
“This report uses data never before collected to paint an accurate picture of the actual state of employment for individuals with disabilities in Michigan,” said Elmer L. Cerano, Executive Director of MPAS. “While so much effort is going into assisting our state in its economic recovery, Michigan must be more aggressive in including what is the country’s single largest untapped workforce. People with disabilities in Michigan have marketable skills and a documented strong desire to work. The fact that we have over 8,000 of our citizens being placed in segregated work environments making an average $2.75 per hour is simply unacceptable. The workers deserve better and we must do better.”

Nationally, and in Michigan, individuals with disabilities, especially those with I/DD, consistently have significantly higher under- and unemployment rates compared to those without disabilities. Further, an alarming number of individuals with disabilities in Michigan who are deemed to be “working” are doing so in non-integrated settings (often known as “sheltered workshops”) and being compensated a fraction of the federal minimum wage. While these practices are legal, they have sparked a significant amount of attention across the country and have motivated several states to establish executive orders and/or pass legislation geared toward increasing opportunities for competitive, integrated employment for people with disabilities, including those with I/DD.

The data collected for this report were obtained from various sources including the U.S. Department of Labor, Wage, and Hour Division through Freedom of Information Act requests. Key findings from the report include:

• 60 percent of individuals with disabilities in Michigan want a job in their community; however, only 17 percent of them have one;

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There are over 70 non-profit Community Rehabilitation Programs operating sheltered workshops (located in 39 Michigan counties) paying their workers with disabilities significantly less than minimum wage;

These sheltered workshops account for over 8,000 individuals with disabilities being compensated an average wage of $2.75/hour;

Approximately 23 percent of employees with disabilities earned under $1/hour, while 47 percent of all employees earned below $2 per hour and;

69 percent of individuals with developmental disabilities who are “working” and served by Community Mental Health Services Programs (CMHSPs) in Michigan are working in segregated, non-competitive employment settings.

The Michigan Developmental Disability Network is calling on policy makers to establish meaningful statewide policy through legislation and/or an executive order aimed at strategically increasing opportunities for people with disabilities, including those with I/DD, to establish and maintain competitive, integrated employment. Additionally, the network is recommending that the potential policies mirror what has been considered best practice by the Office of Disability Employment Policy within the U.S. Department of Labor and are known as “Employment First” policies.

Employment First is a nationally recognized philosophy based on the expectation that all individuals with disabilities can, with proper training, job matching techniques, assistive technology and reasonable accommodations, earn a fair and prevailing wage alongside individuals without disabilities in fully integrated settings. This philosophy lays the foundation on which a productive, valued workforce of individuals with disabilities can be built.

“While this report may shed light on more areas of concern than areas of encouragement, we believe it ultimately provides the state of Michigan the opportunity to address this issue in a swift yet responsible manner,” said Kate Pew Wolters, MPAS Board of Directors President. “When implemented correctly, these policies should yield greater independence among individuals with disabilities, less reliance on publically funded supports, and increased contributions to the state’s economy and the businesses within.”


Two MPAS Board Members Serve Out Their Terms

In compliance with Michigan Protection & Advocacy Service, Inc. Board of Directors term limits, Ms. Donna DePalma and Mr. Ron Bush officially concluded their terms on the MPAS Board of Directors at the close of the September 16, 2014 annual meeting.

Ron Bush was elected to the Board of Directors in 2004 and served as the secretary of the Board from October 2007 through September 2009. Through the years he maintained a friendly, supportive and inquisitive demeanor while consistently expecting excellence in the work that MPAS does. “Ron never shied away from asking the hard questions and I know the agency is better because of that,” said Elmer L. Cerano, Executive Director of MPAS. “He has an unquestionable loyalty to the mission of MPAS and we are indebted to him for his stellar service as a board member.”

Mr. Ron Bush (middle) with (From L to R) Elmer L. Cerano, Executive Director of MPAS, and Thomas Landry, First Vice President of the MPAS Board of Directors.

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Michigan Department of Community Health (MDCH) Director, Jim Haveman, stepped down from his post, effective Sept. 12, 2014, after many years of successes and accomplishments including many achievements benefiting individuals with disabilities in the state.

“During Director Haveman’s tenure in public service, Michigan saw great strides in the efforts to promote independence and community inclusion for people with disabilities,” said Elmer L. Cerano, Executive Director of Michigan Protection & Advocacy Service, Inc. “We wish the director nothing but the best in his retirement and will continue to be grateful for his outstanding contributions towards the individuals we represent.”

Haveman was originally appointed director of MDCH in 1996 under the Engler administration after spending five years as the Director of the Department of Mental Health (what is essentially now MDCH). After serving in that capacity from 1996 to 2003, Haveman stepped down to pursue other endeavors only to be re-appointed director of MDCH under the Snyder administration in 2012.

