

WIOA at the 2-Year Mark



INSTITUTE FOR COMMUNITY INCLUSION
promoting the inclusion of people with disabilities





WIOA:

The Workforce Innovation and Opportunity Act of 2014

One Hundred Thirteenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Friday,
the third day of January, two thousand and fourteen*

An Act

To amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Workforce Innovation and Opportunity Act”.

- Signed into law July 22, 2014



Reauthorizes Workforce
Investment Act of 1998,
including Rehabilitation Act

WIOA Basics

- **COVERS FOUR PUBLIC SYSTEMS**

- ***Workforce Development System***
serving all job seekers
(Titles I)

- **Wagner-Peyser Labor Exchange**
(Title III)

- **Adult Education & Literacy**
(Title II)

- ***Public Vocational Rehabilitation***
(Title IV)



Core Programs Under WIOA

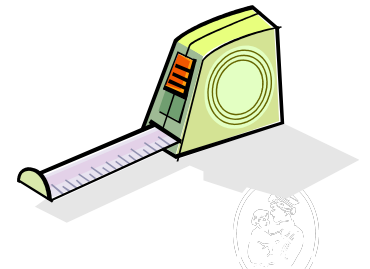
1. **Adult, Dislocated Worker, & Youth Workforce Investment Programs**
2. **State Employment Service**
3. **Adult Education & Literacy**
4. **Public Vocational Rehabilitation**

9 Additional Federal Programs that are
Mandated One-Stop Partners,
but Not Core Programs



Core Program: What It Means

- Must submit a **unified 4-year state plan**
- Member of state and local **workforce boards**
- Subject to “**Common Measures**”
- **Adult Measures:**
 - *Entering & retaining employment*
 - *Median earnings*
 - *Obtaining an educational credential*
 - *Effectiveness in serving employers*





- As of Friday, July 22nd, entire law is in effect
- Final regulations were released on June 30th
- State WIOA plans were due April 1st
- All state plans have been conditionally approved





- **Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities**

Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities

Interim Report to:

The Honorable Thomas E. Perez
United States Secretary of Labor

The United States Senate
Committee on Health, Education, Labor and Pensions

The United States House of Representatives
Committee on Education and the Workforce

September 15, 2015

“Competitive Integrated Employment” Defined



- Full-time or part-time work at minimum wage or higher
- Wages & benefits similar to those without disabilities performing same work
- Fully integrated with co-workers without disabilities

***Optimal outcome under
WIOA***



What's "Integrated" Under WIOA?



- **Both within the work unit and entire workplace**, must interact with co-workers, **customers, and vendors** to the same extent as **employees** without disabilities in comparable positions
- Interacting only with supervisor and CRP staff is insufficient



From WIOA Explanatory Comments

- **Group and enclave employment settings** operated by businesses **formed for the purpose of employing individuals with disabilities** will not satisfy the definition of competitive integrated employment.
- Factors that generally would result in a business being considered “not typically found in the community,” include:
 1. the funding of positions through **Javits-Wagner-O’Day Act (JWOD) contracts**
 - AbilityOne, federal set-aside program
 2. **Subminimum Wage**
 3. Compliance with a **mandated direct labor-hour ratio** of persons with disabilities.





- Competitive integrated employment definition **only applies to placements funded by public vocational rehabilitation**
- Does not necessarily impact placements funded by other systems

ASSESSMENT FOR ELIGIBILITY FOR VR

- Must now, *to the maximum extent possible*, rely on information obtained from experiences in integrated employment settings in the community and in other integrated community settings



CHANGES IN INDIVIDUAL PLAN FOR EMPLOYMENT



- IPE must be developed within 90 days of determination of eligibility
- If additional information is needed for the IPE, assessment must be done in most integrated setting possible



VR



Youth with Disabilities

Students with Disabilities

- Age 16 to 21
- Enrolled in school with IEP or Section 504



	VR TRANSITION SERVICES	PRE-EMPLOYMENT TRANSITION SERVICES
Available To →	Youth with Disabilities (age 14 to 24)	Students with Disabilities (age 16 to 21, enrolled in school with IEP or 504) – can be younger at state’s discretion
VR Eligibility	Must apply for and be accepted for VR services	Available to any student with a disability who can benefit
Individual Plan for Employment (IPE)	Required	Not required
Level of Services	Broad and highly flexible	Narrow and relatively specific



VR Area Office Employment Transition Coordination Requirements



- Attend IEP Meetings
- Work to develop employment opportunities
- Work with schools on pre-employment transition services
- When invited, attend person-centered planning meetings



PRE-EMPLOYMENT TRANSITION SERVICES

- **15% of state Title I VR Funds must be used for “Pre-Employment Transition Services”**
 - Total for FY 2015: \$468 million
- **Required services:**
 - job exploration counseling
 - work based learning experiences
 - counseling on post-secondary opportunities
 - workplace readiness training
 - Instruction in self-advocacy, which may include peer mentoring
- **9 additional activities allowed if funding is available**



