



EMPLOYMENT FIRST COMMITTEE

NOTICE/AGENDA

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LOCATION: Hilton Arden West
2200 Harvard Street
Sacramento, CA 95815
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This item is for members of the public to comment and/or present information to the Council. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Council will also provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.

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For additional information regarding this agenda, please contact Thomas Johnson,
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California
LEGISLATIVE INFORMATION

SB-577 Autism and other developmental disabilities: employment. (2013-2014)

SECTION 1. *The Legislature finds and declares all of the following:*

(a) *Individuals with developmental disabilities have to struggle to find gainful employment. Unemployment amongst the developmentally disabled population is approximately 80 percent.*

(b) *Within the developmentally disabled community, autism is the fastest growing population, making up approximately 50 percent of the annual new caseload of regional centers in some parts of the state.*

(c) *One in three adults with autism do not have paid work experience or a college or technical education seven years after leaving the K-12 school system.*

(d) *In order to increase the self-sufficiency of young adults with autism and other developmental disabilities, including increased earning capacity and reduced government benefit support, it is important that the state implement a program to provide individualized skills assessment, social cue training, and specific support to ensure their academic and employment success.*

(e) *The Governor and the Legislature must address the growing need for new models of assessment, career training, and expanding employment opportunities and support options for young adults with autism and other developmental disabilities between 18 and 30 years of age. If this population is left without purposefully designed pathways into employment, these young adults will remain at high risk of public dependency throughout the course of their lives.*

(f) *The passage of the State of California's Employment First Policy requires the state to increase the opportunities for individuals with developmental disabilities to achieve integrated competitive employment.*

SEC. 2. *Section 4850.3 is added to the Welfare and Institutions Code, to read:*

4850.3. (a) *The Legislature intends that in order to increase effectiveness and opportunity to gain meaningful integrated competitive employment opportunities, pursuant to paragraph (1) of subdivision (a) of Section 4869, habilitation services shall also provide community-based vocational development services to enhance community employment readiness, develop social skills necessary for successful community employment, and build a network of community and employment opportunities for individuals with developmental disabilities.*

(b) *The department shall conduct a four-year demonstration project, pursuant to paragraph (1) of subdivision (a) of Section 4869, to determine whether community-based vocational development services increase integrated competitive employment outcomes and reduce purchase of service costs for working age adults.*

(1) *For purposes of this section, "community-based vocational development services" means (A) services provided to enhance community employment readiness, which may include the use of discovery and job exploration opportunities, (B) social skill development services necessary to obtain and maintain community employment, (C) services to use internship, apprenticeship, and volunteer opportunities to provide community-based vocational development skills development opportunities, (D) services to access and participate in postsecondary education or career technical education, and (E) building a network of community and employment opportunities.*

(2) *If community-based vocational development services are determined to be a necessary step to achieve a supported employment outcome, a plan shall be developed and may include, but is not limited to, all of the following:*

(A) *An inventory of potential employment interests.*

(B) *Preferences for types of work environments or situations.*

(C) *Identification of any training or education needed for the consumer's desired job.*

(D) Opportunities to explore jobs or self-employment as a means to meet the consumer's desired employment outcome.

(E) Identification of any personal or family networks the consumer may use to achieve his or her desired employment outcomes.

(3) The habilitation service provider and the regional center shall review the plan developed pursuant to paragraph (2) semiannually to document progress towards objectives, additional barriers, and other changes that impact the consumer's desired employment outcome.

(4) The hourly rate for community-based vocational development services, for the purposes of this section, shall be forty dollars (\$40) per hour for a maximum of 75 hours per calendar quarter for all services identified and provided in the community-based vocational development plan as developed pursuant to paragraphs (2) and (3). Prior to the implementation of community-based vocational development services, the department shall secure federal Medicaid funding for this service.

(5) Hours of participation in community-based vocational development services may be provided in lieu of hours of participation in other community-based day program services, as determined by the consumer's individual program planning team, for up to two years. Community-based vocational development services may be authorized for an additional two years, if the consumer's individual program planning team determines and documents at each semiannual review that the consumer is making significant progress toward the habilitation services objectives. A consumer's participation in community-based vocational development services shall not exceed a total of four years.