During Haveman’s combined tenure as director of MDCH, the State of Michigan has seen vast accomplishments in the realm of advancing community inclusion for individuals with intellectual and developmental disabilities (I/DD) and mental illness (MI). These accomplishments include the closure of many of the state operated institutions for individuals with I/DD and MI and the commitment to person centered planning as the individualized blueprint for determining supports and services for eligible individuals. More recently, Director Haveman has helped lead the bipartisan Mental Health and Wellness Commission and the successful launch of the Healthy Michigan Plan.

MPAS thanks Director Haveman for his tireless efforts to improve the lives of individuals with disabilities in Michigan and wishes him all the best in his retirement.

Two MPAS Board Members Serve Out Their Terms

Donna DePalma joined the Board in 2002 and served twice as the secretary of the Board, from October 2005 through September 2007 and again from October 2009 through September 2011. Donna’s hands-on experience with people with disabilities gave MPAS a perspective that has remained invaluable. “Donna was always willing to volunteer her time and talents regardless of the assignment,” said Cerano. “Donna’s participation in the MPAS Legislative Luncheons and her understanding of the public policy role and responsibilities of MPAS helped to increase the organization’s credibility and standing with the state legislature.”

The two vacant seats resulting from the departure of Mr. Bush and Ms. DePalma were filled by Douglas P. Olsen of East Lansing and Paul Palmer of Lansing.

Ms. Donna DePalma with (From L to R) Elmer L. Cerano, Executive Director of MPAS, and Thomas Landry, First Vice President of the MPAS Board of Directors.
Another Important Game Changer

New CMS Rules Defining “Community”

In January 2014, the federal Centers for Medicare and Medicaid Services (CMS) issued new rules clarifying eligibility for Home and Community Based Services (HCBS) Medicaid funding. All states must submit a transition plan and then comply with that plan within five years.

After decades of advocating for community based services and supports for people with disabilities, it became painfully clear here in Michigan, and around the nation, that there were varying definitions of what is meant by “community”. The historic lack of a clear definition of “community” has allowed the creation of housing options for people with disabilities that looked suspiciously like the institutions that we sought to dismantle.

To be brutally honest, our rationale for a compromised definition of “community” for people with disabilities was based on costs, administrative convenience and historic inertia. It was not based on a true understanding of full community inclusion. Many of the supports and services we artificially defined as “community inclusion” would never be tolerated for people without disabilities.

Throughout the country, there have been recent redevelopments of gated communities, farms and residential villages specifically built for people with disabilities. Although well intentioned, it appears clear that the new CMS rules will prohibit the use of federal dollars (Medicaid) from funding such new or existing segregated residential options. The federal laws and guidelines are clear: Federal dollars can not be used to segregate people because of their disability.

A recent MPAS study concludes that a conservative estimate of 4,700-plus people with disabilities will require housing options that meet the new HCBS funding requirements.

Upon completion of the data collected by MPAS, the most clear, objective and reliable characteristics at our disposal to determine an AFC’s (adult foster care) compliance with HCBS Medicaid rules were:

- physical accessibility
- co-location and co-operation
- serving only a disability specific population and
- previous quality or compliance issues.

Based on these four characteristics alone, 521, or 63%, of the AFCs studied by MPAS are currently out of compliance with the new CMS rules. This number is expected to significantly increase as additional CMS requirements are applied.

MPAS commented on Michigan’s MI Choice Waiver draft transition plan with the following statements:

- MPAS supports the CMS rules in creating opportunities for people with disabilities to be fully included in the fabric of American society.
- Our interest reflects our willingness to assist the state in the difficult tasks of correctly managing this important change.
- Michigan’s plan must fully recognize that federal funding can not be used to segregate people because of their disability.
- Michigan’s plan must hold true to the values of full “community” inclusion as defined in the new CMS rules and assure that the same definition of “community” is used by people with disabilities as is used by the general population.

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Michigan’s commitment to implementing the intent of the new CMS rules must be inextricably linked to quality Person Centered Plans (PCPs).

To reflect the true needs and desires of the persons served, the PCPs must be independent of the service providing agencies and must be done with integrity by an individual or agency selected by the person with a disability.

One can hardly argue with the wording or the intent of new CMS rules. It is how Michigan will successfully implement the new rules, that is the critical question. MPAS encourages the State of Michigan to move quickly and decisively to implement the new CMS rules.

Like the deinstitutionalization movement of the past, there will again be resistance to progressive movements to integrate people with disabilities into the general community. Some opposition will come from the community at large, others will emanate from people with disabilities and their families who fear a repeat of past failed promises for community inclusion. The fears and concerns must be respected as we are again faced with the conflicts between personal preference and the purpose for which public dollars can be used.

We have a responsibility to current and future generations of people with disabilities that public policy and funding will be used to assure the supports and services necessary to successfully include all people with disabilities in the fabric of American society.

