WIOA:
What it is
and what it means

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What is WIOA?

- The Workforce Innovation and Opportunity Act of 2014
- Signed into law July 22, 2014
- Reauthorizes the Workforce Investment Act of 1998, including the Rehabilitation Act
Why is a law like WIOA important?
Ticket to Work & Work Incentives Improvement Act

Rehabilitation Act

CMS Waiver Program

Americans with Disabilities Act

Authorizes public VR funding for job development & placement

Medicaid funding for long-term placement supports

1) Right to accommodation
2) Non-discrimination in hiring
3) Accessible transportation

1) Maintain health insurance through Medicaid buy-In
2) Benefits counseling
• **COVERS TWO PUBLIC SYSTEMS**
  - *Workforce Development System* serving all job seekers (Titles I - III)
  - *Public Vocational Rehabilitation - VR* (Title IV)

• Legislation goes into effect July 1, 2015 unless otherwise specified
WHAT
CONGRESS
SAID

- Assist those most in need
- Focus on increasing job skills, career pathways and in-demand occupations
- Focus more on employer engagement
- Public VR & Workforce Development: be better partners
The days of students with disabilities leaving school poorly educated, with no employment experience, no job prospects, living lives of poverty, and too often ending up in segregated day programs, need to come to an end.
General Highlights of Rehabilitation Act

S. 1295

One Hundred Third Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Tuesday, the fifth day of January, one thousand nine hundred and ninety-three

An Act

To amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the Act, 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.

This Act may be cited as the "Rehabilitation Act Amendments of 1993".

TITLE I—REHABILITATION ACT OF 1973

SEC. 101. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).


The Rehabilitation Act Amendments of 1992 (Public Law 102–565; 106 Stat. 4344 et seq.) is amended—

(1) in section 102(a)(2) (relating to a section 7(3)), by adding closing quotations after "7(3))", ".
Public Vocational Rehabilitation System (VR)

• Provides employment assistance and other services to individuals with significant disabilities
• Personalized assistance either directly by VR staff or service provider network
• Approximately 550,000 case closures/yr.
• Each state has a public VR agency, with network of area offices
Services for Transition from School to Adult Life

- 15% of state Title I VR Funds must be used for “pre-employment transition services”
  - Title I Funds FY 2014: $3 billion

- Required services:
  - job exploration counseling
  - work based learning experiences
  - counseling on post-secondary opportunities
  - workplace readiness training
  - training on self-advocacy

- Additional specified activities allowed if funding is available
- Attend IEP Meetings
- Work with workforce boards, One-Stops, and employers to develop employment opportunities
- Work with schools to ensure provision of pre-employment transition services
- When invited, attend person-centered planning meetings
• 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, using funds from VR and other sources as necessary.
• Needs of youth and students with disabilities must be identified and addressed

• Address coordination of employment transition services & pre-employment transition services with services provided under Individuals with Disabilities Education Act (IDEA)
Concerns & Challenges

- Capacity of VR to take on additional responsibilities
- “Unfunded mandate”
- Lack of clarity regarding who pays for what
- “Work readiness” type activities taking precedence over real work experiences
Section 511:
New restrictions on use of sub-minimum wage
Sub-Minimum Wage: What is it?

- Under section 14(c) of Fair Labor Standards Act, businesses may pay individuals less than minimum wage, based on worker’s production rate
  - 400,000+ individuals nationally
  - More than ½ earn less than $2.50/hour

- Employers are almost exclusively disability service providers
  - Sheltered workshops, enclaves
Section 511: Restrictions on Sub-Minimum Wage

- Required (as of 2016) for individuals 24 & under before being placed in a position that pays less than minimum wage
- Steps include:
  1. Pre-employment transition services
  2. Either being determined ineligible for VR or an unsuccessful VR closure
  3. Provision of career counseling and referrals designed to assist individual to achieve competitive integrated employment
In 2016, schools no longer allowed to contract with organizations to pay individuals sub-minimum wage
• **VR agency** must provide career counseling and referrals to other programs and resources designed to assist individual to achieve competitive integrated employment

• Is informed by “employer” of self-advocacy, self-determination, and peer mentoring opportunities not provided by “employer”
Section 511: Challenges & Concerns

- Additional responsibility placed on VR
- “Checklist” approach to requirements rather than abiding by actual intent
- Organization paying sub-minimum wage (“employer”) responsible for implementation with VR
- Monitoring & enforcement
“Competitive Integrated Employment” Defined

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

Optimal outcome under WIOA
New Definition for Supported Employment (SE)

- Competitive integrated employment, including customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment.

