Fairs:

During Fall/ 06, BRS/BHR coordinated promotional activities at BES sponsored CareerCenter Job Fairs in Augusta, Bangor, Lewiston, South Paris and Wilton. Representatives from each agency shared a booth and potential applicants were informed of employment opportunities in Maine State Government and how to search for and apply for positions. A brochure was developed by USM CEO Choices Project in collaboration with BRS and BHR to identify the pathways available to individuals with disabilities for both direct/ non-direct hires. The brochure is geared to individuals with disabilities who are BRS consumers and those with disabilities in the General Public and laid out the hiring process.

##### Update Basic Brochure:

Since December BRS/ BHR/ and USM CEO Choices Project have been negotiating the development of a brochure that is customer friendly. The initial brochure was text-heavy and needs to be broken up with pictures and smaller text blocks. The final brochure will serve as the cornerstone for future wide scale marketing and has moved to development stage.

##### Measurement and Sustainability:

A Baseline survey was conducted by BRS in August 2006 to determine utilization of "Special Appointments" over the preceding two year period. The survey was performed through telephone and email and targeted statewide VR Counselors and Supervisors from DVR and DVBI. Results of survey was 4 interviews and 1 hire.

A follow-up survey was performed covering the period August 2006- November 2006.  
Results were 4 used the program/ 2 interviews/ 2 hires (1 DOL/ 1 DHHS)

A follow-up survey was performed covering the period December 2006- March 2007.  
Results were 5 used the program/ 5 got interviews/ 1 hire (DHHS)

*2. The Maine Department of Labor, in cooperation with the Maine Bureau of Human Resources, identify state jobs that are difficult to fill today and that are projected to be difficult to fill in future years.*

Results:

The Bureau of Human Resources generated a list of positions that are currently hard to fill and are projected to be difficult to fill in the future.

**Difficult to Fill Classifications  
Within State Service  
1/1/04 – 11/20/06**

Staff Accountant  
Field Investigator  
Career Center Consultant  
Statistician  
Game Warden  
Auditor  
Physician  
Master Carpenter  
Highway Laborer  
Communications Technician  
Public Health Nurse  
Heavy Vehicle & Equipment Technician  
Psychologist  
Bridge Maintenance Workers  
Transportation Aide  
Biologist  
State Police Trooper

Revenue Agent  
Management Analyst  
Highway Technician  
Assistant Engineer  
Environmental Specialist  
Lifeguard  
Medical Secretary  
Corrections Officer  
Rehab Counselor  
Planning & Research Associate  
Secretary  
Highway Worker – Truck Driver  
Human Services Enforcement Agent  
Office Associate  
Aspire Specialist  
Customer Service Associate – MV  
Tax Examiner  
Human Services Caseworker  
Correctional Officer  
Mechanic  
Juvenile Program Worker  
Mental Health Worker

3. *The Maine Commission on Disability and Employment, in cooperation with the Maine Bureau of Human Resources, conduct a survey of current state employees who volunteer such information, to determine the prevalence of workers with disabilities.*

Results:

The state employee survey is done and we have initial results. Ten percent of the respondents reported that they have a disability.

Maine's survey was modeled after a Vermont survey of state employees focusing on disability and discrimination issues in the workplace. The University of Southern Maine's Muskie School of Public Service administered Maine's state employee survey.

Some background and highlights of Maine's survey:

- There are over 13,000 state employees in Maine.
- A representative random sample of employees from all departments was selected for this survey (6300 people).
- The survey is completely voluntary. There was no impact on one's employment whether the survey was completed or not.
- The survey could be filled out online or by paper.
- The survey was sent out in September 2006 with a two-week deadline for completing the survey.
- Preliminary results show that 46% filled out the survey online.



- Overall, the goal is for 45% of employees to complete the survey.
- Ten percent (10%) of respondents reported they have a disability.

As a part of the survey, people were asked if they would like to participate in a discussion group to talk more in-depth about some of the questions asked in the survey. Over 50 people responded with initial interest. The purpose of this group will be to learn more about issues or questions raised from the survey results.

*4. The Bureau of Rehabilitation Services and the Bureau of Human Resources, partner to lead efforts to facilitate the employment of people with disabilities in all state agencies.*

#### Results:

According to both Bureaus, the partnership between BHR and BRS has not happened due to various reasons including collective bargaining, decertification campaigns and the legislative session.

However, in September BRS developed a Plan for Heightened Focus and Awareness that identified short, mid, and long range priorities. Short term priorities include:

- Inclusion of the "Special Appointment" process as part of New Vocational Rehabilitation Counselor Training curriculum.
- Presentations to the Statewide Rehab Councils for the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired.
- Promotional Outreach at BES sponsored Career Fairs in collaboration with BHR
- Development of a Final Brochure for wide scale distribution and marketing through BRS/ BES/ BHR.
- Presentation on "Special Appointments" to 60 VR Counselors and Supervisors through Assumption College RCEP Employment Practices for Consumer Success 9/06.