(c) The department shall select up to five volunteer regional centers that reflect the geographic diversity of California to participate in the demonstration project.

(d) The department shall publish a notice on the department's Internet Web site when the demonstration project has been implemented.

(e) (1) After conclusion of the demonstration project, the department shall review the effectiveness of the demonstration project and make determinations whether community-based vocational development services (A) increase employment outcomes, (B) reduce purchase of service costs, and (C) may be implemented on a statewide basis.

(2) The department shall notify the appropriate fiscal and policy committees of both houses of the Legislature of the determinations made pursuant to this subdivision.

(f) This section shall be implemented only to the extent that federal financial participation is available and any necessary federal approvals have been obtained.

(g) This section shall remain in effect only until January 1, 2025, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2025, deletes or extends that date.



California
LEGISLATIVE INFORMATION

AJR-36 Special Minimum Wage Certificate Program. (2013-2014)

AMENDED IN SENATE AUGUST 05, 2014

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MARCH 25, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

ASSEMBLY JOINT RESOLUTION

No. 36

**Introduced by Assembly Member Gonzalez
(Coauthor: Senator Hueso)**

February 19, 2014

Relative to wages.

LEGISLATIVE COUNSEL'S DIGEST

AJR 36, as amended, Gonzalez. Special Minimum Wage Certificate Program.

This measure would urge the United States Congress to phase out the use of the Special Minimum Wage Certificate provision and eventually repeal Section 14(c) of the 1938 Fair Labor Standards Act.

Fiscal Committee: no

WHEREAS, Meaningful employment, and the wages associated with it, can be an integral part of enabling human dignity and creating more meaningful lives for disabled persons who choose to work; and

WHEREAS, The State of California has supported opportunities for employment for all disabled workers, specifically in the adoption of the Employment First Policy for the most vulnerable population of disabled workers, which states that "it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities"; and

WHEREAS, The 1938 federal Fair Labor Standards Act sets out in Section 14(c) the ability for entities that employ disabled persons to obtain special minimum wage certificates from the United States Department of Labor's Wage and Hour Division which entitle them to pay a disabled worker less than the legislated minimum wage rate; and

WHEREAS, The 1938 Fair Labor Standards Act's subminimum wage provisions were created in the era of the Great Depression with the intent of subsidizing sheltered workshops which could not afford to pay their workers full wages and, some may argue, incentivizing private companies to employ disabled persons; and

WHEREAS, These special wage rates are calculated according to productivity with no specified wage floor; and

WHEREAS, The productivity-based calculation of a special minimum wage is generally done by a complicated "time study" which entails an administrator comparing how fast a disabled worker is able to complete a certain task compared to nondisabled workers; and

WHEREAS, There are differing work and equipment conditions beyond the worker's control, a lack of oversight and enforcement by the Wage and Hour Division for the special minimum wage certificates, a lack of consistency in the time study tests done by employers, and a singling out of disabled workers given that the general workforce is not subjected to standards of timed productivity; and

WHEREAS, Time study practices used to determine special wage rates are both inconsistent and unfair and the subminimum wages they produce have been described by disabled workers throughout the media as humiliating, degrading, and making them feel like "second-class citizens"; and

WHEREAS, Some entities have claimed that the special minimum wage certificates are an essential stepping stone to permanent and fully paid employment in the general workforce. The Psychiatric Rehabilitation Journal published empirical evidence in 2004 which suggested that sheltered workshops are generally ineffective at progressing the disabled workers, while for other employers the special minimum wage certificates serve as an incentive to exploit disabled workers rather than integrate them into the mainstream economy; and

WHEREAS, Some employers, such as the National Industries for the Blind, have already recognized the exploitive nature of paying disabled workers subminimum wage and have been able to transition to the payment of Federal minimum wage, or higher, to their disabled employees without a significant change in profitability or a reduction in their workforce; and

WHEREAS, These employers have proven that there are workable alternative employment models to Section 14 (c) of the 1938 Fair Labor Standards Act for disabled workers, such as Employment First, which allow for the successful development of individuals by providing quality training and supports for individuals with disabilities to obtain competitive integrated employment, as well as the successful operation of businesses and programs; ~~now, therefore, be it and~~

