
Principles: Employment of People with Disabilities

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BACKGROUND

Historically, society has isolated and segregated people with disabilities. It treats them differently than other people. Despite some improvements, discrimination continues to be a serious and pervasive problem. A critical area in which discrimination occurs is employment. Working age people with disabilities are among the most unemployed and underemployed members of society. They encounter various forms of discrimination, including lack of access to integrated competitive employment¹, and work disincentives in public benefits, such as reducing or eliminating Medi-Cal health coverage when a person works.

Title I and II of the Americans with Disabilities Act (ADA) prohibit employment discrimination. Title I applies to private employers, while Title II

¹ To be considered integrated competitive work, an employee must earn at least minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by workers without disabilities. An integrated setting for purposes of a job placement is one in which a worker interacts with people without disabilities, excluding service providers, to the same extent that other workers, in a comparable position typically found in the community, interact with others. [“Return to Main Document”](#)

applies to all “services, programs, and activities” of a public entity. It is through the ADA’s provisions that segregation of people with disabilities in virtually all aspects of American life—including employment – will end. The United States Supreme Court in the *Olmstead* decision held that the “unjustified isolation” of people with disabilities by states constituted discrimination under Title II.

The federal Home and Community-Based Services waiver regulations and the Workforce Innovation Opportunity Act affirm the right to the least restrictive environment, integration of people with disabilities in all aspects of life, and full access to community options.

Employees with disabilities often:

1. Encounter discriminatory job application procedures.
2. Are subjected to discrimination in hiring.
3. Are treated differently from the way other employees are treated.
4. Are harassed based on their disabilities.
5. Do not have equal or the same opportunities for promotions as other employees.
6. Do not receive reasonable accommodations even though most accommodations are not costly and increase worker productivity.
7. Face service delivery systems that do not provide enough training and opportunities for integrated competitive employment.

PRINCIPLES

Disability Rights California (DRC) is committed to eliminating discrimination in employment, expanding opportunities for integrated competitive employment, strengthening employment protections, and preventing the repeal or weakening of anti-discrimination laws. DRC supports legislation and policies consistent with the principles below.

Elimination of Discrimination

1. All employers must provide a workplace free from discrimination and treat qualified individuals with disabilities the same as others in hiring,

advancement or promotion, and all other terms, conditions, and privileges of employment².

2. Employers should ensure people with all types of disabilities are included in all aspects of employment, including work-related social activities.

Reasonable Accommodations and Services

1. All who have disabilities, whether visible or not, should have reasonable accommodations or modifications in the workplace, established through an interactive process between the employer and the employee.
2. All who have disabilities, whether visible or not, should receive the supports and services they need to be successful, including secondary education and training to gain integrated competitive employment.

Integrated Competitive Employment

1. All people with disabilities have a right to: competitive wages at, or above, minimum wage; work in integrated settings in the community along-side co-workers with and without disabilities; be self-sufficient; and have promotional opportunities.
2. Funding for employment service providers should prioritize and promote integrated competitive employment. Funding should be shifted from services in restrictive settings, such as day programs and sheltered workshops, to individual supported employment services.
3. All state and local systems should adopt and implement an Employment First³ policy that drives transition planning, funding

² Examples can include such things as hiring, promotion, discipline, discharge, termination of employment, right to return from layoff, and rehiring; rates of pay or compensation and changes in compensation; job assignments, job classifications, position descriptions, leaves of absence, sick leave or any other leave; and fringe benefits available through employment. [“Return to Main Document”](#)

³ A concept that states that employment in integrated settings within the community should be the priority service option for individuals with

allocations, and service development. For example, spending more resources on activities that produce an employment result, like a job, rather than non-work related goals. Each of these systems should support policies and practices, such as braided⁴ and blended funding⁵ that foster integrated competitive employment.

4. Policies and practices of state and local governmental agencies should support the right of all people to work and receive publicly supported employment-related services in the most integrated community settings.

Access to Public Benefits at Work

1. Public benefit programs, such as Social Security and Medi-Cal, must be designed so people can lead productive, fulfilling lives and have opportunities for employment.
 - a. Work disincentives in Social Security, In-Home Supportive Services (IHSS), Medicare, and Medi-Cal programs must be eliminated. Work incentives in these programs should be expanded and simplified. For instance, use of Plans for Achieving Self-Sufficiency through Social Security should be expanded or counties should increase IHSS service hours to accommodate an individual in the workplace and at school.
 - b. Home health benefits must be available so people can work and leave their homes for other purposes.

disabilities. <http://www.apse.org/employmentfirst/resources.cfm>. [“Return to Main Document”](#)

⁴ Braided funding involves multiple funding streams used to pay for all of the services needed, with careful accounting of how every dollar from each stream is spent. <http://sparkpolicy.com/braiding-your-funds-tips-and-tools/> [“Return to Main Document”](#)

⁵ Blended funding is used to describe mechanisms that pool dollars from multiple sources and make them in some ways indistinguishable. Blending may require the changing or relaxing of regulations guiding relevant state and federal funding streams at the federal, state, or local level to permit program flexibility, and change the way services are structured and delivered. For example, blended monies can be used to fund activities such as collaboration, coordination, program planning, and staff development functions that frequently cannot be adequately funded from just one source. <http://www.ncwd-youth.info/information-brief-18> [“Return to Main Document”](#)

- c. County mental health employment programs must be strengthened and expanded.

Data Collection

1. Data collection systems must be developed or enhanced to:
document the employment of people with disabilities; identify areas of significant need; inform policy changes; guide systemic reform; evaluate the outcomes of interventions and reform initiatives.