



## **Testimony**

Presented to the

**Senate Standing Committee on Disabilities**

&

**Senate Standing Committee on Labor**

To examine how effectively New York is supporting individuals with disabilities in obtaining and maintaining competitive, integrated employment

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**The Inter Agency Council of Developmental Disabilities Agencies, Inc.**

**(IAC)** is a nonprofit membership organization serving the New York City metropolitan area, Long Island, the Hudson Valley, and regions throughout New York State. We represent a diverse coalition of over 200 member agencies, including OPWDD voluntary providers, nonprofit 4410 and 853 special education schools, early intervention programs, family groups, and independent practitioners dedicated to supporting children and adults with intellectual and developmental disabilities (IDD). Our mission is to ensure that people with IDD have the resources, services, and opportunities they need to live full and productive lives. **IAC appreciates the many years of support and partnership with the Legislature, without which, we would not be able to create better futures for the children and adults with disabilities in our care.**

For nearly 50 years, IAC and our members have been at the forefront of the development and provision of programs and services to enhance the lives of people with IDD and their families including prevocational and employment programs.

We have witnessed the transformative effect of employment on the people we support and on workplaces that have benefitted from the talents of dedicated workers who also happen to have disabilities, and we are committed to increasing employment opportunities for this underutilized group of dedicated workers. Including all available talent creates a diverse, more productive workforce and employing people with disabilities improves morale at their workplaces.

## Addressing Fragmented Service Delivery Across OPWDD, ACCES-VR, SED & DOL

To begin, here are a few of the efforts currently in place to support employment for people with disabilities in New York State:

- In 2022, the [Chief Disability Office \(CDO\)](#) was created to foster collaboration among state agencies involved in services and supports for people with disabilities and to oversee New York's Employment First Initiatives.
- In 2024, Governor Hochul signed [Executive Order 40](#) declaring NY an employment first state [Employment First \(E1stNY\) | The State of New York](#).
- Since 2023, New York has been a Core State participating in a federal program, [National Expansion of Employment Opportunities Network \(NEON\)](#). NEON has worked with state government agencies to promote positive changes in state-level policies and systems through technical assistance to improve employment outcomes within their systems serving people with disabilities. Depending on need, Core States receive 100 to 300 hours of technical assistance from nationally recognized experts to support their strategic goals to increase competitive integrated employment for people with disabilities. Areas of focus for the Core States include benefits planning, blending, braiding and sequencing of funding resources, State as a Model Employer [State as a Model Employer \(SAME\) | The State of New York](#) and state strategic planning. States develop policy in the areas of employer engagement, Workforce Innovation and Opportunity Act (WIOA) implementation, benefits counseling and increasing access to customized employment. More about the program can be found here: [National Expansion of Employment Opportunities Network \(NEON\) | U.S. Department of Labor](#)
- [Civil Service Law Section 55-a,b & c - Employment of persons with disabilities by the state and municipalities](#)  
The state and municipalities may set aside a prescribed number of civil service positions for veterans and people with disabilities that are classified as non-competitive and don't require a written exam for entry.  
[https://newyork.public.law/laws/n.y.\\_civil\\_service\\_law\\_section\\_55-a\\_55b/c](https://newyork.public.law/laws/n.y._civil_service_law_section_55-a_55b/c) [Opportunities for Wartime Veterans and Individuals With Disabilities | Office of the New York State Comptroller](#)
- [Preferred Source Contracts through New York State Industries for the Disabled \(NYSID\)](#) - Utilizing state and local government preferred source (set aside) contracts, workers with disabilities can obtain high paying jobs with benefits under NYSID. Participating providers hire workers on their own payrolls and provide labor under

contract through NYSID. We support efforts to expand opportunities through this beneficial program. Specifically, we recommend that state agencies and local governments comply with existing finance law that requires them to participate in the Preferred Source Program and that a round table of experts be convened to recommend changes that would spur growth in the program.

- [Partnership for Inclusive Internships \(PII\) | The State of New York](#)  
Building on the successful program developed by AHRC NYC, the statewide Partnership for Inclusive Internships (PII) advances New York State's goal of becoming a model employer by creating internship opportunities in State agencies for individuals with disabilities that may lead to long-term employment. This program provides job readiness and professional skill development, and allows employers to witness the benefits of hiring capable people with IDD, thereby dispelling myths and enhancing employers' interest in hiring people with disabilities.