It should be noted that the interdependence of activities has resulted in delays in completing tasks. Some barriers to utilization are;

- Program lacks a statewide coordinator with dedicated time
- Awareness of Special Appointment availability and process breaks down as one gets further from Augusta
- Consistent concerns are raised about the need for increased flexibility in order to address the needs and reality of individuals with disabilities: Part time employment, Job Sharing, Transitional Employment
- Streamlining the 12 step Special Appointment process for BRS consumers and counselors

- Need for greater buy-in from state agencies.
- Early disclosure of individuals coming through the program may result in discrete discrimination.
- Persistent need for education, training, and disability awareness for line supervisors.

*5. The Maine Job Council, in cooperation with the Bureau of Human Resources and the Department of Labor, develop a plan to promote the employment of people with disabilities. This plan will be submitted to the Maine Commission on Disability and Employment by September 1, 2006.*

### Results:

A work plan was developed to guide the effort of promoting the employment of people with disabilities.

**WORKPLAN: EXECUTIVE ORDER IMPLEMENTATION ACTIVITIES/PRODUCTS** (LAST  
REVISED: 8/15/2006 )

<i>TASK</i>	<i>LEAD(S)</i>	<i>STATUS</i>
<b>Promotional Outreach Campaign (EO)</b>		
State-wide job recruitment and career fair focused on workers with disabilities  Job Fairs:  Profile current practice & participation as baseline to measure impact of EO implementation.  Targeted outreach and marketing of job fairs  Anticipate and prepare to accommodate special needs for accommodations request	BRS/BHR/BES          USM CEO CHOICES Project	<p><b>BES Director, L. Meade is very supportive of this initiative and has facilitated connection with BES resource persons</b> BRS Lead – Ed West, BRS Augusta Casework Supervisor BHR lead – to be assigned by Alicia</p> <p><b>BES has shared calendar of job fairs, and is collaborating with BRS to review current process for marketing to job seekers with disabilities (JSWD); encouraging awareness and participation of disability service providers and advocate organizations.</b></p> <p><b>BRS/BHR will step up presence at career fairs over the next quarter and use that experience to develop and test plans and processes for marketing employment in state government to JSWD.</b></p> <p><b>Work group to recommend</b></p>

<i>TASK</i>	<i>LEAD(S)</i>	<i>STATUS</i>
<p>Update Basic Brochure</p> <p>Best practices review</p> <p>Measurement and sustainability</p>		<p>inclusive accommodation language for career fair invites. BRS to implement systems focus on anticipation and readiness to provide accommodations; step up collaboration with BES, BHR to measure outcomes.</p> <p>USM will review and update materials to create a basic brochure inviting\encouraging use of the career centers by job seekers with disabilities; to be made available at job fairs and on the internet</p> <p>USM to seek examples of outreach by other state governments related to recruitment and employment of workers with disabilities.</p> <p>The work group will develop a plan for expanded outreach and marketing of job fairs to improve participation by job seekers with disabilities (JSWD).</p>
<b>State Government Human Resource Efforts</b>		
Identify state jobs that are difficult to fill today and are projected to be difficult to fill in future years.	BHR/LMIS/BRS	Alicia & John Dorrer (Ed West) Next steps: John Dorrer developing data directory for review with Alicia. Ed to participate in discussions
<b>Survey of current state employees</b>		
To determine the prevalence of workers with disabilities	BHR/Choices	Alicia Kellogg & Larry Glantz ... 1st Draft survey is done and being reviewed by BHR. Next steps: plan distribution to who, how, when; plan processing of results ... Survey to be done by 10/06; full analysis & report by 12/06
<b>Leadership efforts to facilitate the employment of people with disabilities in all state agencies - Partnership of Bureau of Rehabilitation Services and the Bureau of Human Resources</b>		
Support materials for	BHR/Choices	... Develop a manual for

<i>TASK</i>	<i>LEAD(S)</i>	<i>STATUS</i>
supervisors in state government		supervisors. Use Iowa manual as template/model to create draft. L. Shippee (BHR); K. Proffitt (DHHS) to collaborate on drafting with L. Glantz (USM) ... Identify writing and editing support needs that can be shared by BHR and CEO CHOICES project
BRS to focus on creating solid result oriented employment opportunities for VR clients	BRS/ BHR	Alicia getting list of openings to Ed West Ed West, with support from Janice Lathrop (BRS, Augusta Office); Document BRS client placements in state employment to establish baseline for evaluation of EO implementation; develop and implement heightened focus on: ... state government employment as an option for clients; ... early identification of interest; ... targeted job types; skills & competencies
Systems focus on non-VR client JSWD consumers	BRS/BES/BHR	Assess, enhance support for job seekers with disabilities who are not VR clients; BRS to leverage two-way information and referral within MDOL systems particularly BES and career center partners. E. West to facilitate interagency collaboration with BES.
<b>Plan to promote the employment of people with disabilities</b>		
Develop Plan to be submitted to the Maine Commission on Disability and Employment by September 1, 2006	MJC/BHR/BRS	This is the plan as developed by the EO Implementation working group. This document is intended to reflect what we plan to do and what we have already started.  Jill to forward this draft (by 8/11/06) to working group for review, incorporate comments from group and forward to Garret by 8/18.
Report to the Governor and Legislature on the results of	MJC	

