

Competitive Integrated Employment

The Time is Now!!



Competitive, Integrated Employment: WIOA Overview

**Amy E. Scherer, Staff Attorney
NDRN**

People with Disabilities: Median Earnings and Rate of Poverty

The median earnings for individuals with disabilities is **\$7,100** **less** than for those without a disability (\$47,500 as compared to \$40,400).

The poverty rate of individuals with disabilities is **15.7% points** **higher** than for those without disabilities (26.1% compared with 10.4%).

Source: Cornell University, *2017 Annual Disability Status Report*.

Poll Question

- True or False
- I have heard of the Vocational Rehabilitation (VR) program and I am aware of its purpose.

Rehabilitation Act of 1973, as amended by WIOA

- **The purpose of the VR program is to maximize:**
 - Employment.
 - Economic Self-Sufficiency.
 - Independence.
 - Inclusion and Integration into Society.

Rehabilitation Act of 1973, as amended by WIOA

- That Individuals with Disabilities be provided the opportunities to obtain **gainful employment** in **INTEGRATED** settings.
- That Individuals with Disabilities are to be **ACTIVE** and **FULL** partners in the VR process making meaningful and informed choices.

Workforce Innovation and Opportunity Act (WIOA)

- Passed by Congress on July 22, 2014.
- First legislative reform of the public workforce system – which includes VR – since 1998.
- Passed by a bi-partisan majority.

WIOA Emphasis

- The foundation of the VR program is the core principle that individuals with disabilities, including those with the most significant disabilities, are capable of high quality, competitive, integrated employment, when provided with the necessary services and supports. [§ 361.1]

The Employment Goal

- Employment in a “sheltered” workshop (called “**extended employment**”) may NOT be an employment goal. The individual may choose this goal, but VR must refer them to an appropriate extended employment provider.

WIOA: Clear Definition of “Competitive, Integrated Employment” [§ 361.5(c)(9)]

- Although used extensively throughout the 1998 reauthorization of the Rehab Act, this term was never actually defined.

WIOA: Clear Definition of “Competitive, Integrated Employment” [§ 361.5(c)(9)]

- The optimal employment outcome under WIOA:
 - Full 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

WIOA: Clear Definition of “Competitive, Integrated Employment” [§ 361.5(c)(9)]

- To satisfy the definition of “competitive integrated employment,” the employment must satisfy the requirements for all three components:
 - Competitive earnings (special rules if initiating self-employment)
 - Integrated Location (during job duties rather than casual contact)
 - Opportunities for advancement



Threats to CIE at the Federal Level

Amanda Lowe
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The Threat

- Beginning in Spring of 2018, the U.S. Secretary of Education has noticed on the unified agenda an intent to open the WIOA regulations – specifically: regulatory definitions in 34 CFR part 361 .
- Of particular focus – regulations on competitive integrated employment.

NDRN Action

- NDRN, along with allies began writing letters opposing reopening the WIOA regulations.
- NDRN along with allies met with U.S. Department of Education officials.
- Most importantly, NDRN and allies recognized the need to organize into a coalition and to also engage the broader community.

The Result

- Over 20 National disability and civil rights organizations joined together to form the Coalition to Advance Competitive Integrated Employment.
- The coalition launched a website in 2019:
<https://integratedemploymentnow.org/>
- Goal – to educate and serve as an alert system



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Coalition to Advance Competitive Integrated Employment



What you can do

- Check out the website:

<https://integratedemploymentnow.org/>

- On the home page sign up for alerts
- Share the website with your networks

Colorado's Path to Ending Subminimum Wage

Alison Butler, Director of Legal Services



DISABILITY LAW
COLORADO™

Protecting the rights of Coloradans of all ages since 1976

Our Path Has Included

- Investigation of issues
- Issuance of a public report
- Building a coalition
- Educating legislators
- Getting a bill introduced in state legislature
- Continuing to work with stakeholders throughout the process

Investigation of Issues

- Review federal law
- Search for applicable state law and local ordinances
- Determine how many businesses/organization hold 14(c) certificates
 - <https://www.dol.gov/agencies/whd/workers-with-disabilities/section-14c/certificate-holders>
- Check with your state department of labor
- Contact your Division of Vocational Rehabilitation

Poll

- Does your state have:
- Prohibition of subminimum wage
- Limits on subminimum wage
- Localities have prohibitions/limits, but not state-wide
- I'm not sure

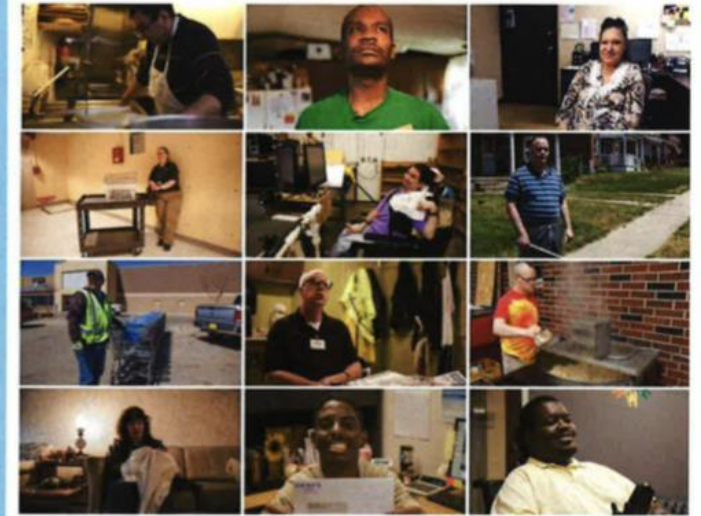
Public Report

- Consider your audience
- Goal is to get the conversation started
- Allows for public events to discuss topic
- Good tool for legislators

