

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?

One Hundred Thirteenth Congress
of the
United States of America

AT THE SECOND SESSION

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

An Act

IMPORTANT

Sec. 2. ^{1.} Purposes.
Sec. 3. Definitions.

TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—System Alignment

CHAPTER 1—STATE PROVISIONS

Sec. 101. State workforce development boards.
Sec. 102. Unified State plan.
Sec. 103. Combined State plan.

CHAPTER 2—LOCAL PROVISIONS

Sec. 106. Workforce development areas.
Sec. 107. Local workforce development boards.
Sec. 108. Local plan.

CHAPTER 3—BOARD PROVISIONS

Sec. 111. Funding of State and local boards.

CHAPTER 4—PERFORMANCE ACCOUNTABILITY

Sec. 116. Performance accountability system.

Subtitle B—Workforce Investment Activities and Providers

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS

Sec. 121. Establishment of one-stop delivery systems.
Sec. 122. Identification of eligible providers of training services.
Sec. 123. Eligible providers of youth workforce investment activities.

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

Sec. 126. General authorization.
Sec. 127. State allotments.
Sec. 128. Within State allocations.
Sec. 129. Use of funds for youth workforce investment activities.

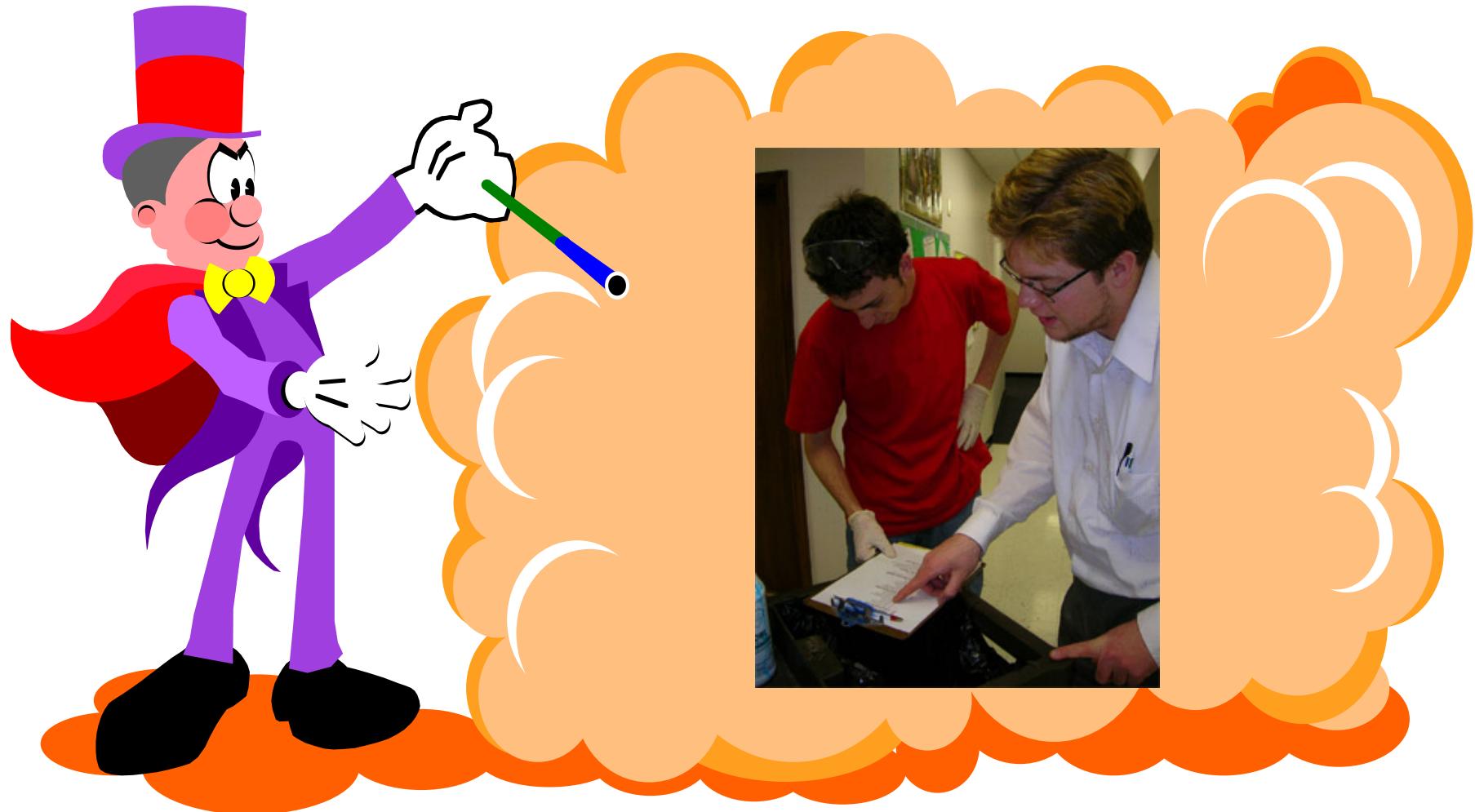
CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

