



# Human Development Institute

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## Memorandum

To: Governor Andy Beshear  
From: Employment First Council  
Katie Wolf Whaley, Chair  
CC: Matt Osborne  
Dr. Kathy Sheppard-Jones  
Date: February 28, 2022

Executive Order 2020-552 stated “It is the policy of the Commonwealth of Kentucky that competitive integrated employment in the community shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.” Subsequently, per Executive Order 2020-552, an Employment First Council was created to carry out the charge of the Employment First order. Per the Executive Order, an annual report is to be submitted.

As you will see in the report, much progress has been made in working toward the charge outlined for the Council. The report lists policy recommendations to create a consistent priority of employment for Kentuckians with disabilities as well as a range of products and resources that have been developed to promote employment opportunities for Kentuckians with disabilities to a wide audience. It also shows progress made toward goals set during the prior Executive Order 2018-328.

Thank you for supporting Employment First as a policy directive in Kentucky and for supporting the work of this Employment First Council. Your continued support will have a positive effect on many adults who live with disabilities and want to be part of their local workforce.

**Kentucky Employment First Council**  
**2021 Annual Report**



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## Introduction

On June 29, 2020 Governor Beshear signed Executive Order 2020-552, stating that “It is the policy of the Commonwealth of Kentucky that competitive integrated employment in the community shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.” This order builds upon the previous Executive Order, 2018-328, illustrating the importance of this priority. The Employment First Council serves to assist the Commonwealth toward this goal. This Council understands that the workforce participation rate for individuals with disabilities is about 1/3 that of people without disabilities and that this low employment rate has been increasingly recognized as a serious societal issue, with over 13.5 million adults of working age in the United States receiving disability benefits from Social Security and working age adults with disabilities living below the poverty line at twice the rate of the general population. It has also been continuously shown that with assistance, accommodations, and encouragement, many people with disabilities can work successfully in the community. Kentucky has a broad service system for adults with disabilities. The goal of this Council is for employment to become the first and preferred service outcome for those who desire to work. The reality is that our service system was not designed to prioritize employment. Data also shows that there is a general perception of unemployability for many with disabilities and, while this is slowly shifting to one of employability, we have a very long way to go. Kentucky has faced a decline in adults who participate in the workforce for decades. This labor shortage illustrates the need for creating additional pools of labor, ready to meet business needs. This report shows the Council’s progress in making recommendations to address barriers to employment for Kentuckians with disabilities.

The Council consists of 31 members, representing people with disabilities, employers, family members, state government agencies and disability organizations. They met 5 times between December 2020 - December 2021. Notes from each full Council meeting are available upon request. A full roster and list of meeting dates are included in Appendix A. A website, [www.employmentfirstky.org](http://www.employmentfirstky.org), outlines the goals of the Council, hosts resources and information on disability and employment and lets interested Kentuckians know of meeting dates. All meetings have been held remotely and access is provided to anyone interested in attending. At the first meeting Council members named a Chair and began to discuss the importance of the work ahead. The Council has 4 Sub Committees, made up of EF Council members and interested Kentuckians. These subcommittees are:

- Employer Engagement
- Advocacy
- Provider Capacity
- School to Work Transition

The goal of each subcommittee is to dive deeply into the charge of the Council, in their topical area, and to report back to the larger Council.

## Addressing the Charge of the Executive Order

The Council was charged with four main tasks in order to communicate how we, as a Commonwealth, can be sure our state policies and regulations are in line with the premise of Employment First and that Kentuckians have the information, training and resources needed in order to increase employment opportunities for Kentuckians with disabilities. These tasks represent the objectives of the Council. Following is a review of the progress made toward achieving each objective.

### Identify state policies that create disincentives to employment of people with disabilities and develop recommendations to address and eliminate those disincentives.