<i>TASK</i>	<i>LEAD(S)</i>	<i>STATUS</i>
<b>these efforts - By March 1, 2007</b>		

*6. The Maine Jobs Council, in cooperation with the Bureau of Human Resources and the Department of Labor, report to the Governor and Legislature on the results of these efforts by March 1, 2007.*

**Result:**

This document represents the report to the Governor and the Legislature concerning the results of the efforts to promote employment of people with disabilities.

# **Maine State Employee Survey on Disability**

## **Part of Executive Order #13 (FY 06/07): Maine State Government as a Model Employer of Workers with Disabilities**

Commission on Disability and Employment

Department of Financial and Administrative Services  
Bureau of Human Resources

Muskie School of Public Service  
University of Southern Maine

*June 2007*

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**Attachment B-2**

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## **Introduction**

The Executive Order regarding Maine State Government as a Model Employer of people with disabilities was signed on February 24, 2006. The order included several action steps, including a survey of State employees to ascertain the prevalence of workers with disabilities in State employment.

Maine's Bureau of Human Resources and the Commission on Disability and Employment were named to oversee this survey. The University of Southern Maine's Muskie School of Public Service administered the survey and analyzed results. Each of these three organizations are members of an Executive Order Working Group designed to overall all action steps under the Executive Order.

Maine's survey was modeled after a Vermont survey of State employees focusing on disability issues in the workplace. This allows comparison of survey findings with another northern New England state.

## **Methods**

In 2006, there were over 13,000 State employees in Maine that worked within thirteen divisions.<sup>3</sup> Within each department, a representative random sample of employees was drawn.<sup>4</sup> Using this process a total of 6,300 employees were randomly selected to take the survey.

The Bureau of Human Resources sent a letter to all State employees informing them about the survey and that employees would be randomly selected to participate. In September 2006, an invitation was sent to the 6,300 randomly selected participants, inviting them to participate in the survey. The survey was completely voluntary, with no impact on employment whether the survey was completed or not.

Randomly selected employees were either sent invitations to participate online or by paper. For those with work email addresses, this invitation was sent by email with a web address link to access the survey online. All entries were confidential and were entered on a secured server (SSL encryption). For those with no email address, a paper copy was mailed to their work address, along with a paid return envelope. Following a deadline, those that did not complete the survey were telephoned and offered the following options:

- Complete the survey over the phone,
- Be mailed a paper copy,
- Use a link to complete the survey online, or
- Decline to participate in the survey.

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<sup>3</sup> These thirteen divisions – 12 departments plus “other” - encompass all State employees.

<sup>4</sup> A stratified random sample was drawn, based on a 95% confidence level within a confidence interval of 5 and an expected 45% response rate. Expected response rate target was based on Vermont's State employee survey response rate.



## ATTACHMENT B-2: Maine State Employee Survey on Disability

### Responses

Overall, the response rate for the survey was 55% of employees who completed the survey; 3,446 people filled out the survey. Workers with work email addresses were sent an invitation to fill out the survey online. Those without work email addresses were mailed paper copies of the survey to fill out. People who did not respond to the survey were given a follow up call about the survey. The survey was filled out by the following methods:

Online	56%
Telephone	32%
Paper	9%
Other <sup>5</sup>	3%

The table below shows the response rate from each of the thirteen departments. It was anticipated that Maine would have a similar response rate to Vermont's study (45%). While the response rate overall was 55%, responses from specific Maine departments ranged from 35% to 71%.

Divisions	Percentage that responded from each agency <sup>6</sup>
Administration/Finance	55%
Education	48%
Transportation	47%
Health and Human Services	59%
Corrections	43%
Marine Resources	54%
Agriculture	46%
Conservation	35%
Environmental Protection	71%
Inland Fisheries & Wildlife	61%
Labor	70%
Public Safety	50%
Other <sup>7</sup>	57%

<sup>5</sup> Phone or paper survey not specified.

<sup>6</sup> Based on survey responses; some did not respond to this question.