WHEREAS, The policy developments regarding disabled youth and the need for additional support services, individualized employment plans and training, and the prioritization of competitive integrated employment in the Workforce Innovation and Opportunity Act are consistent with the goals of this resolution and the intent to shift away from the use of subminimum wages and sheltered workshops for disabled individuals, for which the United States Congress should be applauded and encouraged to continue working on legislation to better fulfill these goals and policy direction; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of California requests that the United States Congress should phase out the use of the Special Minimum Wage Certificate provision and eventually repeal Section 14(c) of the 1938 Fair Labor Standards Act to support the goal of competitive integrated employment of people with disabilities through the use of modern practices of vocational training, improved technology, and innovative rehabilitation and employment strategies; and be it further

Resolved, That the Legislature of California requests that prior to and during the phasing out of Section 14(c) of the 1938 Fair Labor Standards Act the United States Congress (1) promote the continuation of existing employment and support models for disabled individuals other than Section 14(c) of the 1938 Fair Labor Standards Act, as well as further identify and develop alternatives of access to a diverse range of employment opportunities, to be in place and widely available prior to the phasing out of Section 14(c) of the 1938 Fair Labor Standards Act; (2) continue to collect comprehensive data that accurately reflects the number of disabled individuals working, the number of disabled individuals seeking employment, and the number of disabled individuals who have expressed an interest in working but who have not yet been successful in locating and securing gainful employment; and (3) continue to utilize strategies which identify the industries and types of work in demand in both the public and private sector, and the skills and abilities of potential workers with disabilities that either exist or need to be developed to move people into these positions; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.



State Council on Developmental Disabilities

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Council Policy On Sheltered Work and Subminimum Wage And the Transition to Integrated Competitive Employment

Adopted July 16, 2014

Introduction

The Employment First Policy seeks to further the values of the Lanterman Act to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age, to support the integration of persons with developmental disabilities into the mainstream life of the community, and to bring about more independent, productive, and normal lives. Therefore, the Council must advocate for the transition to integrated competitive employment while also promoting supports and services that support individuals in all aspects of community living.

Policy

Whereas, the State Council on Developmental Disabilities is committed to promoting systems change and quality supports so that all working age people with developmental disabilities will have the option to work in integrated employment at regular wages.

Whereas, the State of California has adopted *the Employment First Policy* stating that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities.

Whereas, state and federal minimum wage laws seek to protect working people from exploitation and improve their quality of life through ensuring a minimum level of pay.

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

Whereas, the 1938 Fair Labor Standards Act's subminimum wage provisions were created in the era of the Great Depression when employment opportunities were scarce and little was known about supporting people with disabilities in integrated competitive employment.

Whereas, knowledge and services have evolved, state systems and employment supports have improved so that segregated work environments and payment of subminimum wages are not necessary to provide work opportunities for people with disabilities.

Whereas, there is a lack of oversight and enforcement by the Department of Labor Wage and Hour Division for the special minimum wage certificates, a lack of consistency in the time study tests done by employers to assess the wage level, and a singling out of workers with disabilities given that the general workforce is not subjected to standards of timed productivity.

Whereas, subminimum wages have been described by workers with disabilities as humiliating, degrading, and making them feel like "second-class citizens."

Whereas, sheltered workshops are generally ineffective at progressing workers with disabilities to integrated competitive employment, and the subminimum wage certificates serve as a counter-incentive to integrate workers into the mainstream economy.

Whereas, the growth of integrated competitive employment opportunities are necessary to replace employment in sheltered work and paying subminimum wage.

Whereas, the United Nations Convention on the Rights of People with Disabilities recognizes the right of persons with disabilities to work on an equal basis with others; and the opportunity to gain a living in a work environment that is open, inclusive and accessible.

Whereas, the Universal Declaration on Human Rights recognizes that everyone has the right to work, and, without any discrimination, receive equal pay for equal work to ensure an existence worthy of human dignity.

Whereas, individuals with disabilities share the same human aspirations and rights as persons without disabilities.

