

INFORMATIONAL HEARING

Select Committee on Opportunities and Barriers for People with Disabilities in the Workplace

Assemblymember Liz Ortega, Chair

1021 O St., Sacramento, CA 95816

December 5, 2023 | 1:30 PM | RM 1100

Background

For the 15 years that the U.S. Department of Labor has been tracking disability employment data (from 2008 to present), their numbers have shown persistent disparities in employment rates of adults and working-age youth with developmental and physical disabilities, compared to those without a reported disability. According to the [U.S. Department of Labor](#), as of October 2023, the employment rate among people with a disability is 40.4% with a 7.8% unemployment rate compared to a 78% employment rate and 3.5% unemployment rate among people without a disability. These numbers suggest that people with disabilities who are seeking employment are twice as likely to be unemployed. Moreover, among those adults and youth with disabilities who are able to find work, many “are typically underemployed and have limited hours at low wages”.¹

This hearing will explore some of the many contributing factors to the low employment rate among people with disabilities and the challenges they face when employed. In addition to low wages and limited hours, challenges include: difficulty in accessing reasonable accommodations, misunderstanding of disability services and benefits, lack of proper training and support for employees with disabilities and their supervisors, low expectations by employers, and decreasing access to remote work.

How COVID-19 and Remote Work Expanded Opportunities for People with Disabilities

While employment rates have been persistently low among people with disabilities since the Department of Labor began tracking it, the COVID-19 pandemic opened employment opportunities for many by expanding access to remote work. Many people with disabilities who had never worked before, including those with mobility limitations, had the opportunity to work during the pandemic because they could do their jobs remotely.

¹ Raynor, Olivia. “Community Conversations to Increase Employment Opportunities for Young Adults With Developmental Disabilities in California.” *Journal of Disability Policy Studies*, vol. 28, no. 4, 2018. 203-215

In 2022, employment among this population was up nearly 25%, which many experts attribute to the availability of remote work positions. The opportunity to work from home severely reduced difficulties for many people with physical disabilities, for whom it can take up to three or four hours to get ready and travel to work in the morning.²

While remote work is still more prevalent than it was before 2020, many employers are shifting back to full or partial in-person work policies. Disability rights advocates fear that this shift back to in-person work will lead to layoffs and a return to the higher pre-pandemic unemployment rates among people with disabilities.

Lack of Cohesive Employment and Support Services for People with Disabilities

One of the more glaring barriers to gaining meaningful employment and/or higher education is a lack of cohesive services for adults with disabilities. The system designed to support Californians with disabilities is extremely fragmented and spread across local, state and federal agencies, including the State Departments of Rehabilitation (DOR), the Department of Developmental Services (DDS), and the Employment Development Department (EDD). (See below for a glossary of departments and organizations.) Attempting to navigate this labyrinth of disability services in California can be very overwhelming for this population and their families, and many people ultimately fall through the cracks.

In addition to this fragmentation, California's disability service system is impacted by a severe lack of stable funding. While our state is successful at obtaining many grants from the federal government for disability services, those grants are temporary. After a few years, the funding stream disappears. The result is that successful programs are left without funding and often are forced to close down.

California's Employment First Policy

In 2013, Governor Jerry Brown signed into law the [Employment First Policy](#) {WIC Section 4869(a)(1)}, declaring: "It is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities."

The Employment First Policy was established "in furtherance of the purposes of this division (the Lanterman Act) to make services and supports available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age, to support the integration of persons with developmental disabilities into the mainstream life of the community, and to bring about more independent, productive, and normal lives..." {WIC Section 4869(a)(1)}

² Lee, Don. "Surge in Remote Working Due to COVID Fuels Record Employment for People with Disabilities." Los Angeles Times, Los Angeles Times, 15 Dec. 2022, www.latimes.com/politics/story/2022-12-15/long-left-out-of-job-market-people-with-disabilities-reap-benefits-of-covid-19s-teleworking-boom.

Despite this being the policy of the State for nearly 10 years, California's employment rate for people with intellectual and developmental disabilities remains abysmally low. Statistics vary, but the average reported employment rate for this population is between 15% and 20%.

In this hearing, we will hear from experts from both academia and the State about how the Employment First policy has functioned in its first nine years and how the State can improve upon the policy to connect more people with disabilities with meaningful employment.

Glossary of Agencies, Programs and Organizations

[Association of California State Employees with Disabilities \(ACSED\)](#)

ACSED is a membership organization dedicated to addressing systemic issues faced by individuals with disabilities working in, or seeking to work in, state government. ACSED has been instrumental in defining a vision of equitable employment for persons with disabilities and moving the state toward that vision. ACSED is recognized by the State as the bona fide employee organization representing the interests of employees with disabilities.

[California Civil Rights Department \(CRD\)](#)

The Civil Rights Department is the state agency charged with enforcing California's civil rights laws. Its mission is to protect the people of California from unlawful discrimination in employment, housing, businesses, and state-funded programs, and from bias-motivated violence and human trafficking. CRD provides mediation services in certain circumstances, including disability discrimination cases.

[California Department of Developmental Services \(DDS\)](#)

Under the Lanterman Developmental Disabilities Services Act, DDS is responsible for overseeing the coordination and delivery of services and supports to more than 360,000 Californians with developmental disabilities including cerebral palsy, intellectual disability, autism, epilepsy, and related conditions. DDS runs the state's [regional centers](#) and programs such as the [Supported Employment Program](#).

[California Department of Rehabilitation \(DOR\)](#)

The DOR works in partnership with consumers and other stakeholders to provide services and advocacy resulting in employment, independent living, and equality for individuals with disabilities. DOR administers the largest vocational rehabilitation and independent living programs in the country. The department also offers services such as career counseling and student services to prepare young Californians with disabilities for the workforce.

[California Employment Development Department \(EDD\)](#)

The EDD administers Unemployment Insurance, Disability Insurance, and Paid Family Leave programs. The department also provides employment service programs and collects the state's labor market information and employment data.

[Disability Rights California \(DRC\)](#)

Disability Rights California (DRC) is the agency designated under federal law to protect and advocate for the rights of Californians with disabilities. DRC works in litigation, legal representation, advocacy services, investigations, public policy, and provides information, advice, referral, and community outreach. For more than 40 years, DRC has worked to advance the rights of Californians with disabilities in education, employment, independence, health, and safety, and has grown into the largest disability rights organization in the nation.

[Federal 14\(c\) Program - Subminimum Wage for Disabled Workers](#)

Section 14(c) of the Fair Labor Standards Act allows authorized employers to “pay subminimum wages to workers with disabilities that impair their productivity for the work they perform.”

[Senate Bill 639](#), signed into law in 2021, eliminated the existence of subminimum wage programs in California, effective in 2025.

[Regional Centers](#)

DDS oversees the coordination and delivery of services for Californians with developmental disabilities through a statewide network of 21 community-based, non-profit agencies known as regional centers. Regional centers provide assessments, determine eligibility for services, and offer case management services. Regional centers also develop, purchase, and coordinate the services in each person’s Individual Program Plan.

Potential Questions for Discussion

- What role should the Legislature and State Departments play in increasing meaningful employment and/or higher education opportunities for people with disabilities?
- What role should California’s public colleges and universities play?
- What new legislation/policies can be adopted to address barriers to employment for persons with disabilities?
- What existing disability service programs can be expanded upon and/or improved?
- How have existing employment programs/initiatives been performing?
- How can the State improve cohesion and effectiveness of services for people with disabilities and their families?
- How can the State encourage and aid more employers in hiring people with disabilities?