<sup>7</sup> Arts Commission, Atlantic Salmon Commission, Attorney General, Audit, Baxter Park, Comm. on Governmental Ethics, Defense & Veterans, Dental Examiners, Dept. Econ. & Comm. Development, Dirigo, Executive, Historic Preservation, Human Rights, Maine Health Data Organization, Maine Military Authority, Maine State Library, Maine State Museum, Medicine, Nursing, Osteopathic Examiner, Pro & Fin Regulation, Pro Engineers, Property Tax Review, Public Utilities, Sec. of State, Treasury, Workers Compensation Comm.

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### Summary of Results

The following summary presents highlights from the survey results. The number of respondents to each question can vary. A full listing of responses to each question is provided in the appendix and should be consulted for further interpretation of results.

#### CHARACTERISTICS OF SURVEY PARTICIPANTS

A total of 3,446 employees participated in this survey. There were a total of 31 questions survey participants could potentially be asked. Based on responses, some questions did not apply to all participants.

Some selected characteristics:

- Respondent ages ranged from 18 to 76 years old, with the average age being 47 years old.
- A little over half of respondents were male.
- The two departments with the highest participation percentage of employees were the Health and Human Services (DHHS) and Administrative/Financial Services.

Topic	Response	Percentage
Gender	Male	51%
	Female	47%
	No Response	1%
Age	Range of ages	18-76
	Average age	47
	Median age	49
Percentage of all survey responses by Division	Health and Human Services	13%
	Administrative/Financial Services	11%
	Labor	10%
	Transportation	10%
	Environmental Protection	8%
	Public Safety	8%
	Corrections	8%
	Inland Fisheries and Wildlife	5%
	Conservation	5%
	Education	4%
	Marine Resources	3%
	Agriculture	2%
	Other (please specify):	12%
	No Response	1%
Length of time working in	0 - 6 months	7%
	7 months - 1 year	10%
	2-5 years	30%

## ATTACHMENT B-2: Maine State Employee Survey on Disability

Topic	Response	Percentage
<b>current position</b>	6-10 years	21%
	11+ years	31%
	No Response	1%
<b>Length of time working in state employment</b>	0 - 6 months	3%
	7 months - 1 year	4%
	2-5 years	18%
	6-10 years	19%
	11+ years	54%
	No Response	1%
<b>Disability</b>	Yes	10%
	No	88%
	No Response	3%

The primary way individuals learned about working for the State was from a friend (30%) or newspaper ad (18%). When looking at people's length of working for the state, newer employees (had worked for a year or less) were significantly more likely to learn about their job online (26%).<sup>8</sup>

### EMPLOYEES WITH DISABILITIES

Within all survey respondents, ten percent (339 people) reported they had a disability. The following section highlights specific findings in relation to employees who reported having a disability.

#### Employment Comparisons

There are two key comparison points to help interpret the numbers of employees reporting that they had a disability

- In comparison with the number of employed adults with a disability overall in Maine (determined using data from the American Community Survey<sup>9</sup>), there were slightly more people with disabilities working in State employment.
- However, in comparison with Vermont<sup>10</sup>, Maine had a fewer percentage of employees with disabilities in State employment.

It should be noted that the definition of disability differed between these three surveys. The following is how disability was defined in each survey:

**Maine State Employee Survey:** A disability is defined as any person who has a physical or mental impairment which substantially limits one or more of such

<sup>8</sup> n=3,446; p<.0001

<sup>9</sup> Source: Muskie School of Public Service calculations using the 2005 American Community Survey (ACS) Public Use Microdata Samples (PUMS)

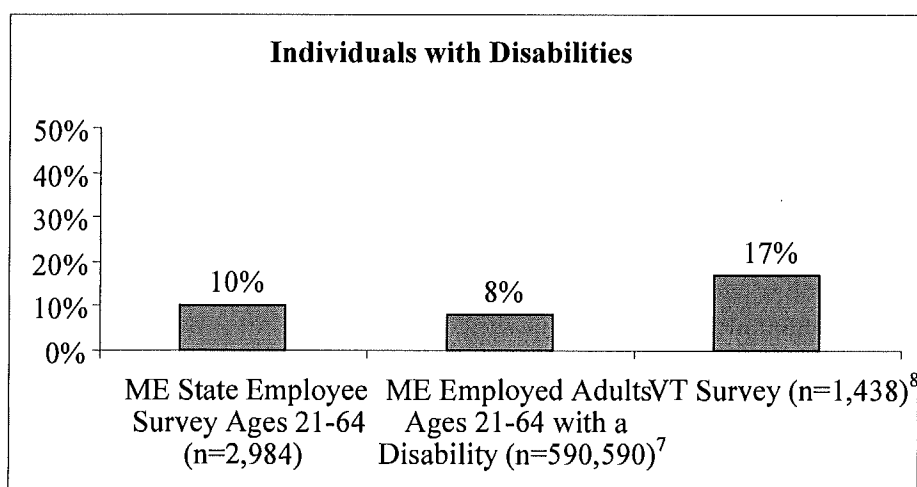
<sup>10</sup> Vermont's responses are for all respondents, not only 21-64 years old

## ATTACHMENT B-2: Maine State Employee Survey on Disability

person's major life activities, has a record of such impairment, or is regarded as having such a disability under the Americans with Disabilities Act. Major life activities include: walking, seeing, hearing, learning, self-care, speaking, lifting, reaching, thinking, performing manual tasks, breathing, working and interacting with others.