Sec. 131. General authorization.



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**Rehabilitation
Act**

Authorizes public VR
funding for job development
& placement

**CMS Waiver
Program**

Medicaid funding for
long-term placement supports

**Americans with
Disabilities Act**

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

**Ticket to Work &
Work Incentives
Improvement Act**

- 1) Maintain health insurance
through Medicaid buy-In
- 2) Benefits counseling



WIOA Basics



- 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

WHAT CONGRESS ALSO SAID



- 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.).

SEC. 102. REHABILITATION ACT AMENDMENTS OF 1992.

The Rehabilitation Act Amendments of 1992 (Public Law 102-569; 106 Stat. 4344 et seq.) is amended—
(1) in section 102(a)(2) (relating to a section 7(3)), by adding closing quotations after "101(a)(1)(A)".



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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**



VR *Employment Transition Coordination Requirements*

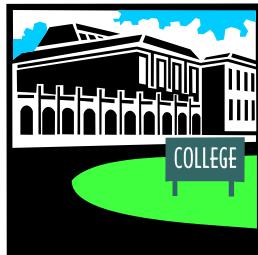


- Attend IEP Meetings
- Work with workforce boards, One-Stops, and employers to develop employment opportunities
- Work with schools to ensure provision of pre-employment transition services
- When invited, attend person-centered planning meetings



VR'S TRANSITION REQUIREMENTS

*Don't End at 15%
of Expenditures*



- 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.***

WIOA State Plan Requirements Regarding Transition



- 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 $\frac{1}{2}$ earn **less than \$2.50/hour**
- Employers are almost exclusively disability service providers
 - *Sheltered workshops, enclaves*



Sheltered Workshops



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



Steps Required Annually for All Individuals Earning 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**



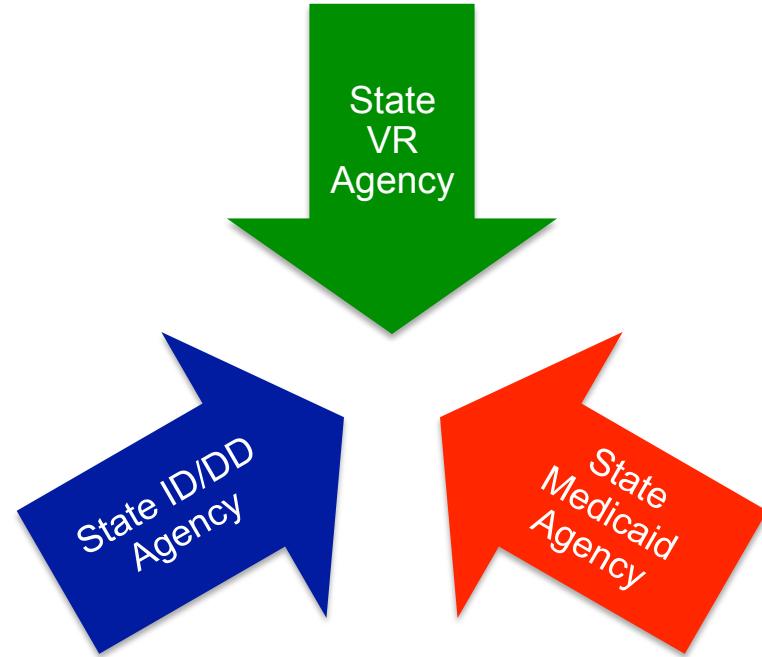
- **New name:** National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)
- **Independent Living Program** also moved from RSA to ACL