The Council has taken considerable interest in ensuring Employment First remain a priority in Kentucky. The reliance on consecutive Executive Orders is viewed as a major disincentive to the continued intentional prioritization of employment for Kentuckians with disabilities. While forty states have formalized Employment First, as has Kentucky through Executive Order, twenty-three states have codified it into law. Council members spent time researching the way Employment First laws have been written and carried out in these states and created priority points for our Commonwealth. The Council approved and submitted the following priorities to Governor Beshear for consideration regarding potential Employment First legislation. These are included as Appendix B and read as follows:

- Include relevant portions of [Executive Order 2020-552](#) (perhaps in a preamble), outlining the need, expectation (i.e., presumption of employability), and clear definition of Employment First.
- Name cognizant agency (e.g., Kentucky Department of Workforce Investment) responsible for increasing meaningful opportunities for competitive integrated employment for citizens with a disability, regardless of their disability.
- Include funding adequate for the cognizant agency to implement Employment First.
- Include clear goals and metrics to assess progress of efforts to increase competitive integrated employment of workers with a disability, in coordination, as appropriate, with the Kentucky Center for Statistics.
- Include annual reporting of progress on established goals and metrics to the Kentucky General Assembly.
- Require cross agency collaboration, coordination, and information sharing among agencies providing publicly funded services to people with disabilities of working age.
- Require that Employment First policy informs, without supplanting Federal or State law, the development and implementation of relevant agencies' individualized program/services plans.
- Include all disabilities (i.e., not disability-specific)
- Establish a non-partisan Governor-appointed Employment First Council (Council) to advise the cognizant agency on implementation of the policy, including strategies for increasing meaningful opportunities for competitive integrated employment for

citizens with a disability who desire to become employed, regardless of their disability.

This Council shall be a collaborative body among individuals with disabilities, family members of individuals with disabilities, government agencies, University of Kentucky's Human Development Institute (Kentucky's University Center on Disability,) members of the business community, and constituent groups who have an interest in the employment of individuals with a disability in competitive integrated employment.

- Clarify that the policy does not require any employer to give preference to hiring persons with disabilities or mandate that program participants having no desire to become employed be forced to do so.
- Require the cognizant agency to work in concert with the Kentucky Workforce Innovation Board (KWIB), as appropriate, including Kentucky's Employment First efforts in the KWIB's broader strategic planning related to workforce training and development.
- Keep it relatively simple & straight forward (i.e., comprehensive but not complex.)

At the time of writing this report, a bill has been filed in the Kentucky State Senate, including several of the priority points developed by this Council. The Council looks forward to continued discussions in the interim regarding the importance of this legislation.

[Develop training and resources for families, self-advocates, public and private providers, and employers on the benefits of working in meaningful and productive jobs within the general workforce.](#)

*"Building Capacity Toward Employment First"* was developed, held live and the webinar recording was posted on the website. This event targeted agencies that provide Home & Community Based Services (HCBS/1915c Medicaid waiver services) who may be interested in implementing or growing the provision of supported employment. These are agencies that currently provide other day and residential supports. The addition of employment support services offered will increase overall system capacity and should increase the likelihood of people having the opportunity to seek employment.

- Live webinar held 10/26 and recording posted to the Employment First website
- Follow up call held 11/2 for deeper discussion and time for Q&A

In an effort to increase this capacity, we identified areas in need and are developing resources and trainings to recruit additional providers. These provider agencies offer services to support people with more significant disabilities find and maintain employment. Maps showing estimated need can be found in Appendix C.

Since the signing of the current Executive Order, Employment First presentations and updates have been provided to the following groups, with target audience(s) and number of presentations provided, for a total of 51:

- HB144 Commission, families/self-advocates/public and private providers, (4)

- HB144 Employment Subcommittee, families/self-advocates/public and private providers, (3)
- KY Advisory Council on Autism, families/self-advocates/public and private providers, (4)
- KY Rehabilitation Association, public and private providers, (2)
- KY Association of People Supporting Employment First, public and private providers, (5)
- KY Workforce Innovation Board, employers/public providers, (2)
- RETAIN Inclusive Worker Health Leadership Network, employers/healthcare/workforce, (2)
- Kentucky Education, Employment and Health Consortium, public providers/employers, educators, (1)
- KY Special Parent Involvement Network, families/self-advocates/public and private providers. (2)
- United Partners in Kentucky Conference, families/self-advocates/public and private providers, (1)
- Kentucky Interagency Transition Council, public and private providers/educators, (1)
- Green River Regional Interagency Transition Team, educators (1)
- 6 Regional Special Education Cooperatives, educators, (6)
- KY Council for Administrators of Special Education Executive Board, educators, (1)
- Association of University Centers on Disability, families/self-advocates/public and private providers, (1)
- KATS Network Assistive Technology Summer Institute, families/self-advocates/public and private providers, (1)
- WKU chapter of Delta Sigma Pi (business fraternity,) college students, (1)
- Bluegrass coalition for Workforce Diversity, public and private providers, employers, (1)
- Employment Education Ambassadors, families/self-advocates, (2)
- Supported Employment Training Project, private providers, (10)