**Census definition of disability:** "...a long lasting physical, mental or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning or remembering. This condition can also impede a person from being able to go outside the home alone or work at a job or business."

**Vermont State Employee Survey:** The Americans with Disabilities Act defines a person with a disability as any person who: (1) has a non-temporary disability, which substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment.



When looking at the percentage of employees with disabilities in each Maine department, the Department of Labor had a significantly higher percentage of employees with disabilities compared to the other departments (21%)<sup>11</sup>. Other departments had a range of 3% to 12% of employees with disabilities. In regards to how people learned about their job and how long they had been employed by the state, there were relatively similar responses to those without disabilities.

### Disability

The majority of people reported their primary disability was physical (67%), followed by those reporting a mental health condition (13%) or a sensory condition (13%). Those

<sup>11</sup> n=341, p=<.0001

## ATTACHMENT B-2: Maine State Employee Survey on Disability

working for the State for one year or less were significantly more likely to have a sensory disability (29%).<sup>12</sup>

Primary Disability	Percentage
Physical health condition	67%
Mental health condition	13%
Sensory condition	13%
Cognitive condition	4%
Developmental condition	* (less than 1%)
Acquired Brain Injury	-
Other: please tell us:	2%
No Response	1%

Slightly over half reported their disability stated before working for the State (54%). Having or developing a physical or sensory disability was significantly more likely than other disabilities, regardless of when it started.

### Accommodations

Over half (53%) reported that they had requested a job accommodation. For those who had not requested an accommodation, 68% reported it was because one was not needed, and 7% reported they were afraid to ask for one.

For those that had requested an accommodation, 80% received the accommodation. Of those who had requested an accommodation, 42% received it immediately, while others received it in a month or more, or not at all. About a third (32%) report having difficulty getting a job accommodation.

The two major types of job accommodations have included adjustments to a work station (40%) and flexible work schedule and/or location (23%).

For those that did not receive an accommodation, the top two accommodations people reported they needed but did not receive were changes to a work station (19%) and flexible schedule and/or location (16%). Reasons that employees reported for being denied an accommodation included the department did not consider them disabled (7%), a money issue (4%), or not following the instructions for requesting an accommodation (4%).

Of those who did not get the accommodation they asked for, 26% received another accommodation.

When asked about a number of potential supports to return to work or to maintain a job, the highest reported supports included a supportive employer and co-workers, flexible work activities, flexible work schedule, and special equipment/medical devices.

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<sup>12</sup> n=21, p=.02

## ATTACHMENT B-2: Maine State Employee Survey on Disability

### **FAMILY AND HOUSEHOLD MEMBERS WITH DISABILITIES**

About one in four respondents (22%) reported someone in their household or immediate family had a disability. Of those who had a family member with a disability, a significant number of respondents (38%) were between the ages of 51-60.<sup>13</sup> In addition, a significant number of respondents (18%) reported they also had a disability themselves.<sup>14</sup>

When asked what the primary disability of their family or household member was, most reported it was physical (49%), followed by a mental health disability (16%). Over half (58%) report they have had to provide care for this individual which has caused them to miss work. However, 64% report current supports in the workplace are adequate to provide care for this individual.

### **DISCRIMINATION**

Survey participants were asked if they ever felt discriminated against while working for the State. The primary types of discrimination reported were gender (8%) and age (4%). Respondents could answer with more than one type of discrimination.

When asked who was responsible for the discrimination, supervisor and manager were primarily named (27% and 22%, respectively). Seventeen percent reported the discrimination occurred within the past year, and 18% reported it occurred between one to five years ago. Most respondents (79%) reported they were aware of the procedures for filing a complaint about workplace discrimination.

### **Next Steps**

The members of the Executive Order workgroup, individually and collectively will be reviewing the results of the survey to determine next steps in relation to the overall development and promotion of Maine State Government as a model employer of workers with disabilities. Recommendations and next steps will be determined. This information will be reported to the Governor and to other audiences.

As a part of the survey, all respondents were asked if they would like to participate in a discussion group to talk more in-depth about some of the questions asked in the survey. Over 50 people responded with initial interest. The purpose of this group will be to learn more about issues or questions raised from the survey results.