Therefore, be it resolved that the State Council on Developmental Disabilities shall:

- (1) Advocate for systematically phasing out sheltered workshops and subminimum wage.
- (2) Promote services that best support individuals in integrated competitive employment through advocating for rate incentives, disseminating best practices, and educating individuals and their families on the Employment First Policy.
- (3) Advocate for a systematic transition away from sheltered work through phased in measures such as limiting referrals for transition age youth, limiting referrals for all individuals, and targets for downsizing, closure, and restructuring into integrated services.
- (4) Research other states that have shown leadership in reducing reliance on sheltered work and subminimum wage to determine best practices and systems change efforts that could be applied to California. Identify successful practices and system change efforts within California for replication in other areas of the state.
- (5) Request that the Department of Developmental Services develop, with stakeholder input, a plan for the systematic phasing out of sheltered workshops and the use of subminimum wage.
- (6) As segregated and subminimum wage employment is phased out, individuals exiting those services must have access to replacement services and supports, as determined through their IPP, including options for integrated competitive employment.

PLAIN LANGUAGE VERSION

State Council on Developmental Disabilities Policy On

SHELTERED WORKSHOPS AND SUBMINIUM WAGE

The State Council shall:

- (1) Advocate for phasing out sheltered workshops and subminimum wage.
- (2) Advocate for services that support people in regular jobs making regular pay.
- (3) Advocate for limiting referrals to sheltered workshops and a time to close them.
- (4) Find out what other states have done to do that. Find what is happening in California that may work.
- (5) Ask the Department of Developmental Services to develop a plan to do that.
- (6) Make sure people in sheltered workshops and making subminimum wage have other options.



WIA and Rehabilitation Act Reauthorization: Finally Done!

By David Hoff

Co-Chair, APSE Public Policy Committee

After 10+ years of trying, reauthorization of the Workforce Investment Act and Rehabilitation Act is finally a done deal. The [Workforce Innovation and Opportunities Act \(WIOA\)](#), which reauthorizes the Workforce Investment of 1998 (WIA) including the Rehabilitation Act through the year 2020, was signed by President Obama on July 22nd. In his comments, the [President stated](#) that WIOA “will help workers, including workers with disabilities, access employment, education, 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 300-page legislation mean for APSE members and the advancement of Employment First?

- A much larger role for public Vocational Rehabilitation (VR) in 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 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.
- A number of disability agencies moving from the Department of Education (DOE) to Health and Human Services, including the Independent Living Program (RSA however, is staying within DOE).
- Enhanced roles and requirements for the general workforce system and One-Stop Career Centers in meeting the needs of people with disabilities.

The implications and impact of WIOA are still being examined, but in general, WIOA has the potential for significant advancement in employment for citizens with disabilities. At the same time, there were a number of items APSE advocated for that did not get included in WIOA, including a definition of Employment First and integration of the term Employment First within various provisions, as well as prohibiting the use of public Vocational Rehabilitation funds in segregated facility-based services for eligibility determinations and assessment. APSE will continue to advocate for these items via the regulatory process and future reauthorizations.

APSE is here to assist its members in understanding WIOA and the opportunities it presents. As APSE has the opportunity to take a closer look at WIOA and with the expected release of implementing regulations over the next year, APSE will provide its members more details on WIOA implementation, and how APSE members can benefit from WIOA as well as advocate for its proper implementation.

Here are details on some of the highlights from the final bill:



Increased VR Role in Transition: Each state’s public Vocational Rehabilitation system will now have a much larger role in transition from school to adult life. Under WIOA, 15% of each state’s public Vocational Rehabilitation Funds must now be used for transition services, and specifically pre-employment transition services as defined within WIOA. 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. In addition, each local VR office must undertake pre-employment transition coordination activities, including working with schools and the local workforce development system to engage them in transition activities. While overall this appears to be a positive move, APSE is concerned that the some of the pre-employment transition service language could allow for services in segregated settings, or consist of stereotypical transition experiences (e.g., cleaning school cafeteria tables). It will be essential for APSE and like-minded advocates to ensure clarity on these areas in the implementing regulations.