There are many initiatives in place and much work is ongoing to remove barriers to employment and streamline requirements for job seekers and service providers but there is more we can do to eliminate silos and coordinate resources in our service delivery system.

### **Eligibility Determination**

Job seekers with IDD must be deemed eligible by both ACCES-VR and OPWDD, each with different requirements and procedures. Additionally, for someone who doesn't yet have or who needs to reestablish Medicaid coverage, providers spend multiple unreimbursed hours toward this end. Medicaid recertification has become more problematic recently due to a combination of lack of coordination of the multiple entities responsible, staff shortages at federal, state and local offices and increased scrutiny requiring resubmission of documentation regarding citizenship and other proof of eligibility.

Psychological evaluations required by schools don't meet OPWDD requirements so students must be reevaluated prior to graduation to eliminate a long wait between graduation and entrance into adult services. OPWDD requires service recipients to enter services through the Front Door, enroll in Care Coordination and receive a CAS assessment. Intended to provide coordination and improved service delivery, the implementation of these safeguards has been complicated and cumbersome.

Alignment of eligibility requirements shared across state agencies including schools, would solve this problem. Another way to streamline access to services is to implement the practice of presumptive eligibility, whereby intake and eligibility determination would be performed by providers as a billable service, according to State agency standards. Risk

would be assumed by the service provider when eligibility is reviewed post service provision.

### **Programs currently provided:**

#### **OPWDD Funded Services:**

- Community Habilitation - services are delivered in the home or in the community enabling participants to learn skills for community living. Supports include adaptive skill development, assistance with activities of daily living (hands-on), community inclusion and relationship building, training and support for independence in travel, transportation, adult educational supports, development of social skills, leisure skills, self-advocacy and informed choice skills, and appropriate behavior development to help people access their community.
- Day Habilitation - offered at certified sites in the community (Site Based Day Hab) or entirely at community sites (Day Hab Without Walls). As with Community Habilitation services, Day Habilitation services assist people to acquire, retain or improve their self-help, socialization and adaptive skills, including communication, travel and other areas in adult education. Activities and environments are designed to foster the development of skills and appropriate behavior, greater independence, community inclusion, relationship building, self-advocacy and informed choice. Day Hab participants also volunteer in the community.
- Supported Employment - Supported Employment provides the on and off the job supports a person needs to maintain a paid competitive job in the community. Typically, OPWDD funded Supported Employment is provided after the person has received supported employment services funded by the NYS Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) but there are now agreements between the State agencies that allow people who need greater supports than provided through ACCES-VR to circumvent this process. OPWDD's supported employment services include the Employment Training Program (ETP). ETP provides minimum wage internships that are paid by New York State. Interns are hourly, temporary employees covered by Workers' Compensation and General Liability Insurance through New York State. Interns typically work between 4 and 12 hours per week gaining work experience that often results in permanent employment. While this program is highly successful and should be expanded, the eligibility process is time consuming and should be simplified.
- Prevocational Services - Prevocational services are for those who want to work, but need extra help to develop the skills to be successful in the workplace. These services address vocational interests and can help participants build on strengths

and overcome barriers to employment. Prevocational Services include support and training related to the ability to obtain and retain employment, excluding training on job tasks.

- Pathway to Employment - This is a wrap-around program which can co-occur with other services including Day Habilitation, Pre-Vocational and Supported Employment services, and can also be utilized by students leaving high school and others. Over the course of 12 months, a participant will have a documented career goal; a detailed career plan (Discovery Report) used to guide their employment supports; and preparation for supported employment services. While the intent of “Pathway” is good, the required Discovery Report can be completed with fewer restrictions under the other day services models described above. Pathway is underfunded and overly prescriptive and for these reasons, even with recent improvements many providers have chosen to discontinue providing these services.