A follow-up survey is being considered for 2008.

**Full report, including full results, is available at:**

**<http://choices.muskie.usm.maine.edu/ProductsEvents/MEStateGovDisabSurvey.doc>**

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<sup>13</sup> n=756; p=.0002

<sup>14</sup> n=756; p=<.0001

Report Prepared in Response to Chapter 570, H.P. 1351-  
L.D. 1910: "An Act to Create Employment Opportunities  
for People with Disabilities"  
Part B: Employment Opportunities for Individuals with  
Developmental Disabilities

By

*Brenda Harvey, Commissioner*  
Department of Health and Human Services;

*Laura Fortman, Commissioner*  
Department of Labor

*Jane Gallivan, Director*  
Office of Adults with Cognitive and Physical Disabilities;

*Jill Duson, Director*  
Bureau of Rehabilitation Services

to the  
Joint Standing Committee of the 123<sup>rd</sup> Maine Legislature  
Having Jurisdiction Over Labor Matters

**JANUARY 1, 2007**

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## Section 1. Executive Summary

Chapter 570, H.P. 1351-L.D. 1910: “An Act to Create Employment Opportunities for People with Disabilities”, was passed in response to the desire to enact legislation to increase the numbers of people with disabilities employed in the state of Maine.

Representative Arthur Lerman sponsored LD 570. This report is in response to section B of PL 570, section B being directed specifically at increasing supported employment opportunities for people with developmental disabilities. The methodology included a stakeholder’s meeting specifically organized to review this legislation. The methodology also included reviews of task forces’ efforts on intersecting issues as well as research and analysis of other states’ policies.

### Summary of Findings of the Report

1. **Ways to enhance employment opportunities:** Better and earlier planning for students; improved recruitment of potential employers and businesses leaders; improved streamlined coordination of efforts between the Department of Labor (DOL) and The Department of Health and Human Services (DHHS).
2. **Data on Day Habilitation funding vs. Supported Employment:** Currently there are 1,409 adults receiving MaineCare Section 24 (Free Standing Day Habilitation) costing \$15,000,000 total per year, or \$10, 645 per person. 773 people receive employment support at a cost of \$4,000,000 total per year, or \$5,471 per person. Additionally approximately 135 new graduates access services per year through entitlement of MaineCare Section 24 at a cost of an additional \$2,300,000 per year.
3. **Conversion of MaineCare Section 24 (Free Standing Day Habilitation) to a new jobs program.** Conversations have begun between DHHS and Centers for Medicare/Medicaid Services (CMS) to create a new waiver effective July 1, 2007 which would allow both Supported Employment and Day Habilitation services as outcomes. Currently, employment services are disallowed through Free Standing Day Habilitation.
4. **Relative merits of administrating Supported Employment funding through the Department of Labor:** The primary intent and federal statutory authority of the public VR program within the Department of Labor provides for time-limited vocational rehabilitation services. DHHS provides whole life planning and coordination of support, embedding long-term employment support within an array of community living services. Moving of funding to VR would fragment this service delivery.
5. **Plans for Achieving Self Support (PASS):** This Social Security Administration program provides people who receive SSI an incentive to achieve self-sufficiency. This is done through the preservation of some necessary benefits while pursuing a

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well-defined vocational goal. Many work incentives exist, including the PASS, that are currently underutilized in Maine. This is in part due to the complex application process. The creation of more Benefits Counselors will increase usage of these programs.

6. **Review of other States Policies that support outcomes of employment:** A review of high performing states as identified by the Institute for Community Inclusion at Boston Children's Hospital shows that Maine has in place a Vocational Policy that encourages growth in Supported Employment.
7. ***Pros and Cons of mandating employment for graduating students beginning in 2007:***  
A general agreement exists that proactively seeking employment for people with disabilities is the right thing to do. Some of the most important reasons are social and economic in nature. There are some concerns over system readiness for increased demand because of too rapid of a growth of people wanting employment. Issues also occur around the conflict between personal autonomy (related to choosing supports) and mandating employment.
8. **Resources needed for shift to more employment:** Philosophical and cultural shifts will be required to enable collaboration between systems. More flexible funding will be required, along with attitudinal shifts from service providers and the business community.

### **Recommendations:**

1. Encourage and support continued interdepartmental (DHHS and DOL) coordination of employment supports for people with developmental disabilities in order to improve ease of access to services.
2. Promote and support Best Practices in Supported Employment by all providers within the state focused on the shared value of competitive, inclusive, community based employment.
3. Re-examine current Vocational Policy and work towards full implementation.
4. Clarify outcome expectations for employment and collect, analyze and use relevant data to increase outcomes of employment.
5. Create a stakeholder group comprised of employers, providers, family, people in services, VR and DHHS to develop strategies to increase competitive employment for people with developmental disabilities.
6. Continue the work that has begun regarding implementation of a new waiver in July 2007 to expand employment as an alternative for people currently receiving MaineCare, Section 24.
7. Develop a strategy to inform people with disabilities, families, and providers about the expansion of available services through the Benefits Counseling Program.

