

Improving Employment Opportunities & Outcomes for People with Disabilities: Implementation of the Workforce Innovation and Opportunity Act

Tuesday, September 29, 2015 | 12:30 - 1:30 pm EST

The webinar will begin shortly.



Employment Policy & Measurement
Rehabilitation Research & Training Center



Webinar Overview

- Welcome and Introductions
- Overview of Workforce Innovation and Opportunity Act (WIOA) Select Disability Provisions
- Improving Employment Outcomes for Youth with Disabilities
- Section 511: Limitations on the Use of Subminimum Wage
- Q & A



Overview of WIOA Disability Provisions

Presenter: Lisa D. Ekman, Disability Policy Consultant
American Association of People with Disabilities





Overview of WIOA Disability Provisions

- Unified State Plan
- Improved Accessibility of American Job Centers
- Vocational Rehabilitation Improvements
 - New Authority to Provide Job Retention Services
 - Employer Engagement: Outreach and Relationship Development
 - New Requirements to Serve Youth
 - Emphasis on Competitive Integrated Employment/
Limitations to Subminimum Wage



Unified State Plan

- Requires one unified state plan for all workforce programs, including Vocational Rehabilitation (VR)
- State plan must include information on how state entities will comply with nondiscrimination provisions (Section 188)
- Must include how state entities comply with accessibility requirements



Improved Access to American Job Centers

- State and local plans must certify how they will comply with nondiscrimination provisions, including
 - Physical accessibility
 - Programmatic accessibility, including services, technology and materials
 - Must also include plans for staff training and support


american**job**center®



VR Improvements: Job Retention Services

- WIOA gives State VR agencies explicit authority to provide job retention services in state plan
- Section 412 gives the authority: "to serve eligible individuals (whether or not receiving vocational rehabilitation services) who require specific services or equipment to maintain employment
- No additional funding is provided to VR agencies to provide job retention services



VR Improvements: Employer Engagement: Outreach and Relationship Development

- WIOA places strong emphasis on employer engagement in all programs
- Requires VR to include plans for working with employers to develop opportunities for competitive integrated employment





New Requirements to Serve Youth

- State must reserve at least 15% of allotted funds to provide pre-employment services to youth
- State plan must include strategies to improve and expand VR services for students with disabilities on a statewide basis
- Must attend IEP meetings when invited



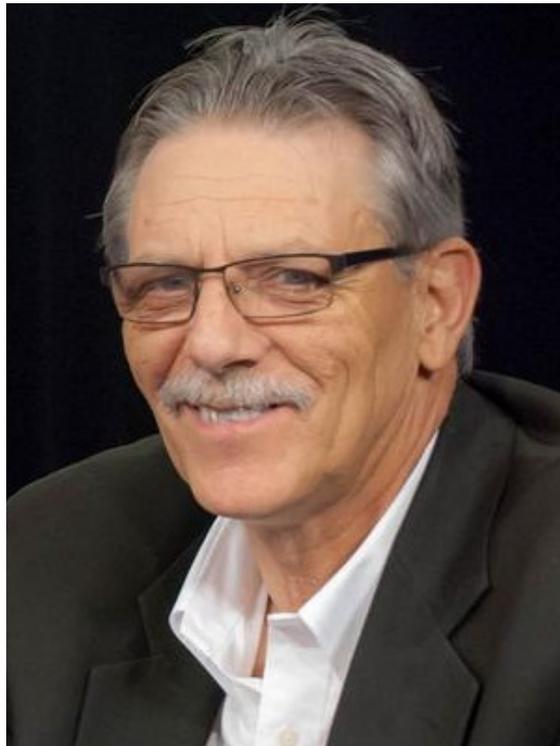
Emphasis on Competitive Integrated Employment

- Reaffirms purpose of the Rehabilitation Act is competitive integrated employment
- Creates Advisory Committee on Competitive Integrated Employment (Section 609 of Title IV)
- Creates limitations on the use of subminimum wage (section 511)



Improving Employment Outcomes for Youth with Disabilities

Presenter: Kelly Buckland, Executive Director,
National Council on Independent Living



NCIL Proudly Presents: Information on the Workforce Innovation and Opportunity Act

Presented by: Kelly
Buckland

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Definitions

- YOUTH WITH A DISABILITY.-
- (A) IN GENERAL.-The term ‘youth with a disability’ means an individual with a disability who-
- (i) is not younger than 14 years of age;
and
- (ii) is not older than 24 years of age.

Key Provisions of WIOA

- VR Must Utilize at Least 15% of its Funds Serving Youth with Disabilities.
- Approximately \$300,000,000

Key Provisions of WIOA

- Increases the focus on serving —low-income adults and youth who have limited skills, lack work experience, and face other barriers to economic success;
- Expands education and training options to help participants access good jobs and advance in their careers;



Key Provisions of WIOA

- Helps disadvantaged and unemployed adults and youth earn while they learn through support services and effective employment-based activities; and
- Aligns planning and accountability policies across core programs to support more unified approaches.



Key Provisions of WIOA

VR is now Part of Unified State Workforce Plans.

Larger role for VR to serve youth earlier in high school. Requires State vocational rehabilitation (VR) agencies to make “pre-employment transition services” available to all students with disabilities

Emphasizes the need for youth with disabilities to have more opportunities to practice and improve their workplace skills, to consider their career interests, and to get real world work experience.





