



EMPLOYER ENGAGEMENT QUICK GUIDE

COMPETITIVE INTEGRATED EMPLOYMENT (CIE)

WHAT DOES THE LAW SAY?

Competitive Integrated Employment (CIE) is a type of employment that meets three criteria related to 1) wages/benefits, 2) integration, and 3) opportunities for advancement (Section 7(5) of the Rehabilitation Act (29 U.S.C. § 705(5)) and 34 C.F.R. § 361.5(c)(9)).

Specifically, “competitive integrated employment” means full- or part-time work (including self-employment) and for which an individual is compensated at a rate that –

- (A) Is not less than the higher of the rate specified in section 6(a)(1) of the [Fair Labor Standards Act of 1938 \(29 U.S.C. 206\(a\)\(1\)\)](#) or the rate required under the applicable [State](#) or local minimum wage law for the place of employment;
- (B) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
- (C) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
- (D) Is eligible for the level of benefits provided to other employees.

AND, is at a location:

- (A) Typically found in the community; and
- (B) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons.

AND, Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

For more information, read this RSA Source.:

https://rsa.ed.gov/sites/default/files/subregulatory/RSA%20FAQs%2021-03%20%2803.08.21%29_0.pdf

SUMMARY OF THE LAW:

Employment must satisfy **all three** of the following components to be considered Competitive Integrated Employment (CIE):

1. Competitive wages
2. Integrated setting
3. Opportunities for advancement similar to those available to other employees.



IMPLICATIONS FOR EMPLOYER ENGAGEMENT

- » The term “Competitive Integrated Employment” is not business language and will probably never come up in conversation with an employer. CIE is important for you to understand and identify in case employers have questions or misunderstanding about employment for people with disabilities.
- » You may need to help employers understand that employment for people with disabilities follows the same rules as employment for non-disabled workers. You may need to emphasize the need to pay prevailing wages and provide the same benefits to employees with disabilities.
- » Be aware of business perspectives on hiring needs. Employer Engagement activities are the bridges between the employers’ needs and the requirements of law.
- » You should be well-versed in identifying and educating employers and employees on workplace supports to ensure successful and long-term employment success. Workplace supports facilitate competitive integrated employment and may include mentors, social networks, employee training, technical assistance for supervisory staff, and more.

INDICATORS OF COMPETITIVE INTEGRATED EMPLOYMENT

Refer to the following guidelines when you are determining whether or not a particular employment opportunity meets the criteria for CIE.

To be CIE, the position must meet all three sections:

1. Competitive wages
2. Integrated setting
3. Opportunities for advancement similar to those available to other employees

1. COMPETITIVE WAGES: *Both questions must be answered YES to meet criteria for*

Competitive Wages. If one or both are answered NO, the employment does not meet competitive wages criteria and is not CIE. If one or both questions are answered NO, then further evaluation is not needed.

- » Is the employee being paid competitive wages? (Equal to or greater than the federal, state, or local minimum wage rate, whichever is higher, where the place of employment is located);
- » Is the employee paid a wage (and benefits) comparable to the customary rate the employer pays to employees without disabilities in similar positions with comparable skills, experience, and training?

Self-employment note: A self-employed individual with a disability in the start-up phase of a business venture who is making less than the applicable minimum wage can meet the definition of “competitive integrated employment.”

2. INTEGRATED SETTING: Vocational Rehabilitation (VR) agencies must determine on a case-by-case basis whether the employment satisfies two criteria. **Both of these questions must have an answer of YES** to be considered part of the competitive labor market.

- » Is the employment in a setting typically found in the community?
- » Is the employment in a setting where the individual with the disability interacts while performing his or her job duties with employees without disabilities in the work unit and the entire employment site? And does the individual with a disability interact with and other persons (e.g., vendors and customers) without disabilities to the same extent that employees without disabilities in similar positions interact with these persons?

For Third-Party Contracts: An employee’s specific work unit should be evaluated in regard to integrated setting. Work units are considered to be dependent on the employer’s organizational structure and may refer to a group of employees in a particular job category or who perform a specific task. Employees working together through a third-party contract will typically be considered “the work unit”.

Determine: Is it customary within the business or industry that the positions be filled through contracted services? (e.g., janitorial within an office building, landscaping services, IT project management, etc.) ***If the answer is NO, then this type of employment typically does not represent competitive integrated employment since the business is not hiring individuals with disabilities directly.***

3. OTHER INDICATORS:

- » Does the employee have the same opportunities for advancement available to employees without disabilities in similar positions?
- » Does the employee have meaningful interactions with coworkers? (Interactions solely with supervisory staff or those supporting the individual with a disability do not satisfy the criteria)
- » Does the employee with a disability interact with others (e.g., customers and vendors) to the same extent as their colleagues without disabilities in similar positions?
- » Is the employee eligible for the same level of benefits other employees receive?

** Information is drawn from Workforce Innovative Opportunities Act, Rehabilitation Services Administration, and CIE guidelines developed by the Michigan Department of Health and Human Services and the Colorado Department of Labor and Employment.

The Program on Innovative Rehabilitation Training on Employer Engagement is a project of ExploreVR at the Institute for Community Inclusion, UMass Boston. ExploreVR offers VR agencies easy and convenient access to a range of VR research, related data, training and tools for planning, evaluation, and decision-making. Funding for this project is provided by the Rehabilitation Services Administration (RSA) Grant #H263C190012.