**Full report available at:**

**[http://www.maine.gov/dhhs/OACPDS/Report\\_Legislature\\_1-07.pdf](http://www.maine.gov/dhhs/OACPDS/Report_Legislature_1-07.pdf)**

# **MEDIA/OUTREACH CAMPAIGN STRATEGIES FOR EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES IN MAINE**

Report Prepared in Response to Chapter 570, H.P. 1351-L.D.  
1910: “An Act to Create Employment Opportunities for People  
with Disabilities,” Part C

By

***Mel Clarrage, Chair***  
Commission on Disability and Employment

***Laura Fortman, Commissioner***  
Department of Labor

***John Richardson, Commissioner***  
Department of Economic and Community Development

to the Joint Standing Committee of the 123<sup>rd</sup> Maine Legislature  
Having Jurisdiction Over Labor Matters

**JANUARY 31, 2007**

### **Purpose of this Report**

Envision a future in which all Maine residents can achieve the increased quality of life that comes with the opportunity to work, build careers and contribute to Maine's workforce; and a future in which all Maine employers have access to a competitive labor pool of skilled and reliable workers. Public Law 570, "An Act To Create Employment Opportunities for People with Disabilities," is one step toward realizing this vision. The law addresses barriers to maximizing the employment of people with disabilities.

This report is in response to Part C of P.L. 570. It contains recommendations about resources and next steps regarding the development and implementation of a media outreach campaign that increases awareness and promotes the employment of Maine residents with disabilities.

### **Growing Interest**

Expanding work opportunities for people with disabilities has been getting a lot of attention both locally and nationally. States across the country are creating media outreach campaigns to educate employers and the public about the unrealized potential of a workforce inclusive of people with disabilities.

Here in Maine, representatives of the public and private sectors, not-for-profit organizations, people with disabilities and their advocates came together to create *Working Together: Maine's Strategic Plan to Maximize Employment for People with Disabilities*.<sup>15</sup> The implementation of this plan began last year and continues to gather momentum. Two important findings from the extensive research behind this strategic plan are 1) the need to address employers' concerns and misunderstandings about hiring workers with disabilities, and 2) the need to create opportunities for businesses to share information with each other about their experiences employing workers with disabilities.

Two important findings from the extensive research behind *Working Together: Maine's Strategic Plan to Maximize Employment for People with Disabilities* are

- 1) the need to address employers' concerns and misunderstandings about hiring workers with disabilities, and
- 2) the need to create opportunities for businesses to share information with each other about their experiences employing workers with disabilities.

### **A Solution to Maine's Projected Workforce Shortage**

Removing job barriers to people with disabilities is a goal that has been inspiring widespread buy-in from all sectors. One reason for this is that Maine is projected to face a workforce shortage in the near future. With Baby Boomers beginning to retire in a few years, no substantial growth in the labor force is expected for the next two decades. Maine is facing the prospect of having more jobs than there are workers to fill them.

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<sup>15</sup> Working Together, in full and abridged, can be found at <http://www.choicesceo.org/stratplan.htm>

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The National Association of Manufacturers forecasts a deficit of 5.3 million workers in the U.S. by 2010 and 14 million by 2020.<sup>16</sup> Maine's workforce will be particularly affected. The number of Maine residents 55-years-and-older is expected to increase 31 percent by 2015, while the 16-to-29-year-olds are projected to decline seven percent, contributing to an overall 4.7 percent decline in the 16-to-55 population.<sup>17</sup> Giving more people with disabilities an opportunity to enter the workforce is a win-win proposition for the state.

### Employers at the Forefront of Change

James T. Brett and William E. Kiernan, of the New England Council and the Institute for Community Inclusion, report that with these troubling population shifts and the advances in assistive technology, people with disabilities are an "untapped resource of potential workers." Yet today, only 38 percent of Mainers with disabilities are employed and over half are living at the poverty level or below. Moreover, only one in every eight Maine businesses employs a worker with a disability. A 2005 report found that over half of Maine employers participating in focus groups and surveys reported that they did not think that someone with a disability could do the job.<sup>18</sup>

The report also found that while fewer than nine percent of businesses with under 19 employees employed a worker with a disability, more than a third of businesses with 20 or more employees did so. Larger businesses with human resource departments have the information and means to maximize the employment of underutilized workers, such as those with disabilities. Thus, a particular concern for Maine is that small businesses, which make up the majority of Maine employers, have access to accurate information, particularly about the successes that larger businesses have had.