FROM THE EXECUTIVE DIRECTOR

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When it comes to being employed, there is nothing worse than being in a position in which you are certain to fail. The U.S. Bureau of Labor Statistics has reported that people with disabilities, a group which has historically faced significantly low employment rates, are more likely to be employed in production, transportation, and material moving occupations when compared to individuals without disabilities. These types of jobs, which at times are developed to assist people with disabilities enter the workforce, often focus on the concept of “job readiness” - spending months and even years getting an individual “ready” for employment rather than finding a position that matches the individual’s current talents and interest. “Job matching,” or carefully pairing the right person to a job that is specifically suited to their areas of interest and which maximizes their capacity for success, has always been more of an exception rather than the rule. However, when done successfully, the result often produces an employee who is in a better position for success in the work place and whose contributions toward the business of his or her choosing are greatly increased.

With the unemployment rate among persons with disabilities being the highest rate of any other group in the country, many believe that the approach for assisting this population to achieve competitive integrated employment needs to change. Instead of worrying about job readiness, which deals with things such as, “will the individual show up for work on time” and “can they stay until the workday is over”, the focus should be on techniques in finding a job that suits their interests, skills, and personality. Believing that anyone can find employment in their community, provided that an appropriate job matching process has been utilized, will go a long way in helping this under-represented group of individuals have a better opportunity to gain true economic independence. Individuals responsible for assisting people with disabilities find meaningful employment should understand that the process isn’t all that different from helping any other individual find employment. Individuals with disabilities and without need to have an idea of the type of job they would like and what work environment best suits their needs.

Individuals placed in positions using job matching techniques are more empowered to succeed at their job, making it easier for them to stay productive and engaged in their work, while at the same time contributing valuable benefits to their employer. Elmer L. Cerano, Executive Director of MPAS states:

“Innovative employers have found that they can reduce their high costs associated with continually hiring new employees, by doing a better job of hiring the right person for the right job. The correctness of the job match coupled with an expectation of competence and the correct blend of accommodations, technology, and supports increases the odds of recruiting and retaining good employees – thereby reducing the costs of staff turnover. This applies to all employees – those with and those who do not yet have a disability. With the right supports, attitudes, and opportunities, people with disabilities can be valued employees of existing and emerging industries. No make-work jobs, and no charity – just an honest opportunity and a fair chance for people with disabilities to contribute.”

Melina Bucci holds her ticket scanner while at work for the Great Lakes Loons at Dow Diamond Stadium in Midland.

The Executive Directive instructs the Department of Civil Rights, The Civil Rights Commission and the Civil Service Commission to coordinate with the State Equal Opportunity and Diversity Council (SEODC) to recommend a program for attracting and retaining individuals with mental illness, intellectual or developmental disabilities and physical disabilities, that includes competitive integrated employment opportunities, within state government. The directive ultimately requires the state to adopt a variety of policies and procedures eliminating hurdles faced by people with disabilities as they seek a career in public service by means of state employment.

“By setting a strong example of hiring people with disabilities within state government, this administration makes no question as to their commitment and acute understanding of the potential and value of this far too often underrepresented segment of the American workforce “ said Chris Rodriguez, Director of Government Affairs at MPAS. “Promoting opportunities for integrated competitive employment within state government will help private industries witness the many benefits of hiring people with disabilities and thus acts to broaden employment opportunities even further.”

This Executive Directive comes at the end of October which is National Disability Employment Awareness Month. The directive also comes a little more than a month after The Developmental Disabilities Network - comprised of MPAS, the Developmental Disabilities Institute at Wayne State University, and the Developmental Disabilities (DD) Council - released their Employment First report outlining the dismal employment circumstances in Michigan for individuals with disabilities, particularly those with intellectual and developmental disabilities (I/DD).

“The commission’s work has already led to important changes with the goal of helping more people live out self-determined, independent lives,” Lt. Gov. Calley said. “We must continue to improve and our state government will lead by example. I appreciate the partnership of the Michigan Department of Civil Rights and others and I look forward to working with all of our state agencies and departments to further these efforts.”

“I can say without question that a great deal of thought went into the construction of this directive and, as a result, I believe it will have a significantly beneficial impact on people with disabilities in this state who simply desire the same opportunities as anyone else” continued Rodriguez.

Take Advantage of Our Online Resources

We are continuously working to update the official Michigan Protection & Advocacy Service website that will answer some of our most frequently asked questions. We also make our most requested publication, the Special Education Advocate’s Manual available for download and to read online. You can also stay up-to-date on the work we are doing by signing up for our monthly e-newsletter on our website at www.mpas.org. Topics our resources cover include but are not limited to:

- Accessibility
- Community Mental Health Services
- Education
- Employment
- Guardianship
- Health Care/Insurance/Benefits
- Housing
- Institutional Rights
- Service Animals
- Social Security
- Voting
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