For individuals with most significant disabilities:

- for whom competitive integrated employment has not historically occurred; or

- for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and

- who, because of the nature and severity of their disability, need intensive supported employment services and extended services.
Supported Employment State Grants Focused on Youth

- 50% of each state’s SE grant must be focused on youth (up to age 24) with most significant disabilities
- May receive extended supports for up to 4 years
- FY 2014 allocation: $27 million
Changes in VR Counselor Education Requirements

- Previously required a Master’s Degree
- Under WIOA, Bachelor’s Degree is sufficient, with related experience
Movement of Agencies

- **National Institute on Disability & Rehabilitation Research (NIDRR)** moved from Rehabilitation Services Administration (RSA) - Department of Education, to **Administration on Community Living (ACL) - Department of Health and Human Services**

- **New name:** National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)

- **Independent Living Program** also moved from RSA to ACL
Changes in National Council on Disability

- Members reduced from 15 to 9
- 5 members appointed by the President
  - President previously appointed all members
- Senate Majority Leader
- Senate Minority Leader
- Speaker of House
- House Minority Leader
  - 1 appointment each
New Cooperative Agreement Requirement

- Requirement for formal cooperative agreement between VR, and state intellectual/developmental disability agency, and state Medicaid agency, with respect to VR services for individuals with most significant disabilities.
WIOA Workforce Development System Disability Highlights
Workforce Development System: Administrative Structure

- Federal Agency: US Department of Labor
- State Workforce Boards
- Local Workforce Boards (600 nationally)
Workforce Development: Primary Service Delivery Occurs via One-Stop Career Centers (American Job Centers)

- Overseen by local workforce board
- In every geographic region of US
  - 1,700 locations nationally
  - 18 million individuals per year (3% identified as having a disability)
- Access to multiple employment & training programs in one location
- Services available to anyone needing employment and training assistance, including those with disabilities
- Primarily self-directed, self-service, with some staff assistance
• Local boards must ensure sufficient service providers for individuals with disabilities
• State workforce boards must develop strategies for career pathways for individuals with disabilities
• Local workforce committees on disability issues encouraged
• Annual assessment of One-Stop Career Center accessibility required
Variety of services available for eligible youth to assist with employment and career development

Primarily administered by local workforce boards

Two types: In-School, Out-of-School

Young people with disabilities are highly eligible
Changes in Youth Services Under WIOA

- Age for eligibility for Out-of-School Youth Services changed from 16 to 21, to 16 to 24

- In-School Youth Services age remains 14 to 21 - except students with disabilities who can be served prior to age 14

- Amount of youth funds spent on out-of-school youth increases from 30% to 75%

- Virtually all youth with disabilities now eligible
1. Adult, Dislocated Worker, and Youth Workforce Investment Programs
2. State Employment Service
3. Adult Education and 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
- Subject to “Common Measures” starting in 2016

  Adult Measures:
  - Entering and retaining employment
  - Median earnings
  - Obtaining an educational credential
  - Effectiveness in serving employers
“Prediction is very difficult, especially about the future.”

- Niels Bohr
What’s Next

- Implementation is underway
- Draft regulations to be released ➔ January 2015
- Upcoming ICI WIOA discussion forum
With the passage of the Workforce Innovation and Opportunity Act (WIOA), Congress has reauthorized the Workforce Investment Act of 1998 (WIA), including the Rehabilitation Act, through 2020. President Obama stated that the bill “will help workers, including workers with disabilities, access employment, education and job-driven training, and support services that give them the chance to advance their careers and secure the good jobs of the future.”

What does this mean for people with disabilities? Major highlights include:

- A much larger role for public vocational rehabilitation (VR) as people with disabilities make the transition from school to adult life.
- Efforts intended to limit the use of sub-minimum wage.
- Required agreements between state VR systems and state Medicaid systems, and state intellectual and developmental disability (IDD) agencies.
- A definition of “customized employment” in federal statute, and an updated definition of “supported employment” that includes customized employment.
- A definition for “competitive integrated employment” as an optimal outcome.
- Enhanced roles and requirements for the general workforce system and One-Stop Career Centers in meeting the needs of people with disabilities.
- A number of disability agencies moving from the Department of Education (DOE) to the Department of Health and Human Services, including the Independent Living Program.
- Changes in performance measures, with potentially major implications for VR.

In general, WIOA has the potential for significant advancement in employment of people with disabilities. Here are some more details about how it’s anticipated to impact the workforce:

**Increased VR role in transition:** Each state’s public VR program and each local VR office must now use a significant portion of their funding for pre-employment transition services as defined within the act. These services include job exploration counseling, work-based learning experiences, counseling on post-secondary opportunities, workplace readiness training, and training on self-advocacy. Other services are also allowed if funds are available.

**Limitations on sub-minimum wage:** A new section has been added to the Rehabilitation Act, Section 511. It requires (as of 2016) a series of steps before an individual under the age of 24 can be placed in a job paying less than minimum wage (almost all of which are positions with community rehabilitation providers in sheltered workshops or enclaves). Section 511 also prohibits schools from contracting with sub-minimum wage providers.

**Requirement for formal cooperative agreement:** WIOA requires that state public VR agencies have formal agreements with state Medicaid and IDD agencies.

In addition, each local VR office must undertake worker engagement activities, including working with schools and local schools to develop their work experience opportunities. Limitations on sub-minimum wages may not apply if the individual is placed in a job that is considered “customized employment.” A series of steps must be followed before an individual under the age of 24 can be placed in a job paying less than minimum wage. Workers with disabilities are more protected under these new rules, and states and VR providers can be held accountable for ensuring that workers are provided with jobs that are consistent with their needs and abilities.
Why is WIOA important to us?

**One Hundred Thirteenth Congress of the**
**United States of America**

**AT THE SECOND SESSION**

Began 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.**

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