

December 30, 2015

To: Employment First stakeholders
From: Mike Maley, Statewide Employment First Coordinator
RE: Lane v. Brown Settlement Agreement Approved
(Please forward to your local partners & stakeholders)

The Department of Human Services was informed late yesterday that U.S. Magistrate Judge Janice Stewart approved the Settlement Agreement in the Lane v. Brown case. This is the class action case involving employment services that Oregon provides to individuals with intellectual and developmental disabilities. I wanted to let you know about this important decision as quickly as possible.

Judge Stewart's order approving the class action settlement is available at: <http://www.oregon.gov/dhs/dhsnews/Documents/lane-v-brown-settlement.pdf>.

Below is the news release DHS issued about this decision.

December 30, 2015

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Settlement approved by federal judge on Lane v. Brown class action case

Decision will continue improvement of employment opportunities for Oregonians with intellectual and developmental disabilities

The Oregon Department of Justice, the Oregon Department of Human Services and the Oregon Department of Education expressed satisfaction today that a federal court accepted a settlement in Lane v. Brown, the class action involving employment services that Oregon provides to individuals with intellectual and developmental disabilities.

"We are pleased that the Judge upheld the settlement, confirming Oregon's commitment to integrated, community jobs," Attorney General Ellen Rosenblum said.

"This settlement ensures that we will continue efforts to improve employment opportunities and services for people with disabilities and effectively implement Oregon's Employment First policy," Mike Maley, Statewide Employment First Coordinator, Department of Human Services, said.

U.S. Magistrate Judge Janice Stewart, who oversaw the case, ruled after a day of testimony from people affected by the settlement. Lane v. Brown was the first case of its kind in the country. The case was settled after the parties reached agreement on a number of issues. This resolution was reached after significant compromises were made by all parties.

In 2013, with the adoption of Executive Order 13-04, Oregon changed the services it provides to individuals with intellectual and developmental disabilities by committing to support people in “sheltered workshops” and those transitioning from school to find, gain and maintain employment in integrated settings. With this settlement of the Lane v. Brown case, Oregon has agreed to continue to implement the Executive Order and carry out other commitments already made by the state – including specific steps to decrease the number of people receiving services in sheltered workshops and to increase the number of people working in integrated community jobs.

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 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 per month). 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 and available at:

<http://www.oregon.gov/dhs/dhsnews/Documents/lane-v-brown-settlement.pdf>.