Limitations on Use of Subminimum Wage: A new section has been added to the Rehabilitation Act, Section 511, which 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 either in sheltered workshops or enclaves). As you may recall, while APSE agreed with the intent of this provision, it opposed its inclusion for numerous reasons: a) it makes placement in a sub-minimum wage position an explicit option under the Rehabilitation Act; b) the screening for sub-minimum wage places an additional burden on the public VR system; c) there are concerns that it will potentially be implemented potentially via a “checklist” approach for admission of individuals to sub-minimum wage employment, with individuals with the most significant barriers still ending up in sheltered work environments. The scope and impact of Section 511 is not completely clear at this point, and APSE is still concerned about its inclusion in the final bill. However, since Section 511 will now be law, it is critically important for APSE and its members to ensure that Section 511 is implemented as intended, essentially making it very difficult for an individual to go from school to a sub-minimum wage position. A major development with 511, which was not part of earlier draft versions, is language that prohibits schools from contracting with sub-minimum wage providers. As a result, it appears schools will no longer be able to pay sheltered workshops for “transition services”. As implementing regulations are developed prior to Section 511 taking effect in 2016, it will be critically important that APSE and its members do everything possible to ensure that Section 511 results in strict limitations on sub-minimum wage, even for individuals with the most significant disabilities.

Requirement for Formal Cooperative Agreement Between VR and State Medicaid and IDD Agency: WIOA requires that state public vocational rehabilitation agencies now have formal cooperative agreements with the state agency responsible for administering the State Medicaid Plan and with state intellectual and developmental disability agencies, with respect to the delivery of vocational rehabilitation services, including extended services. This means that VR must have in place agreements with those agencies responsible for long-term supports for people with disabilities, impacting in particular individuals with intellectual and developmental disabilities (IDD), individuals with significant mental health issues, and those with other issues requiring long-term care funded by Medicaid. APSE would have preferred that state mental health agencies be specifically mentioned along with the state IDD agencies within this language,



and will advocate for that in the implementing regulations.

Movement of Federal Programs: Under a proposed version of WIOA, the Rehabilitation Services Administration - RSA (the parent agency of public Vocational Rehabilitation) - would have moved to the Office of Disability Employment Policy - ODEP, at the U.S. Department of Labor. While RSA will remain under the Department of Education (DOE), a number of other agencies will be moving from DOE to the Administration for Community Living (ACL) at the Department of Health and Human Services, where the Administration on Intellectual and Developmental Disabilities, and Center for Aging and Disability are currently based. These include the National Institute on Disability and Rehabilitation Research (NIDRR), operating under a new name (The National Institute on Disability, Independent Living, and Rehabilitation Research), and the Independent Living Program, which will be moving from RSA to ACL.

Competitive Integrated Employment Defined: The Rehabilitation Act previously used the term competitive employment extensively, but never defined it (although it was defined in the regulations). There is now a legislative definition of “competitive integrated employment”, meaning full or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work, and fully integrated with co-workers without disabilities. This is considered the optimal outcome under WIOA, and the addition of “integrated” to this definition is a positive move. There is concern however, that this term will result in individuals with more significant disabilities being denied access to public VR and workforce development system services, due to a misperception regarding their ability to meet this optimal outcome. APSE will advocate for language in the implementing regulations to assure this does not occur.

Customized Employment Part of Rehabilitation Act: There is now a definition of Customized Employment in federal statute, defined as “competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability”, “designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer,” and “carried out through flexible strategies.” As a result, customized employment is now among the available services from public Vocational Rehabilitation nationally.

Changes in Definition of Supported Employment: The definition for supported employment has been somewhat modified, to make it clear that supported employment is integrated competitive employment, or an individual working on a short-term basis in an integrated employment setting towards integrated competitive employment. In addition, customized employment is now included within the definition of supported employment. Finally, the standard post-employment support services under supported employment have been extended from 18 to 24 months. As noted earlier, there are concerns about misinterpretation of the term “competitive integrated employment” resulting in denial of supported employment services to individuals with more significant disabilities (even though that is who they are specifically intended for). APSE will advocate for implementing regulations to ensure this won’t occur.

Focus of Supported Employment State Grants on Youth: While supported employment (SE) can be funded by public VR through general VR funds (\$3 billion in 2014), under the Supported Employment State Grant program, funds are available to states to supplement supported employment services funded via the general VR funding (in 2014, the total supported



employment state grant allocation was \$27 million). Under WIOA, half of the money that states receive under the supported employment state grants will now have to be used to support youth with the most significant disabilities (up to age 24), and these youth may receive extended services (i.e., ongoing supports to maintain an individual in supported employment) for up to 4 years. The definition of “youth with the most significant disabilities” in the implementing regulations will be a key issue in how this will be implemented. (It is important to note that under draft versions of the bill, the SE state grant program was eliminated. Through the advocacy efforts of APSE and others, it has been preserved.)

