

The California Workforce Inclusion Act *Supporting Workforce Participation of People with Disabilities*

By Donna Folkemer and Diana Hinton

Landmark legislation enacted in California in 2002 provides a comprehensive framework for employment supports for people with disabilities. The California Workforce Inclusion Act (AB 925) sets forth ambitious employment goals for people with disabilities and directs state and local service agencies to work together in new ways to ensure their success in the workforce. With a focus on one-stop employment centers, benefits counseling, personal assistance services, health care issues and more, the Workforce Inclusion Act may provide a model for other states as they ratchet up their economic development and employment supports for people with disabilities.

Comprehensive Networks

The goal of the California Workforce Inclusion Act (AB 925) is to provide comprehensive employment systems and support by streamlining and refocusing services. One-Stop centers authorized under federal law provide help in preparing for jobs in most communities. The act reinforces the centers' obligations to be fully accessible to people with disabilities and charges the state labor agency with monitoring compliance. Each local Workforce Investment Board, a community focused workforce council, must establish at least one comprehensive One-Stop center with the capacity to provide specialized services to people with disabilities, including skill assessment, case management, short-term prevocational services and individual employment plans. The local board must conduct regular reviews of the centers to determine their effectiveness.

This information brief is for anyone who interacts with youth with disabilities and would like to know about the programs under the Workforce Investment Act of 1998. The brief provides background on those parts of the Workforce Investment Act that cover service to youth so that youth, families, and service providers can better connect to the workforce development system.

Moreover, each local board must encourage people with disabilities to serve on its board.

One-Stop centers will often need to be supplemented with a range of health or other supportive services. In particular, states California's new law, people with disabilities often need personal assistance services at their job and need continued Medicaid coverage for health care expenses when they work.

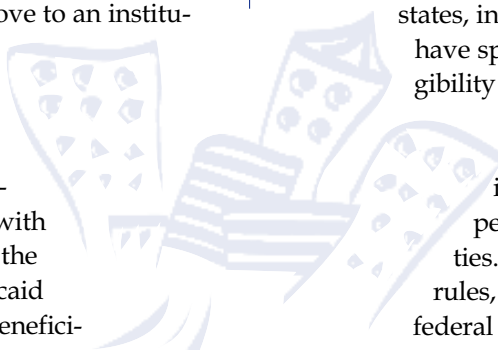
Personal Assistance Services

In many states, personal assistance services were set up to serve people in their homes. In fact, a primary goal was to allow individuals to remain at home rather than move to an institution. Known as the In Home Supportive Services program, California has an extensive personal care program with services available in the home for both Medicaid and non-Medicaid benefi-

aries. These services, such as — assistance with eating or other daily tasks, domestic services or escorts to medical appointments — are based on the needs of the individual and include limits on the number of hours of services that can be delivered. The California program allows an individual to receive up to 283 hours of personal assistance services per month, although the average program recipient uses only 80 hours per month. AB 925 also calls for personal assistance services to move to the workplace as people who need it move. It does not require more service hours, but it allows individuals to use them in different settings to support their employment aspirations. Recognizing that employers are obligated to assist their workers with disabilities, publicly funded personal assistance services may not supplant any reasonable accommodations required of an employer by the Americans with Disabilities Act.

Medicaid Coverage

Fear of losing health insurance coverage, especially Medicaid for prescription drugs or personal assistance services, may keep people with disabilities from working. In response to this problem, slightly more than half the states, including California, have special Medicaid eligibility rules that allow continued coverage at higher income levels for people with disabilities. These more liberal rules, authorized under federal law, are referred to





as Medicaid Buy-In Programs for Workers with Disabilities.

In many states, including California, participation in the Medicaid Buy-In Program has been lower than projected. Two years after its start, the California Program has slightly more than 500 people enrolled. AB 925 directs the executive branch to develop cost-effective recommendations for increasing participation in the program. This act asks the state to seek assistance from the private sector as well as the state's federally funded Medicaid Infrastructure Grant to conduct the study.

Making It Happen

The California Workforce Inclusion Act reconstructs an existing oversight committee on disabilities to oversee the law. The California Governor's Committee on Employment of People with Disabilities will include state department heads, one-stop centers and Workforce Investment Board representatives, business representatives, people with disabilities and others. The committee will advise major departments as they carry out the law's provisions. Among state government agencies, the Labor and Workforce Development Agency and the Health and Human Services Agency will have the greatest level of responsibility. These two agencies will be charged with developing a "sustainable, comprehensive strategy" related to full inclusion of people with disabilities in the workforce.

Measuring the law's success is likely to take many years. In the short term, state budget shortfalls may affect some initiatives. But the provisions of AB 925 make clear that successful workforce participation by people with disabilities involves collaboration by a range of organizations and groups extending well beyond the traditional providers of employment supports. ♦

Selected References

"California Governor Signs Landmark Employment Supports Measure."
Project Directors' Alert Bulletin,
NASMD Center for Workers with Disabilities

"California Workforce Inclusion Act."
NCSL summary

The National Collaborative on Workforce and Disability for Youth is working to ensure that youth with disabilities are provided full access to high quality services in integrated settings to gain employment and independent living. NCWD/Youth is:

- Supporting state and local policies that promote full access to high quality services for youth with disabilities;
- Strengthening the services provided by organizations responsible for delivery of workforce development services; and,
- Improving the awareness, knowledge, and skills of individuals responsible for providing direct services to youth.

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