Key Provisions of WIOA

Pre-employment Transition Services (PETS)

Job exploration counseling.

Work-based learning experiences

May include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment.





Key Provisions of WIOA

- Counseling on opportunities for transition or post-secondary educational or higher education programs.
- Workforce readiness training to develop social skills and independent living. Instruction in self-advocacy which may include peer mentoring

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Emphasis on Competitive Integrated Employment/ Limitations to Subminimum Wage

Presenter: Rose Sloan, Government Affairs
Specialist, National Federation of the Blind





Rehabilitation Act Findings:

- A high proportion of students with disabilities is leaving secondary education without being employed in competitive integrated employment, or being enrolled in postsecondary education; and
- there is a substantial need to support such students as they transition from school to postsecondary life.



Rehabilitation Act Purposes

- to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society;
- to maximize opportunities for individuals with disabilities, including individuals with significant disabilities, for competitive integrated employment;
- to ensure that the Federal Government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with significant disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living;



Rehabilitation Act Purpose (cont)

- to increase employment opportunities and employment outcomes for individuals with disabilities, including through encouraging meaningful input by employers and vocational rehabilitation service providers on successful and prospective employment and placement strategies; and
- **to ensure, to the greatest extent possible, that youth with disabilities and students with disabilities who are transitioning from receipt of special education services under the Individuals with Disabilities Education Act and receipt of services under section 794 of this title have opportunities for postsecondary success.**



Section 14 (c) of the Fair Labor Standards Act

- (c) Handicapped workers
- (1) The Secretary, to the extent necessary to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment, under special certificates, of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age, physical or mental deficiency, or injury, at wages which are-
 - (A) lower than the minimum wage applicable under section 206 of this title,
 - (B) commensurate with those paid to nonhandicapped workers, employed in the vicinity in which the individuals under the certificates are employed, for essentially the same type, quality, and quantity of work, and
 - (C) related to the individual's productivity.



A Rehabilitation Act Failure

Section 14(c) is:

- As antiquated and obsolete as the title, “Handicapped Workers.”
- A legal provision allowing employers to pay workers with disabilities pennies per hour.
- An assertion that the employee with a disability cannot be competitively employed.



GAO Reports Estimate:

- Over 400,000 workers with disabilities being paid subminimum wages
- 50% are being paid less than half of the federal minimum wage.
- 25% are being paid less than \$1 per hour.



Section 511 of the Rehabilitation Act

Limitations on use of subminimum wage

- No entity, including a contractor or subcontractor of the entity, which holds a special wage certificate as described in section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) may compensate an individual with a disability who is age 24 or younger at a wage (referred to in this section as a "subminimum wage") that is less than the Federal minimum wage unless 1 of the following conditions is met:



Paths to Subminimum Wage Employment

- Be 25 or older:
 - An individual with a disability that is age 25 or older or is currently employed under a Special Wage certificate is eligible to be compensated at subminimum wages.



Paths to Subminimum Wage Employment (cont)

- **24 or younger:** The individual must be able to document that they have traveled through one of the following service paths:
- **Ineligible for VR services:** Received pre-employment transition services or transition services under IDEA; and applied for, and been found ineligible for, VR services.
- Received pre-employment transition services; worked toward an employment outcome specified in IPE, with appropriate supports and services, including supported employment, for a reasonable period of time without success; resulting in a case closure.
- Received career counseling, and information and referrals to Federal and State programs and other resources that enable the individual to explore, discover, experience, and attain competitive integrated employment.



Customized Employment

Through Customized Employment, the relationship between employee and employer is personalized in a way that meets the needs of both. It's a universal strategy that benefits many people, including people with disabilities. Reflecting this universal strategy, for many years, ODEP has worked to strengthen the capacity of the nation's workforce development system to improve employment outcomes for people with disabilities through Customized Employment. ODEP has evidence-based research data showing that Customized Employment leads to positive employment outcomes for individuals with disabilities.



Competitive Integrated Outcomes

Title	Author	Resource
 2010 Washington Employment Report	The Washington Initiative for Supported Employment (WiSe)	PDF
This report reviews the first five years of outcomes of Washington state's Employment First policy in the areas of public sector employment, private sector employment, self-employment, and systems change.		
Self-Employment Q&A: Self-Employment as a Customized Employment Outcome	Katherine Inge, Pam Targett, and Cary Griffin	PDF
This brief explains how self-employment can be a successful employment outcome for persons with disabilities, allowing them to pursue their goals and dreams while contributing to the economy. It also addresses financial resources to help with business start-up.		
Successful Customized Employment Placement Videos	Connect-Ability	URL
These videos share the stories of people with disabilities who work in a wide range of professions, from biological laboratory technician to staff attorney at a legal clinic to trucking company owner. (Approximately 00:03:00 each)		
The Cost-Efficiency of Supported Employment Programs: A Literature Review	Robert E. Cimera	PDF
This literature review offers support for Customized Employment as a worthwhile public investment, with the monetary benefits outweighing the costs for both workers and taxpayers.		

<http://www.dol.gov/odep/i toolkit/policymakers.htm>



Purpose of Section 511 of the Rehabilitation Act

- to ensure, to the greatest extent possible, that youth with disabilities and students with disabilities who are transitioning from receipt of special education services under the Individuals with Disabilities Education Act and receipt of services under section 794 of this title have opportunities for postsecondary success.



Questions?