



October 11, 2023

TO: Senator Beverly Gossage and  
Members of the Bob Bethell Joint Committee on HCBS and KanCare Oversight

FR: Matt Fletcher, Executive Director, InterHab

RE: Employment Services for Kansans with IDD

Chair Gossage and members of the committee, thank you for the opportunity to speak with you today during Disability Employment Awareness Month regarding elements that InterHab's members strongly feel are necessary in bolstering employment opportunities for Kansans with intellectual and developmental disabilities (IDD). These elements, if implemented by the Kansas Legislature, would provide the foundation for development of a comprehensive spectrum of work for this historically under-employed population.

#### **Supported Employment**

Despite passage of the Kansas Employment First Initiative Act more than 12 years ago, Kansas lags far behind other states in the establishment of a strong network of employment supports. The reason for this is simple – a significant lack of funding to provide services targeted to helping Kansans with IDD find and keep jobs in the community. The primary mechanism for providing such support is reimbursed via the Supported Employment Services component of the HCBS IDD Waiver. Even with recent reimbursement rate increases, the Supported Employment Services component reimburses at \$17.88 per hour – far less than what is needed to retain professionals who specialize in job recruitment and training as well as cover the additional costs associated with providing service. The result of this underfunding is clear - only a few hundred Kansans with IDD currently participate in supported employment services.

If we are to honor the aims of our Employment First law, we must provide the resources necessary for providers to establish Supported Employment programs. Further, ensuring a strong foundation for employment is a necessary precursor to addressing the IDD waiting list via a new Community Support Waiver.

#### **14c Transition Resources**

An equally necessary step in modernizing our state's employment services requires provision of resources necessary to enable IDD service providers to voluntarily transition from usage of federal 14c certificates. These certificates, offered by the United States Department of Labor, provide a federally allowed exemption to minimum wage via section 14c of the Fair Labor Standards Act.

The 14c exemption is provided to organizations that meet stringent standards. Organizations that meet, and maintain, these standards can provide employment-related supports in which individuals with disabilities may receive a wage that is less than the minimum wage for the purpose of vocational skills development. Often, wages are paid on a piece rate basis.

14c certificates enable the creation of training programs that help individuals with IDD who have significant disabilities or challenging behavioral issues learn important job skills. However, the 14c exemption has become increasingly controversial and there is significant energy at the federal level to eliminate it.

If IDD service providers are to successfully transition from usage of 14c, they will require resources to assist them in boosting pay to minimum wage. These providers will also need technical assistance and resources necessary to maintain a competitive status in obtaining contracted production for these settings.

### **Vocational Rehabilitation Services**

InterHab's members also support additional funding for Vocational Rehabilitation (VR) Services of DCF. A strong network of Supported Employment providers will require a strong network of State partners. VR must have the resources it needs to adequately support successful employment outcomes for persons with IDD. Further, additional resources for VR should lead to greater investment in proven employment programs such as Project SEARCH.

### **Conclusion**

InterHab looks forward to working with the Kansas Legislature in 2024 to address the employment needs of Kansans with IDD. Thank you for your continued diligence on behalf of the Kansas IDD service network and Kansans with intellectual and developmental disabilities.