

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
MISSOURI DEPARTMENT OF MENTAL HEALTH,
DIVISIONS OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES,
MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION,
OFFICE OF ADULT LEARNING AND REHABILITATION SERVICES,
MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT,
DIVISION OF WORKFORCE DEVELOPMENT,
AND
MISSOURI DEPARTMENT OF SOCIAL SERVICES,
MO HEALTHNET DIVISION AND REHABILITATION SERVICES FOR THE BLIND

Vision Statement

All people with disabilities have ready access to competitive, integrated employment.

1. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to establish an understanding between the respective offices of the Department of Mental Health (DMH), Department of Elementary and Secondary Education (DESE), Department of Economic Development (DED), and Department of Social Services (DSS).¹ In regards to the implementation of the Employment First State Leadership Mentoring Program (EFSLMP) and in consideration of the Workforce Innovation and Opportunity Act (WIOA), Americans with Disabilities Act (ADA) and Center for Medicare and Medicaid Services (CMS) Community Settings Rule as outlined in the Home and Community Based Services Waiver (HCBS).³

A critical priority for the U.S. Department of Labor, Office of Disability Employment Policy (ODEP), is to invest in systems change efforts that result in increased community-based, integrated, employment opportunities for individuals with significant disabilities.² This priority reflects growing support for a national movement called Employment First, a framework for systems change that is centered on the premise that all citizens, including individuals with significant disabilities, are capable of full participation in integrated employment and community life. Under this approach, ODEP urges publicly-financed systems to align policies, services delivery practices, and reimbursement structures to commit to integrated employment as the priority option with respect to the use of publicly-financed day and employment services for youth and adults with significant disabilities.

The ODEP has recognized that many states desire to align their efforts to support individuals with disabilities toward an Employment First approach, but may not yet possess the capacity, experience or technical resources necessary to lead and facilitate such change. To address this need, ODEP has initiated the EFSLMP, a cross-disability, cross-systems change initiative, which provides a platform for multi-disciplinary state teams to focus on the alignment of policies, coordination of resources, updating of service delivery models, and the facilitation of integrated employment options.

¹ See Appendix A: Employment First Interagency State Team, for a general description of each collaborating state agency.

² "Employment First," DOL, <https://www.dol.gov/odep/topics/EmploymentFirst.htm>, (July 14, 2016).

³ See Appendix B: WIOA, ADA and HCBS summary.

Missouri, through the aforementioned state agencies, desires to partake in this initiative. In Missouri, less than 12% of citizens with significant disabilities are actively participating in the workforce, yet more than half express the desire to work. Through collaboration and the leveraging of resources of the DMH, DESE, DED, and DSS, the State of Missouri will work towards implementing the goals of the Employment First movement. This MOU was crafted in partnership with key representatives from the DMH, DESE, DED, and DSS as a basic foundation to begin development of a coordinated approach to improving employment opportunities and outcomes for people with significant behavioral health and developmental disabilities.

II. SHARED PRINCIPLES AMONG THE COLLABORATING AGENCIES

- a. Increasing the participation of individuals with disabilities in the workforce is a priority;
- b. Individuals with disabilities, who want to work, must be provided opportunity, training, and supports that build on their individual strengths to achieve their career goals;
- c. Individuals with disabilities must have the opportunity to complete career planning and engage in work that makes sense to them;
- d. Collaborating agencies will work to create a Missouri workforce reflective of all community members;
- e. Access to employment in the community at the greater of minimum or prevailing wages is essential for all Missourians to avoid lives of poverty, dependence, and isolation, including those with significant disabilities; and
- f. Collaborating agencies are committed to creating integrated, competitive employment within the State of Missouri general workforce.

III. ELEMENTS OF COLLABORATION

Shared Training

Effective cross-training is essential to achieve integration of Employment First principles. The collaborating agencies agree that each agency will provide open avenues to facilitate the transition of Employment First principles into their organization's processes and practices. Training will be coordinated at all levels and may be delivered through a variety of platforms, including in-person and virtual training. Trainings should be accessible to people with a range of disabilities. Each collaborating agency agrees to provide training in regular cycles to ensure staff remains abreast of Employment First principles and to account for staff turnover and the addition of new staff. A committee comprised of state departments and community partners will identify training components along with the mode of training. Examples of the training may include:

- a. Cross-training on agencies expertise regarding: the services they provide, the population they represent and natural points of collaboration with other partners;
- b. Community of practice and Mentoring;
- c. Disability etiquette;
- d. Resources for Benefit Planning; and
- e. Promising practices in the employment of individuals with disabilities.