**PRE-EMPLOYMENT
TRANSITION
SERVICES PART OF A
CONTINUUM**

Based on explanatory
comments from WIOA
final regulations

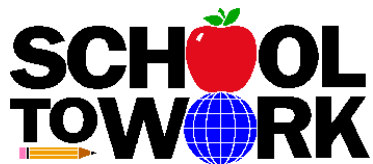
- **Pre-employment transition services:** earliest set of services available to students with disabilities.
 - *Designed to help students with disabilities begin to identify career interests that will be further explored through additional VR services, such as transition services*
- Job placement assistance is not included among the listed **pre-employment transition services**, but could constitute a **transition service**

Pre-Employment
Transition Services

Transition
Services



SCOPE OF PRE-EMPLOYMENT TRANSITION REQUIREMENTS



- VR agency, in collaboration with local school districts, must provide, or arrange for provision of pre-employment transition services for ***all students with disabilities in need of these services***, eligible or potentially eligible for VR services, from 15% of Title I funds, and any funds made available from state, local, or private funding sources.



Pre-Employment Transition Services are to be widely available



- Must be available statewide **all students with disabilities** *in need of such services*, without regard to the type of disability
- Do not need to apply or be accepted for VR services
- Under final regulations, includes post-secondary

How do we
define
in need of?



**WHO NEEDS
THESE
SERVICES?**

**How are
they
defined?**

- Job exploration counseling
- Work based learning experiences
- Counseling on post-secondary opportunities
- Workplace readiness training
- Training on self-advocacy



WIOA Definition:

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



**"Never mistake
activity for
achievement."**



- John Wooden



Section 511:
*New restrictions on use of
sub-minimum wage
effective July 22, 2016*



Individuals 24 & Under

Before being placed in sub-minimum wage employment



1. Pre-employment transition services from VR or transition services from school
2. Either being determined ineligible for VR or an unsuccessful VR closure
3. Provision of career counseling & referrals designed to assist individual to achieve competitive integrated employment, in a way that facilitates independent decision-making and informed choice



Informed Choice Under Olmstead



“Individuals’ and their families’ initial response when offered integrated options may be reluctance or hesitancy.”

Affirmative steps must be taken to ensure individuals have an opportunity to make an informed choice

Steps include:

1. Providing information about the **benefits of integrated settings**
2. Facilitating **visits or other experiences** in such settings
3. Offering opportunities to **meet with other individuals** with disabilities working in integrated settings, with their families, and with community providers.
4. Identify and **address any concerns or objections** raised by individual or another relevant decision-maker.





Schools contract with

or

any individuals

sub-minimum wage

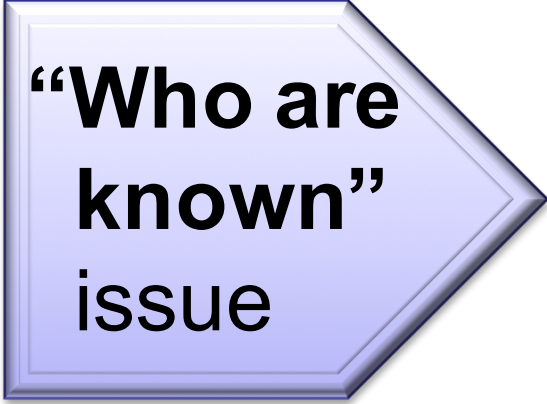
AS of Friday, no longer allowed.



***Steps Required
Annually for All
Individuals
Earning
Sub-Minimum
Wage***

- VR must provide career counseling and referral to other programs & resources
- Is informed by *employer* of self-advocacy, self-determination, & peer mentoring opportunities not provided by *employer*





**“Who are
known”
issue**

- Section 511 applies only to individuals
“who are known” to VR
- Final regulations state that VR may know of an individual with a disability through the **VR process, self-referral, or by referral from the client assistance program, another agency, or entity**

Leveraging Section 511

- **VR – ID/DD System Partnership**
 - Source of referral
 - Inform providers, individuals and families
 - Link annual review under 511 with ISP
 - Identify and create self-advocacy, self-determination, & peer mentoring opportunities
- **Department of Education**
 - Partner with VR beyond documentation requirements in WIOA
 - Clear referral process
 - Inform schools about new requirements
- **Advocates**
 - Inform individuals about new rights under section 511
 - Ensure enforcement and truly informed choice





- **Real Jobs, Real Wages**
- Great opportunity to *get transition right!*
- Reinforces national movement away from **segregated services, sub-minimum wage**

“The foundation of the VR program is the principle that individuals with disabilities, *including those with the most significant disabilities,* **are capable of achieving high quality, competitive integrated employment** when provided the necessary skills and supports.”



**“The biggest mistake people
make in life,
is not trying to make a living
at doing what
they most enjoy.”**

- *Malcolm Forbes*