Technical Assistance for Post-Secondary Allowed: The new law allows the RSA Commissioner to fund technical assistance to “better enable individuals with intellectual disabilities and other individuals with disabilities to participate in postsecondary educational experiences and to obtain and retain competitive integrated employment.”

Funding of One-Stop Infrastructure: In 1998, WIA established a national network of One-Stop Career Centers, where assistance with employment and training is available to any individual (including people with disabilities). There are currently 1,700 One-Stops across the United States. Public Vocational Rehabilitation is among the mandated One-Stop partners. One-Stops are overseen by a local workforce board, of which public VR is a member, and will continue to be a member under WIOA. A major issue under the current law (WIA) is payment of the cost of the One-Stop infrastructure by One-Stop partners, which WIA is unclear on. WIOA attempts to resolve this issue. Under WIOA, payment for One-Stop infrastructure and other costs will be determined at the local board level. However, if agreement cannot be reached, the Governor will develop the requirements for payment of One-Stop costs by One-Stop partners. Under WIOA, public VR can be initially required to use a maximum of 0.75% of its funds for One-Stop infrastructure, which will gradually increase to a maximum of 1.5% after five years. While there are some concerns over mandating the use of VR funds for these purposes, hopefully these new requirements will strengthen the VR and One-Stop partnership in a way that is of benefit to job seekers with disabilities needing employment and training assistance.

Role of VR in One-Stop System: Under WIA, all One-Stop partners had representation on the state and local workforce boards (the boards that oversee the general workforce development system that serves all job seekers, including people with disabilities). Under WIOA, all partners do not have seats on these boards. However, WIOA designates certain programs as “core programs” in the workforce development system. Public Vocational Rehabilitation is among those designated as a core program and as such will continue to be a mandatory member of state and local workforce boards. Other core programs are Adult, Dislocated Worker, and Youth workforce investment programs, the state Employment Service (Wagner-Peyser), and Adult Education and Literacy.

Increased Emphasis on Role of General Workforce Development System: There are a number of provisions in WIOA that emphasize and increase the requirements for the general workforce development system and One-Stop Career Centers to meet the needs of job seekers with disabilities. These include:

- WIOA explicitly states that state and local workforce development boards members may include community organizations that provide or support competitive integrated employment for individuals with disabilities. This provides an excellent opportunity for



APSE business members to become members of their state and local workforce development boards and provide oversight of the workforce system.

- Local Workforce Development Boards will have to ensure there are sufficient service providers in the local area with expertise in assisting individuals with disabilities with their career and training needs. This provides an enhanced opportunity for APSE business members to become vendors for their workforce development system.
- Employment Networks under the Social Security Administration's Ticket to Work program are specified as optional One-Stop partners.
- Among the specified responsibilities of the State Workforce Development Board is developing strategies to support the use of career pathways for individuals with disabilities to enter and retain employment.
- WIOA states that Local Workforce Development Boards (LWDB) may have standing committees. Among the three standing committees specified in the legislation is one on the provision of services for individuals with disabilities. This committee could serve as an important forum to influence the ability of the workforce system to meet the needs of job seekers with significant disabilities. APSE members should advocate with their LWDB for such a committee, and inclusion of APSE members on it.
- Annual assessment of physical and programmatic access of One-Stop Centers for people with disabilities is now required by federal statute.
- Disability is to be a consideration in development of state performance requirements in use of workforce development funds (the funds used to assist all job seekers).
- The obligation of the general workforce system to serve youth with disabilities is emphasized within WIOA in multiple places.
- Under WIOA, Governors may reserve up to 15% of general workforce development funds for statewide employment and training activities (the remainder of funds go to local workforce development areas). Among the activities specified as allowable in the use of these statewide funds is improving coordination of employment and training activities with programs for individuals with disabilities. Programs under state intellectual and developmental disability agencies, State Independent Living Councils, and centers for independent living, are cited as specific entities this would apply to. WIOA also states that local workforce development funds, overseen by local workforce development boards, may be used for similar activities. In the implementing regulations, APSE will advocate for explicit inclusion of state mental health agencies in this provision as well.

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