### **ACCES-VR (Vocational Rehabilitation) funded services:**

Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) services are offered through the New York State Education Department to assist people with disabilities to achieve and maintain employment and to support independent living. A vocational rehabilitation counselor is available to assist participants in developing a plan and reaching employment goals. ACCES-VR services include:

- Assessment to help identify skills, abilities, interests, and needs for support
- Career counseling and guidance
- Benefits Advisement
- Rehabilitation and assistive technology
- Training at a vocational school, community college, or on the job
- Supported Employment
- Information on the Americans with Disabilities Act and reasonable accommodations
- Job placement and job retention
- Other services necessary to achieve employment goals

### **Transition from School to Adult Services and Employment**

While structures are in place to facilitate students transition from school to adult services and employment, much more can be done.

[Student and Youth Transition Services | Adult Career and Continuing Education Services | NYS Education Department](#)

## [School Transition Toolkit | Office for People With Developmental Disabilities](#)

Better collaboration between SED and OPWDD will improve transition of students from school to work and increase positive outcomes for students, families, employers and service providers. Arrangements between school districts and adult service providers exist but must be expanded and should include working with students during the school day, which, in many cases, is currently limited to after school and weekends. Adult service providers can support students during their last three years of school, in the areas of discovery, person-centered planning, the development of work-readiness skills, and obtaining volunteer and/or internship opportunities in community-based settings. Contracts between providers and school districts allow providers to bill for services. These arrangements have resulted in a significant increase in the number of students who successfully transition into employment services upon graduation, often at their volunteer/internship sites.

Transition should begin as early as possible, but no later than the age of 16, for students expected to graduate at 22. While this is intended, it is not always evident in practice. Schools should be the point of entry to adult services, and transition standards should be strengthened, and applied across all schools and school districts. Job seekers should graduate with varied, realistic work experiences, which would form the basis for future employment decisions. Expanded opportunities for internships, transitional employment, job try-outs and other activities that could be developed collaboratively by providers and school personnel, would provide experience and education regarding employment, with incentives for both students and the businesses that provide the work experience. The ideal situation would be for students to graduate with a job, with a known and trusted provider at the ready to support the new worker.

### **Recommendations:**

- Coordinate Medicaid recertification efforts to improve efficiency and eliminate coverage gaps
- Apply one set of eligibility requirements shared across state agencies including schools to shorten wait times for job seekers and preserve resources
- create one employment portal or no wrong door/single point of entry including all state funding and oversight agencies
- Consider presumptive eligibility to reduce wait times for services
- Adult service providers should be allowed to work with students during their last three years in school, during school hours to maximize collaboration between school and adult services programs, through contracts allowing them to bill for services

- State agencies and local governments should comply with legal requirements to participate in the Preferred Source Program and a round table of experts should be convened to recommend changes that would spur growth in the program

### **Addressing Limited Pathways from Programs to Employment**

A group convened by OPWDD has been meeting for the past few years to identify ways to enhance the movement of people from day programs toward employment by eliminating structural barriers to employment and to make recommendations. While some progress has been made, we have yet to implement some of the more meaningful suggestions and are constrained by the current 1915c Waiver. Nevertheless, good work has been done including identifying ways to strengthen each individual service and conversations about the creation of a multi-directional continuum of services so that program participants can try preemployment and employment activities knowing that they are able to return to more supportive settings if needed. The group has recommended these general, overarching principles that would improve service delivery:

- Flexible, responsive, individualized services to meet program participants' needs and reflect their choices
- Responsive availability of support that can increase and decrease with program participants' needs including lifetime support if required
- Use of data for continual improvement and planning
- Adequate funding to support changes in the needs of the people currently supported and to accommodate the needs of new people entering the system. There should be adequate funding to attract and retain staff with the expertise required to provide these services
- Flexibility for providers – streamline and align documentation, billing and approval requirements across programs
- Coordination and collaboration with other service systems to anticipate need and future funding requirements as well as to eliminate duplicative processes and those that work against each other
- Periodic regulatory review to eliminate unneeded requirements that interfere with efficient and effective service delivery (Governor's EXPRESS initiative!)
- Improve rates for Pathway to Employment, Community Prevocational Services and New York City SEMP
- Universal day services approval, collapsing service authorizations for various program types into one day and employment authorization, aligning payments, documentation requirements, and billable services

## Addressing Structural barriers

Quality Employment services include good job matches and skilled training, which translate into increased job retention. This is the formula for increasing employment opportunities for people with disabilities. Successful employment experiences increase workers self-esteem and show the business community that hiring workers with disabilities is a wise decision. Unsuccessful employment experiences accomplish just the opposite. According to the OPWDD website, 97% of all IDD services are funded through Medicaid, and under the HCBS Waiver in 2024, OPWDD spent an average of \$40,827 per person for day habilitation, \$4,450 per person for prevocational services and \$9,551 for Supported Employment services. We believe strongly that a variety of options must exist to support all people with I/DD in leading fulfilling and productive lives in their communities to the greatest extent possible. A fluid, supportive, multidirectional system where participants can try options without fear of losing their ability to return to more supportive settings would encourage both program participants and their families to experience new possibilities.