The following trainings/resources are mid-development at the time of this report:

- A series of webinars on managing supported employment programs. As the nature of employment supports is different than many other disability services, it can be more difficult to manage, and fund, effectively. This can also aid in the understanding of how agencies can expand services to additional areas of the Commonwealth.
- Resources for educators to share with families and students regarding employment as part of the transition planning process. This will be an easy to access, easy to share tool compiling resources around a list of common questions/concerns families have about life after high school.
- Webinar series aimed at Human Resources professionals and hiring managers on successfully employing people with disabilities.
- Existing resources, focusing on transition of students with disability after high school, are being moved to the Employment First website to be easily accessible to the general public.

While not products explicitly of the Council, both Kentucky Lieutenant Governor Jacqueline Coleman and Kentucky Education Commissioner Jason E. Glass recorded short videos regarding Employment First and students with significant disabilities. These can be found on the [Employment First website](#) and serve to communicate the benefits of employment to families, educators, and students.

[Recommend the implementation of effective practices to increase employment opportunities for workers with a disability to public and private providers of employment assistance and employers.](#)

The resources created/presentations provided and listed above will serve to promote effective practices across Kentucky.

Employment First has partnered with the Visionary Opportunities to Increase Competitive Employment (VOICE) Technical Assistance Grant by the US Department of Labor Office of Disability Employment Policy (ODEP). This initiative brought 11 provider agencies together for evaluation and strategic planning around increasing capacity and quality of disability employment services.

A plan is being created for the creation of a Mentor Network in Kentucky, which would connect existing providers of quality employment supports with new agencies/new Employment Specialists. This would create a strategic way to share best practices in service provision to increase employment opportunities for people with disabilities.

Appendix C illustrates the estimated regions for increased capacity in both Supported Employment and Employment & Retention services. These are services initially paid for by the Office of Vocational Rehabilitation and provided by Community Rehabilitation Providers (provider agencies.) Additional discussion and assessment have shown the distinct need for Customized Employment. Customized Employment is defined, in the federal Workforce and Innovations Opportunity Act of 2014,

“Competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and carried out through flexible strategies.”

The “Building Capacity Toward Employment First” webinar, held October 26<sup>th</sup>, addressed Customized Employment as a viable option. While these prospective provider agencies may become vendors through the Office of Vocational Rehabilitation, they are already agencies in our 1915c Medicaid Waiver system. These efforts serve to increase effective practice in both disability service systems and illustrate increased collaboration between the two. The Office of Vocational Rehabilitation has put out a Request for Proposal to provider agencies to be

able to invest in offering Customized Employment. Increasing capacity for this service will particularly enhance the employment options for Kentuckians with the most significant disabilities.

Establish measurable goals to assess progress of efforts to increase the employment of workers with a disability within the general workforce.

The Employment First Council set goals during the previous Executive Order. The following section indicates the progress made toward these goals.

**Goal:** Decrease gap in employment rate in Kentucky between people with and without disabilities by 1% by 2021.

The most recent data around the gap in employment rate are found at: <https://disabilitycompendium.org/>. The 2020 Kentucky employment rate for people with disabilities was 32.8% while the employment rate for people without disabilities was 76.9%. This is a 44.0% gap. In 2018, the Kentucky employment rate gap was 46.3%. Thus, the **employment rate gap between people with and without disabilities in Kentucky has decreased by 2.3%**. While the progress is encouraging, Kentucky's gap, at 44%, is still above the national average of 39.7% and we hope to see this continue to decrease.

**Goal:** Increase collaboration across Employment Initiatives through development of a communication network, resulting in 24 new instances of information sharing/collaboration.

Increased communications, collaboration, and documenting of practices with positive results across entities can help amplify results and further the progress toward increasing employment for people with disabilities. The Employment First Council is in a unique position to help build awareness of the interconnectedness of state and local formal partnerships with a disability focus. A webpage has been established to identify those employment initiatives and programs that include an emphasis on disability. These formal partnership networks are found at: <https://hdi.uky.edu/matrix>.