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Quest for Equal Pay for Equal Work



Subminimum Wage Report

A Call to Action to End Subminimum Wage Practice

Building a Coalition

- Start with a larger list of potential stakeholders
- Then cut to a manageable size group – steering committee
- Ensure the steering committee will broadly cover interested parties

Steering Committee

- Consider hiring a facilitator
- Establish your end goal
- Be aware of timing considerations
- Ensure the group can respectfully express differences in opinion

Our group established a shared goal of:

Working together to pass legislation in the 2020 session to phase out subminimum wage employment in Colorado by a date certain in the near future. Further, to address structural, financial and practical barriers for persons with disabilities and their families, employers and the State to ensure that persons with disabilities currently employed in subminimum wage positions can successfully transition to employment that pays at least minimum wage and / or high quality programs designed to prepare them for employment.

Convene Your Coalition

- Under direction of steering committee, get a slightly larger group together
- This group will do the hard work
- Establish ground rules
- Ensure you have diverse opinions represented

Build Your Bill - Important Aspects to Consider

- Strong legislative declarations can set the tone
- Carefully consider the end date
- Consider assistance to employers
- Identify barriers in your state Medicaid system
- Include provisions to address concerns of individuals and families
- Build off the work of others

Once you have your finished project, it is time to make some change!



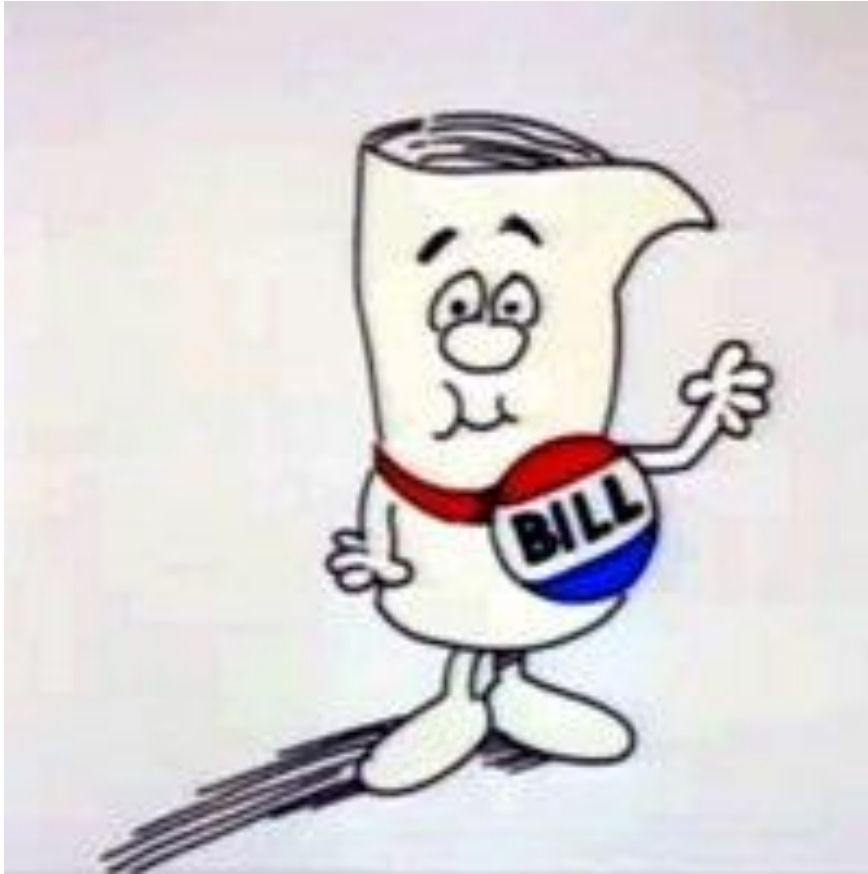
Poll

- Does your P & A engage in legislative efforts
- Frequently, including bringing legislation
- Sometimes, but we haven't initiated legislation
- Occasionally, when requested by an outside party
- Rarely or never

Educate Legislators

- You are allowed to educate legislators about an issue
- Use your public report
- Try to get bi-partisan support
- Work with legislators in areas that have subminimum wage and businesses that are wanting to make the change
- Consider hiring a lobbyist

Drop Your Bill



- Tell your story and why the state needs to do this
- Try to find event or other good timing to announce it
- Work with the press
- Use individual stories

Continue to Work with Stakeholders

- Build flexibility into the bill
- Be open to last minute feedback
- Work with stakeholders to avoid controversy at the capital
- Changes at the last minute can actually improve the bill
- Stay consistent with messaging

**Then hope you don't
have a pandemic that
obliterates your state
budget...**

Questions?

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