Information Sharing

Missouri is committed to implementing a data-sharing agreement, that conforms with state and federal confidentiality requirements, to facilitate the seamless transition between systems, enhance the quality of services and expand employment outcomes. Initial focus will be on the use of each agency's administrative data sets to assess and evaluate progress with employment outcomes for individuals with disabilities to the extent allowable under applicable law. Agencies will then continue to explore the ability to expand and coordinate access to information concerning individuals served concurrently, creating efficiency through reduced duplication of efforts.

IV. TERMS OF THE MOU

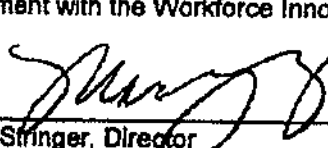
This MOU shall be effective upon the last signature of all parties and shall continue through automatic annual renewal.

Any changes to the MOU must be a formal amendment that all parties must review, approve, and sign for it to become effective. No other documents, including correspondence, acts, and/or oral communication by or from any person, shall be construed as an amendment to the MOU.

Any party may terminate this MOU after providing a minimum of thirty (30) days prior written notice to all parties.

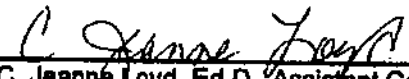
ACKNOWLEDGEMENT OF STATE LEADERS

We, the undersigned, are committed to Missouri's implementation of Employment First in alignment with the Workforce Innovation and Opportunity Act.



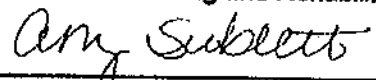
Mark Stringer, Director
Department of Mental Health

11-1-2016
Date




C. Jeanne Loyd, Ed.D., Assistant Commissioner
Department of Elementary and Secondary Education
Office of Adult Learning and Rehabilitation Services

11-1-2016
Date



Amy Sublett, Director
Department of Economic Development
Division of Workforce Development

11/3/16
Date



Joseph Parks, MD, Director
Department of Social Services
MO HealthNet Division

11/21/16
Date



Brian Kinkade, Director
Department of Social Services

11-29-16
Date

APPENDIX A: Employment First Interagency State Team

Department of Mental Health

Division of Behavioral Health

The Division of Behavioral Health seeks to integrate clinical and vocational supported employment services through state-wide partnerships with the Division of Vocational Rehabilitation, agencies providing employment programs, community mental health centers, substance use disorder treatment providers and state-operated facilities. The goal is to help individuals who are interested in employment, participate in the competitive labor market, hired to do a job of their preference, and with the appropriate level of professional help needed to be successful.

Division of Developmental Disabilities

The Division of Developmental Disabilities, established in 1974, serves a population of Missourians with developmental disabilities such as intellectual disabilities, cerebral palsy, head injuries, autism, epilepsy, and certain learning disabilities. Such conditions must have occurred before age 22, with the expectation that they will continue. To be eligible for services, individuals with these diagnoses must be substantially limited in their ability to function independently.

The Division's mission is to improve lives of Missourians with Developmental Disabilities through supports and services that foster self-determination. This mission is accomplished by focusing on the following priorities: fostering self-determination, supporting families, facilitating individualized services and supports, developing accessible housing and promoting employment first. In 1988, the Division began participation in the Medicaid Home and Community Based Services waiver program- designed to help expand needed services throughout the state.

Missouri Department of Elementary and Secondary Education

Missouri Vocational Rehabilitation

Missouri Vocational Rehabilitation (MVR) specializes in employment services that assist eligible individuals with disabilities to obtain, maintain or advance in employment. To be eligible, a person must have a physical or mental impairment that causes limitations with working and require vocational rehabilitation services to be successfully employed.

MVR offers a wide range of services that are individualized to meet the needs of each person. Services may include vocational guidance and counseling, job placement and education and training. MVR also provides assistance with supported employment, on-the-job training, rehabilitation technology and youth transition services. A counselor will assist in the development of a vocational plan and provide information so that individuals have informed choices regarding their employment.

MVR operates under the Missouri Department of Elementary and Secondary Education and has 25 offices statewide. The program is supported by federal and state funds.

Department of Economic Development

Division of Workforce Development

The Missouri Division of Workforce Development offers employment and training services through the Missouri Job Centers where job seekers can receive staff-assisted job search services. Staff actively works with individuals to identify career goals, skill-sets and to assist job seekers in completing an effective registration on the jobs.mo.gov job search website. Job seekers are offered the opportunity to attend career workshops, and enhance their skills through occupational training. Missouri Job Centers offer employers access to qualified job seekers by providing the jobs.mo.gov website for job matching in addition to recruiting events and customized training assistance.