The report concluded that to expand employment opportunities for people with disabilities "nothing matters more than changing employer attitudes." As long as half of employers think that people with disabilities cannot perform the work high unemployment levels among people with disabilities will persist. Public Law 570 addresses the need to reach out to employers in both the public and private sectors.

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### What Needs to Happen

<sup>16</sup> "The Worker in N.E.'s Future," *New York Times*, James T. Brett and William E. Kiernan, November 15, 2004.

<sup>17</sup> "The Projected Population and Labor Force Outlook for the 55 and Older Population in Maine, 2005-2015," Center for Labor Market Studies Northeastern University, Boston, Massachusetts, November 15, 2006.

<sup>18</sup> "Employer Practices and Attitudes," November 2005, Planning Decisions Inc.  
[http://choices.muskie.usm.maine.edu/ProductsEvents/emp\\_practices.doc](http://choices.muskie.usm.maine.edu/ProductsEvents/emp_practices.doc)

More than anything, what stands between employers and their potential employees with disabilities is information.

- *Information about the capabilities of workers with disabilities.* Ninety percent of workers with disabilities are rated “average” or “above average” for performance in a 35-year-long study by the Dupont Corporation.
- *Information about the true expense of accommodations.* Only one-in-four employees with disabilities need accommodations. In instances where accommodations are required, half cost less than \$500 and 19 percent cost nothing at all.
- *Information about insurance costs.* Workers’ compensation insurance rates are based only on a business’ accident history, not whether employees have disabilities.

While employers are the primary audience of this effort, there is also a need to reach out to people with disabilities to encourage them to apply for more jobs, as well as to potential co-workers of people with disabilities to ensure an accepting environment.

Given the scope of need, there is a tendency to rush into a solution. P.L. 570 mentions some methods to reach employers, but these may or may not be the ideal methods. In a crowded marketplace our message will be competing with many others. We need to know the best, most cost effective ways to reach employers. We need to craft messages that meet the information needs of Maine’s employers. We need to understand, and most importantly, involve our primary audience before we consider the activities proposed in P.L. 570.

We propose the creation of a high-level Public and Private Sector Task Group that will oversee the development of a marketing plan by marketing professionals. We need to engage the services of professionals who have experience with traditional and alternative media, who understand marketing communications and who can help the Public and Private Sector Task Group use an array of marketing tools, such as strategic planning, video and Web production, event planning and promotion, and graphic design. By conducting market research and focus group facilitation, the marketing company will develop a campaign message and budget.

#### **A Public-Private Partnership**

A successful employer outreach campaign will include the time and leadership of people representing various interests, Maine employers in particular. We believe employers know best what would work to create change in employment practices. That is why we propose that the Public and Private Sector Task Group be led by an employer.

We envision additional members coming from government, other public and private sector employers, and people with disabilities and their advocates. The task group members will meet not more than four times in one year. They will guide and approve the work of the marketing firm as a professional strategic marketing plan is developed. This plan will seek to both raise awareness and effect behavioral change. Measurements of success will be built into the process.

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Moreover, with the full engagement and leadership of Maine employers, we anticipate a greatly increased interest on the part of employers to contribute financially to the implementation of the marketing plan.

#### **Estimated Cost**

We have gathered information on the estimated costs of developing a strategic marketing plan from a Maine firm. It is expected that a professional marketing campaign that includes quality Maine-based research, fully developed messages and associated graphics and a detailed and realistic budget will cost \$59,000. This figure is broken down as follows:

- The marketing firm will prepare detailed presentations for the task group of their findings and proposals. The firm will tap the expertise of the group's members and take strategic direction from them. Follow-up work will also be completed. It is estimated that the cost of these meetings will be \$9,000.
- A campaign message with supporting graphics will be developed for an estimated \$5000.
- A research firm will be engaged to test messages and assess public and employer opinions for an estimated \$10,000.
- Creative elements will be developed, once research has been completed. These might include: slogans, print ads, animated television commercial storyboards, brochures, and radio commercial scripts. The estimated cost is \$5,000.
- Focus group research on reactions to proposed products and messages will be done informally within companies participating in the Public and Private Sector Task Group for an estimated \$5,000.
- A complete campaign budget and recommendations for maximizing impact under variable funding will be developed. It will include budgeting for an initial awareness campaign, a "take action" campaign, and a maintenance campaign for an estimated \$25,000.

When finished, the marketing plan would be submitted for review and discussion to the Commission on Disability and Employment, the Maine Jobs Council, and the Departments of Labor and Economic and Community Development. With the leadership, support and input from such a wide array of stakeholders, it is expected that the plan would likely garner private-sector financial support.

We appreciate your time and consideration of a matter of great importance to Maine residents with disabilities, Maine employers and the future of Maine's workforce. We would be happy to provide additional information on this proposal and offer examples of the work that is being done in other states.



# Maine Jobs Council Structure