Since the signing of the current Executive Order, Employment First presentations and updates have been provided to various groups across the Commonwealth. The groups and target audiences are listed on pages 5-6 of this report. **These offered 51 formal instances of information sharing.**

In addition to these formal presentations, the Council created a set of Talking Points for Council members to further share a consistent message about Employment First among their own networks, whether formal or informal. Furthermore, approximately 50 employers have endorsed the Employment First Proclamation of Collaboration (available at <https://www.employmentfirstky.org/supporters/>).

**Goal:** Decrease percent of students with disabilities who report not being employed or pursuing post-secondary education one year post high school exit from 30.5% to 29.9% by 2021 as measured by the Youth One Year Out survey.

The 2021 Youth One Year Out survey finds 35.2% of students with disabilities were neither employed nor pursuing post-secondary education one year post high school. While this indicates a worsening in this post school outcome, 43.2% of students were engaged in competitive employment. This reflects an increase from 40.4% in 2020.

**Goal:** Include county level disability data from sources such as the Office of Vocational Rehabilitation, in operationalizing workforce strategic planning for the state.

KentuckyWorks Collaborative members suggested these data could be included in the WorkReady Communities Workforce dashboard at the August 29, 2019 Collaborative meeting. A new Executive Order was signed in July 2020 (2020-551) for the Kentucky Education and Workforce Collaborative. The Collaborative was reconvened in November 2021. This recommendation will be brought forward to the Collaborative leadership.

## Conclusion

On behalf of the full Employment First Council and all those interested in expanding employment opportunities, we thank you for the Executive Order and request for this information. Many Kentuckians have spent decades promoting employment supports and helping people find jobs, without significant change in employment outcomes overall. We are now at a time when Employment First is receiving a lot of attention and we have the chance to make real change and advances. In order for more people to be able to receive the supports needed to join or return to the workforce, systems change and cultural perceptions around employment for people with disabilities are needed. We look forward to working together on making the changes suggested and carrying out the mission of Employment First across Kentucky.

## Appendix A

## **Overview of the Employment First Council**

The Employment First Council met 5 times between December 2020 – December 2021:

- December 4, 2020
- January 9, 2021
- April 9, 2021
- July 9, 2021
- October 8, 2021

## **2020 - 2022 Employment First Council Membership:**

Representatives of person with a disability:

- Amanda Friend
- Caroline Gardner
- Frank Huffman
- Morgan Turner
- Tessa Wilkerson

Representatives who have an immediate family member with a disability:

- Annette Jett
- Diana Merzweiler

Representatives of a provider agency:

- Amanda Owen
- Willie Byrd

Employer Representatives:

- Kimberly Wilcher, Amazon
- Kimberly Ray, United Parcel Service
- Kimberly Wilson, University of Kentucky
- Martin Fawbush, Lowes
- Shaun Collins, Anthem
- Sonya Bergman, Appalachian Regional Healthcare

Representative from the Office of Vocational Rehabilitation

- Cora McNabb

Representative from the Workforce Innovation Board

- Stephanie Ebbens-Kingsley

Representative from the Department of Education

- Gretta Hylton

Representative from Career and Technical Education

- David Horseman or designee

Representative from the Department for Medicaid Services

- Leslie Hoffman

Representative from the Division of Developmental and Intellectual Disabilities

- Jeff White

Representative from the Commonwealth Council on Developmental Disabilities

- Kellie McCain

Representative from Kentucky Protection and Advocacy

- Jeff Edwards

Representative from Disability Determination Services

- Steven Vono or designee

Representative from the Division of Behavioral Health

- Lori Norton

Representative from the Autism Training Center

- Larry Taylor

Representative from the Office of Autism

- Tal Curry

Representative from the Human Development Institute

- Katie Wolf Whaley

Representative from the Kentucky Chamber of Commerce

- Zach Morgan

Representative from the Council of State Governments

- Dina Klimkina

Representative from the Statewide Council for Vocational Rehabilitation

- David Allgood

Full notes from each meeting are available upon request at [kwolf@uky.edu](mailto:kwolf@uky.edu).

## Appendix B



July 14, 2021

The Kentucky Employment First Council, meeting on July 9, 2021, approved and now respectfully submits the following recommendations for consideration regarding potential employment first legislation.