### Provider Funding

Generally speaking, employment services are underfunded. As previously stated, far fewer resources are allocated to employment programs than for other day services and since our largest expense is for staff salaries, this translates into our inability to pay staff for the expertise required. But there are other issues with how employment services are funded. ACCES-VR is entirely performance based, with no dollars provided up front to pay for activities that are necessary to achieve payable outcomes. OPWDD is financed entirely on an hourly basis where providers bill in 15 minute increments for services provided. The OPWDD methodology provides up-front dollars but forces the provider to focus on documentation and billing for services rather than on outcomes. A hybrid approach, with both up-front and performance based payments, would cover initial costs, reward outcomes and innovation and cut down on time spent on other than service provision. While OPWDD provides higher funding for employment services than ACCES-VR, OPWDD rates are not evenly applied across the state –SEMP rates for the New York City region are 10% less than those for Western New York. This disparity doesn't reflect the cost of doing business, for example the cost of living in NYC is 35% higher than that in Albany. We aren't suggesting that any region's rates should be lowered, just that regional rate setting align with the regional cost of providing services.

Long term and life long employment supports should be available to anyone who needs it and should be funded at a level that can sustain the providers in helping workers to keep their jobs. Investments in employment are cost effective for the state, because

employment services cost less, increase independence of the people supported over time, and allow people with disabilities to become tax-paying contributors to local economies.

### **Recommendations:**

- We strongly recommend that an investment be made to prioritize and incentivize employment experiences and options for more people with disabilities
- The state should convene a workgroup to take a comprehensive look at the system and develop a plan to both provide better services and find savings – spending more on employment may produce savings in other programs
- Explore alternative ways to finance services with methodologies that cover costs, reward outcomes and innovation and are aligned with real costs
- Pilot new funding arrangements for employment programs

### **Staffing**

The quality of staff is directly related to successful employment services. To quote the nationally recognized expert on developmental and other disabilities, Clarence Sundrum, “One might characterize the job description of a direct support worker as requiring the wisdom of Solomon, the patience of Job and the caring of Florence Nightingale.”. While DSPs are skilled professionals, Job Developers, Employment Specialists and Job Coaches need an even higher level of expertise, judgement and communication skills. They must navigate the employment world where their customers include job seekers and their families, employers, the co-workers of the employees with disabilities they support and the customers of the businesses where they work. While the ability to place people in jobs ebbs and flows with economic and general workforce conditions, skilled job developers can ensure employment opportunities in spite of these factors and skilled Job Coaches can help people to be successful and keep their jobs. Increasing employment opportunities is dependent on relationship development with the business community. This is a complicated function, which requires highly skilled professionals.

Fees paid to providers for OPWDD and ACCES-VR services do not cover the true cost of providing services and prevent agencies from paying enough to attract and retain workers with these required skills and abilities. State workers who perform equivalent functions, earn much more with far superior benefits packages. The well-known shortage of human services workers across sectors must be addressed so that New York’s Care Economy can thrive, and New Yorkers who depend on these services can live the lives they are entitled to. It is essential that service providers receive an annual Targeted Inflationary Increase (TII) at least equal with the CPI just to maintain the status quo. If we intend to increase employment for people with IDD then appropriate increases above the CPI are necessary.

We applaud the Legislature for recognizing this and including a 4% TII in their one-house budget proposals this year.

