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As called out in Executive Order 13777 attempts are to be made to identify regulations that

(i) Eliminate jobs, or inhibit job creation;

(ii) Are outdated, unnecessary, or ineffective;

(iii) Impose costs that exceed benefits;

(iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies

As a person who has worked in Vocational Rehabilitation for the past 35 years and current chair of the State Rehabilitation Counsel, WIOA guidance has such regulations and requires immediate action.

In both the definition of “competitive integrated employment” (CIE) and the definition of “integrated setting” (34 CFR §361.5(c)(32)), the Department describes integration occurring at the “work unit” level.  This language is not found in the WIOA statute and was “made up” in the regulatory process.   Defining integration as occurring at the “work unit” level is job limiting and is impossible to apply to the general workforce given that people with disabled or not have every right to their privacy.  It only targets people who work through providers of services to people with disabilities, which is inherently unfair and treats people with disabilities differently from the workforce at large.  This guidance is wrong and serves no purpose other than to diminished work opportunities for people with disabilities.

Even more damaging to choices in employment settings is the Department of Education and the Rehabilitation Services Administration (RSA) further narrowing of the interpretation of competitive integrated employment; by adding a presumption that jobs falling under programs intended to employ people with disabilities would not qualify as an employment outcome under the law. Idaho VR offices have stopped referring people with disabilities to good jobs that meet the individual’s employment goal. The Department should eliminate the FAQs and RSA should advise the State VR offices that AbilityOne jobs and State Set-Aside jobs presumptively do qualify as competitive integrated employment.  In addition, the Department and RSA should advise State VR offices to take an expansive view as to what qualifies as competitive integrated employment.  People with disabilities who want to work should be helped in every way possible to find work and, once hired, to remain attached to the workforce.  There is dignity in work and, as with the rest of the workforce, the best way to find a job is to already have one.

Respectfully,

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