- Include relevant portions of [Executive Order 2020-552](#) (perhaps in a preamble), outlining the need, expectation (i.e., presumption of employability), and clear definition of Employment First.
- Name cognizant agency (e.g., Kentucky Department of Workforce Investment) responsible for increasing meaningful opportunities for competitive integrated employment for citizens with a disability, regardless of their disability.
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This Council shall be a collaborative body among individuals with disabilities, family members of individuals with disabilities, government agencies, University of Kentucky's Human Development Institute (Kentucky's University Center on Disability,) members of

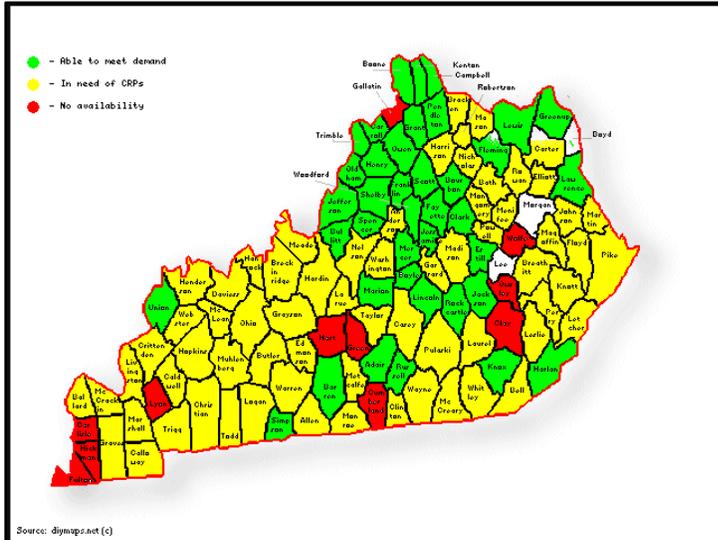
the business community, and constituent groups who have an interest in the employment of individuals with a disability in competitive integrated employment.

- Clarify that the policy does not require any employer to give preference to hiring persons with disabilities or mandate that program participants having no desire to become employed be forced to do so.
- Require the cognizant agency to work in concert with the Kentucky Workforce Innovation Board (KWIB), as appropriate, including Kentucky's Employment First efforts in the KWIB's broader strategic planning related to workforce training and development.
- Keep it relatively simple & straight forward (i.e., comprehensive but not complex.)

## Appendix C

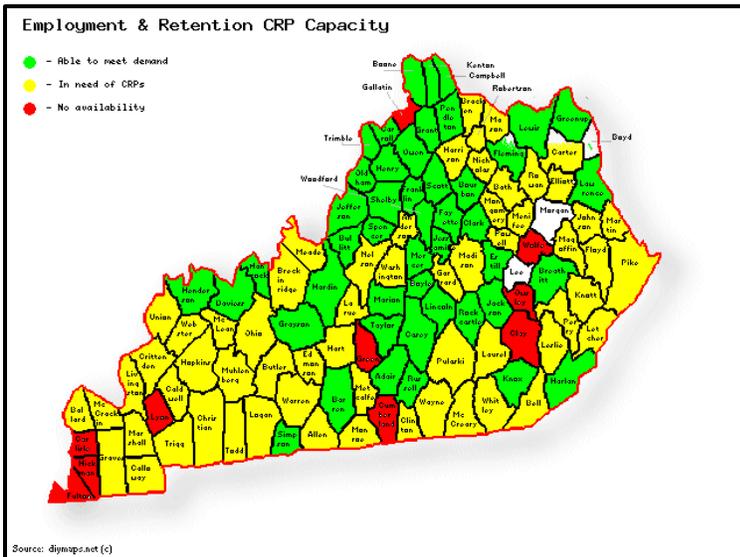
A map showing need for Supported Employment, a service provided by Community Rehabilitation Provider agencies (CRPs) in Kentucky. Supported Employment is specifically intended for people with the most significant impact of disability. \*

\*The white counties should appear yellow.



A map showing the need for Employment & Retention (job placement) services offered by Community Rehabilitation Provider agencies (CRPs) in Kentucky.

\*The white counties should appear yellow.



Note these maps were created in March 2021 at a time when there was lower than normal capacity due to COVID-19. They serve as a guide for targeted areas of service expansion.