**Recommendation:**

- New York State must include an annual TII for providers that, at a minimum, matches the CPI so as not to create a new staffing emergency once the current one is solved

**Staff Training**

Providing quality services for individuals with disabilities requires a well-trained workforce. Required staff training is available through both ACCES-VR and OPWDD but there appears to be little cooperation or coordination between these state agencies. OPWDD mandates twenty-four hours of Innovations training and six additional hours per year. There is also NYS CASE training available through ACCES-VR. Currently, once Supported Employment (SEMP) staff complete the Innovations training, they must re-take the same training classes to meet the continuing education requirement. OPWDD should allow other approved training, including classes offered under NYS CASE to fulfill this requirement. Further, OPWDD should support professional development by allowing a broad range of approved classes as billable services under the current SEMP payment methodology. Staff development not only improves service delivery but increases staff satisfaction and job retention.

**Recommendations:**

- OPWDD should allow other approved training, including classes offered under NYS CASE to fulfill the annual continuing education requirement
- OPWDD should support professional development by allowing a broad range of approved classes as billable services under the current SEMP payment methodology

**The Benefits Cliff**

Many families rely on the SSI income of their family members with disabilities and discourage employment, just as many people with disabilities are afraid to work because they can't risk jeopardizing their disability benefits. Some of the fear is the result of lack of knowledge about existing Social Security and Medicaid work incentives. Benefits advisement can educate these families and individuals with disabilities about the programs available for maintaining benefits and how they work. We must also advocate for additional programs that can delay changes in benefits so that people with disabilities are willing to attempt employment without the fear of any change in benefits. It makes sense to

identify the strategies and resources necessary to increase benefits advisement opportunities and Social Security waiver programs so people can try work without the fear of losing the benefits they depend on. The expansion of benefits advisement services engaging students and families early in transition would certainly support employment and should be available to all people with disabilities who are considering employment, regardless of where they are in the process.

Largely a federal issue, this might be an area where cross agency collaboration could lead to innovative ways to navigate current restrictions.

**Recommendation:**

- The state should identify strategies and resources necessary to increase benefits advisement opportunities and develop Social Security waiver programs so people can try work without the fear of losing the benefits

## **Transportation**

Creative transportation options, as part of employment services will increase the number of people with disabilities employed. Transportation while an obstacle in all parts of the state, is a bigger problem in rural areas, but multiple options including subsidies, ride sharing and expanded travel training would help to facilitate employment. Additional funding for transportation should be included if we truly want more people with disabilities to become employed.

**Recommendation:**

- Additional funding for transportation should be included as part of service delivery

## **Subminimum Wage**

While IAC has not taken a position on the elimination of subminimum wage for people with disabilities, we have witnessed that done properly, subminimum wage employment provides an opportunity for people with IDD to acquire work skills that can lead to competitive, integrated employment while earning money. As one tool in the toolbox, we have seen the value of this provision.

## **Addressing Inconsistent Employer Engagement**

Employment services necessarily rely on not only the availability of jobs, but also on employer willingness to embrace hiring employees with disabilities. Hiring employees through one of our programs includes a thorough analysis of the job, on the job training by program staff, possible job modifications to match the skills of the proposed worker,

ongoing follow up and support from agency personnel, and other features that are outside of the usual hiring process. The employer must trust that the services we provide including job matching, training and follow up will enable their success and give us the flexibility to continue to make it work for both the worker with a disability and the business.

Relationship development is the key to making this happen. Successful relationship development, which leads to lasting, productive business relationships happens over time and leads to high quality job opportunities for people with disabilities. When the job seekers abilities are more specific, as can be the case for someone with higher needs for support, finding the right job can take even longer. For long term success, placements must be a “win/win” for both the employer and the employee.

Efforts to develop new incentives for business, partnerships between Economic Development agencies, business groups and service providers, campaigns to promote the benefits of hiring workers with disabilities and general outreach to develop more business connections would also help to get more people to work. Additionally, we strongly support increased availability of civil service jobs for people with disabilities and legislation to set hiring goals for state entities and vendors.

**Recommendations:**

- The state should engage in efforts to develop new incentives for business
- Develop partnerships between Economic Development agencies, business groups and service providers to explore ways to increase business participation
- The state should sponsor campaigns to promote the benefits of hiring workers with disabilities and general outreach to develop more business connections
- Enact legislation to increase the availability of civil service jobs for people with

**IAC members have been actively engaged in statewide efforts to increase employment opportunities for people with IDD. We are eager to expand successful current initiatives and support new programs that will achieve our mutual goals.**

[For more information:](#)

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