

# WIOA Promise innovation and opportunities for People with Disabilities

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# Principles/Truths

- \* 1. people with disabilities come in groups of one
- \* 2. Disability crosses all other diversities
- \* 3. It cost more to make employment happen but it is still less than the cost of not employing them
- \* 4. We all need to work together to make a difference
- \* 5. We are all impacted speak in to your phone, wheels on luggage
- \* 6. text me on drive home today and I'll tell you the number on way to obtain a disability

# US Department of Labor

2010-2012

- \* 1/3 of working age people with disabilities are employed
- \* 2/3 of working age people without disabilities are employed
- \* 57% of youth with Disabilities not engaged after age 19
  - \* (not working not learning)
- \* People with disabilities are overrepresented in 17 of the 20 fastest declining occupations
- \* Recent study showed 26% fewer employers interested in applicants that disclosed a disability in cover letter

# Working-Age Adults with Disabilities

2008 Government Expenditures

- \* \$357 Billion - Federal spending
- \* \$71 Billion - State spending
- \* Over \$420 Billion percentage spent as follows:
  - \* 55% - Spent on Health Care
  - \* 41% - Income Maintenance
  - \* 3% - Housing and Food Assistance
  - \* 1% - Education, Employment and Training

# Brief History

- \* 30 Plus years in the field of Employment
  - \* Shelter and Supported Employment
  - \* Federal Project with Industries Grant
  - \* Vocational Rehabilitation Vendor
  - \* Kansas Vocational Rehabilitation Commission
- \* 14 years Workforce Investment Board executive committee
- \* WIA One Stop Operator, Salina KS
- \* Current Executive Director for the Kansas Council on Developmental Disabilities

# Activities of the Kansas Council on Developmental Disabilities

- \* Advocacy
  - \* Self Advocacy and Leadership
- \* Systemic/Systems Change
  - \* Public Policy/Inform and Recommend
  - \* Improvements to Service Systems
  - \* New Technologies/Methods
- \* Capacity Building
  - \* Support Service System Innovations
  - \* Support/Create New Technologies/Methods

# Values

## DD Act

- \* Integration
- \* Inclusion
- \* Productivity
- \* Self Determination
- \* Independence
- \* Control and Choice

## Kansas Council

- \* Respect
- \* Innovation
- \* Accountability
- \* Transparency
- \* Partnerships

# Role of the Council (State)

- \* Study, monitor, and report on programs
- \* Develop plan with assurances from the Designated State Agency (DSA)
- \* Make legislative recommendations to improve DD services and programs
- \* Report regularly to the Governor, Legislators and state agencies on progress



# KCDD Project Search

- \* Last year of school for youth with disabilities
- \* 3 rotations in community jobs 3 months each
- \* Full time teacher
- \* Learning skills and workplace behaviors
- \* 70% success rate vs. 11% without
- \* Working 16 hours/week at or above minimum wage

# Mega Trends

- \* ADA Olmstead (services in the most integrated setting)
- \* Social Security Ticket to Work Program
- \* Centers for Medicaid Services (Final Rule)
- \* Workforce Innovation and Opportunity Act
- \* Developmental Disabilities Act (Final Rule)
- \* DOL wage protection for workers (overtime over 40, minimum wage for all hours worked)
- \* Every Student Succeeds Act of 2015

# Who is responsible

## GAO Study 45 Programs 9 Federal Agencies

- \* Early Intervention
  - \* Slow the Flow
  - \* Youth Transitioning
  - \* Workers (experience on the job)

Promote

Employer Engagement

Competitive Integrated Employment

Collaboration Coordination Efficiency

Measurement and Accountability

# WIOA signed 2014

- \* Workforce Summit 2015 DOL partner
- \* After the Summit Summit Jan. 22 2015
  - \* 57 attendees
  - July 28<sup>th</sup> 2015 63 attendees
- \* DEI added Adult Project Search
- \* Commerce Lead agency on unified WIOA State Plan
- \* United Health Care funded Adult Project Search
  - \* And additional Employment Systems Change grants

# Disability WIOA Related Highlights

- \* State and local plans must include plans and metrics to address employment for people with disabilities
- \* States must identify performance outcomes and results by disability
- \* One-Stop centers Criteria must be physically and programmatically accessible in order to be certified

# WIOA Rehab Act

- \* Transfers Independent Living Centers and Assistive Technology from RSA to Administration on Community Living ACL
- \* Requires VR to make Pre-Employment Transition Services available
- \* Requires a 15% set a side for Youth Transition
- \* ½ of Federal Supported Employment to fund youth with the most significant disabilities
- \* Priority to those at risk of losing their jobs

# WIOA Rehab Act changes

- \* Employer engagement emphasis
- \* VR State Grant Programs to engage employers
- \* 20% of youth funds for on the Job Internships
- \* Registered Apprenticeship and Pre-App training

# WIOA Reforms

- \* Core Programs must Develop a single 4 Year Plan
- \* Must Measure Effectiveness of Service to Employers
- \* Third party evaluation every 4 years
- \* New National DOL Advisory Council
- \* Training and Post-Secondary Credentials
- \* Job seekers who are basic skills deficient and low income a priority



# WIOA System Change

- \* Current system (fragmented)
- \* Work Disincentives
- \* Variation in Services and Programs
- \* Service “SILOS” Inhibit Creativity/New Approaches

# Every Person's Situation is Unique

Generally for every \$1.00 a person with a disability earns there is a direct savings of \$.50 to the tax payer

# When you Interview

## A “nondisabled” person

- \* Are they a risk to the Company?
- \* Are they Qualified?
- \* Would they be a good fit?
- \* Can they do the job better than the other candidates?

## Person with a disability

- \* Are they a risk to the Company?
- \* If I had that disability could I do this job?
- \* The interview changes from a focus on “them” to a focus on “you”
- \* People develop skills based on the need

# KCDD Employment Grant

- \* Current System perfectly designed to get the results we are getting.
- \* Based on our current structure, what needs to change to get more employment outcomes?
- \* Resource 2014 Employment First Commission Report
- \* Workforce Innovation and Opportunity Act WIOA concepts
- \* Systemic Change

# Current Employment Systems Change

- \* Griffin and Hammis Report
- \* United Health Care provides \$1.5 million
  - \* Joins effort for systems change 2015
  - \* