

Sept. 11, 2015

To Employment First Stakeholders

From: Mike Maley, Statewide Employment First Coordinator

Re: Proposed Settlement Reached

The state has reached agreement on a proposed settlement in Lane v. Brown, the class action involving employment services that Oregon provides to people with intellectual and developmental disabilities (I/DD). This case was the first of its kind in the country. The case was settled after the parties reached agreement on a number of issues. This agreement also avoids a lengthy trial set to begin in Dec. 2015.

In 2013, with the adoption of Executive Order 13-04, the state revolutionized the services it provides to individuals with I/DD by committing to phase out “sheltered workshops” and to replace them with employment services directed toward integrated community jobs. With this settlement, the state has agreed to continue to implement the Governor’s Executive Order, and carry out other commitments already made by the state, such as finding 1,115 jobs in the community for people who have worked in the workshops. The state’s work will be supervised by an independent monitor.

Highlights of the settlement include:

- **Substantial Progress:** The agreement acknowledges that “Oregon has made substantial progress in providing employment services to and improving employment outcomes” for people with intellectual and developmental disabilities (I/DD). The agreement is intended to “reflect and take into account this substantial progress.”
- **Continue Existing State Reforms:** The settlement is largely built around what Oregon has already set out to do. The state will continue to carry out a broad range of system reforms instituted under Executive Orders. These reforms include “closing the front door,” or ending new entries to sheltered workshops, as well as providing career development plans to people who have worked in workshops, certifying service providers, coordinating more closely with the schools, and increasing services designed to achieve integrated employment. As provided in the Executive Order, the state will provide employment services to 7,000 people with I/DD, including those in workshops and transition-age youth. (The Orders are [Executive Order 13-04](#), issued in April 2013, and [Executive Order 15-01](#), issued in Feb. 2015.)

- Competitive Integrated Employment: The Department of Human Services will help 1,115 people who have worked in workshops obtain community jobs at a competitive wage. The 1,115 job number was taken directly from DHS's [Integrated Employment Plan](#). The state is agreeing to carry out the commitment that it made in its plan.
- Goal of 20 hours of work per week: DHS will issue guidance that the recommended standard for services is the opportunity to work at least 20 hours per week, if that is what the individual chooses. DHS will also provide some incentives to providers to encourage a 20 hour week. DHS also will establish and promote a goal that all people with I/DD who want to work in the community will have an opportunity to pursue competitive employment that allows them to work the maximum number of hours consistent with their abilities and preferences.
- Sheltered Workshops: In the next two years, DHS will carry out its plan to reduce the number of people with I/DD in sheltered workshops (from 1,926 to 1,530) and reduce the hours they work (from 93,530 hours to 66,100 hours). These goals are also taken from the [Integrated Employment Plan](#).
- Flexibility: The state has flexibility to revise its Executive Order. The state also can seek relief from the requirements in the agreement in the event of an economic downturn, as described in the agreement.
- Monitoring: Oregon will continue to provide detailed data reports, and Oregon's performance under the agreement will be assessed by an independent reviewer.

The full settlement is published [online](#).

The settlement was brokered by Magistrate Judge John V. Acosta. It must still be approved by Magistrate Judge Janice M. Stewart, who has presided over the litigation since its inception.

A press release from Governor Brown and Attorney General Ellen Rosenblum is [online](#).

While the settlement is a very important event in shaping our efforts to improve employment outcomes for individuals with intellectual and developmental disabilities, it is not the only consideration. Our work must also involve compliance with new federal regulations such as the Centers for Medicare and Medicaid Services (CMS) "most integrated service setting rules" and the Workforce Innovation and Opportunity Act (WIOA). So there is much to do in

continuing our efforts to improve the lives of Oregonians with I/DD by increasing opportunities for employment.

Thank you all for your continued involvement, support, and advocacy for services to individuals with intellectual and developmental disabilities in Oregon. If you have comments or other questions, please email them to employment.first@state.or.us.

~ Mike