Department of Social Services

MO HealthNet Division

The purpose of the MO HealthNet Division is to purchase and monitor health care services for low income and vulnerable citizens of the State of Missouri. The agency assures quality health care through development of service delivery systems, standards setting and enforcement, and education of providers and participants. We are fiscally accountable for maximum and appropriate utilization of resources. Missouri's low income and vulnerable citizens will have access to excellent health care in order to maximize their quality of life and independence. We are committed to purchasing services that are cost effective and appropriate. We value and respect our partners in health care delivery.

Rehabilitation Services for the Blind

Our mission is to create opportunities for eligible blind and visually impaired persons in order that they may attain personal and vocational success. These services are provided on the premise that with adequate preparation and reasonable accommodation, each blind or visually impaired person will be able to achieve his or her maximum potential in the home and community, in educational settings, and in employment. Eligible individuals are provided with services needed to enter, remain in, or return to suitable employment.

APPENDIX B: WIOA, ADA and HCBS summary

Workforce Innovation and Opportunity Act (WIOA)

In 2014, the Workforce Innovation and Opportunity Act (WIOA) was passed by the United States Congress and signed into law by President Obama. WIOA authorizes six workforce development core programs. These programs include:

- Vocational Rehabilitation Program (VR)
- WIOA Title I Adult Program
- WIOA Title I Dislocated Worker Program
- WIOA Title I Youth Program
- Adult Education and Family Literacy Act Program
- Wagner-Peyser Act Program

WIOA requires each state to develop its vision and strategy for assisting all of the state's citizens, including those with the most significant disabilities, in becoming successfully employed in competitive and integrated jobs. A primary focus of WIOA is assisting job seekers and workers with and without disabilities in succeeding in the labor market and matching employers with skilled workers who may benefit from education, skills training, and employment and support services. WIOA requires state agencies to coordinate employment efforts with mental health, intellectual/developmental disability and Medicaid agencies.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) of 1990 prohibited the discrimination of individuals with disabilities in employment, services, activities and programs. It requires supporting all individuals with access to the most integrated setting in the community which enables individuals with disabilities to interact with people without disabilities to the fullest extent possible. The U.S. Supreme Court's Olmstead Decision in 1999 re-affirmed the rights of all individuals with disabilities to full inclusion in their communities without unjustified segregation. Violations of these rights constitute discrimination. Subsequent U.S. Supreme Court decisions and U.S. Department of Justice enforcement has focused on state and local activities regarding assurances of competitive employment in the community, career planning and eliminating the discriminatory overreliance on segregated day/employment services for individual with disabilities. Amended in 2008 the ADA clarified that the definition disability should be interpreted broadly and that the focus should be on whether discrimination has occurred. The regulations that implement the ADA list several impairments that would almost always be considered disabilities, such as deafness, blindness, epilepsy, diabetes, autism, cerebral palsy, and intellectual disability. It also states that mitigating measures (something that helps someone cope with or manage their disability, such as medication or assistive technology) should be ignored when deciding if someone has a disability.

Centers for Medicare and Medicaid Services (CMS)

In 2014, the Centers for Medicare and Medicaid Services (CMS) regulation for Home and Community Based Services (HCBS) implemented new requirements to assure community settings which enhance expectations and protections for individuals with intellectual/developmental disabilities receiving long term support and services. Home and Community-Based assurances require optimizing independence in autonomy in settings which:

- Integrate and supports full access to the greater community.
- Provide opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.
- Ensure individuals receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS.

APPENDIX C: DEFINITIONS

Career Planning

Career Planning refers to ensuring access to employment, education and career counseling, as appropriate during program participation and after job placement. 29 U.S.C. 3102 (8) (B) Workforce Innovation and Opportunity Act.

Disability

The Americans with Disability Act defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability. The ADA also makes it unlawful to discriminate against a person based on that person's association with a person with a disability.

The Office of Disability and Employment Policy (ODEP) defines Employment First as –“a framework for systems change that is centered on the premise that all citizens, including individuals with significant disabilities, are capable of full participation in integrated employment and community life.”

Workforce Innovation and Opportunity Act definition of Competitive Integrated Employment:

- “Work that is performed on a full-time or part-time basis (including self-employment)
- “(A) for which an individual— “(i) is compensated at a rate that “(i)(aa) shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 208(a)(1)) or the rate specified in the applicable State or local minimum wage law; and
- “(bb) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or
- “(ii) in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and non-disabled individuals in comparable positions interact with other persons.
- “(ii) is eligible for the level of benefits provided to other employees;
- “(B) that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and
- “(C) that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.”