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**



americanjobcenter®



WIOA Workforce System Disability Changes



- 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



Workforce Development Youth Services



- 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

Core Programs Under WIOA

- 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

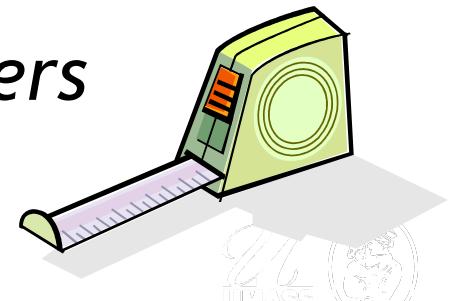


Core Program: What It Means

- 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

Resources

- ICI Institute Brief
“WIA is Now WIOA”
- Department of Education RSA Website -
www2.ed.gov/about/offices/list/osers/rsa/wioa-reauthorization.html
- DOL Website - www.dolete.gov/wioa

THE INSTITUTE BRIEF

Issue No. 37
August 2014

WIA IS NOW WIOA: WHAT THE NEW BILL MEANS FOR PEOPLE WITH DISABILITIES

By David Hoff

Suggested audience for this brief: policymakers, federal and state agency personnel, service providers, educators

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. Commenting on the bill's provisions, President Obama said that it "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 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.
- Requirements for VR systems and state Medicaid systems, and for intellectual and developmental disability (IDD) agencies.
- A definition of "customized employment" in federal statute, and an updated definition of "supported employment" that includes customized employer partners.
- A definition for "competitive integrated employment" as an optimal outcome.
- Enhanced roles and responsibilities for the general workforce development 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 improvements in the lives of people with disabilities. Here are some more details about the act's anticipated impact:

Increased VR role in transition: Each state's public VR program will play a much larger role in the transition from school to adult life. Under WIOA, 75% of public VR funds must now be used for transition services, specifically pre-employment transition services as defined within the act. These services include job exploration counseling, work experiences, job placement, job retention, post-employment opportunities, workplace readiness training, and training on self-advocacy. Other services are also allowed if funds are available.

President Obama stated that the bill "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."

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.

Subminimum wage: A new section has been added to the Rehabilitation Act (Section 511). It requires (as of 2015) a series of steps before an individual under the age of 22 can be placed in a job paying less than minimum wage. This includes placement in community rehabilitation providers in sheltered workshops or enclave. Section 511 also prohibits schools from contracting with companies that pay less than minimum wage.

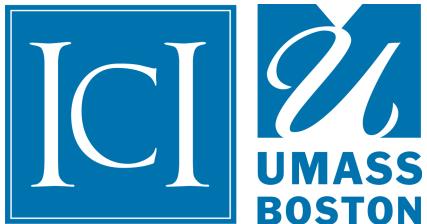
Requirements for formal cooperative agreement between VR and state Medicaid and IDD agencies: WIOA requires that state public VR agencies have formal



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Why is WIOA important to us?



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One Hundred Thirteenth Congress
of the
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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

IMPORTANT

Sec. 103. Combined State plan.

CHAPTER 2—LOCAL PROVISIONS

Sec. 106. Workforce development areas.

Sec. 107. Local workforce development boards.

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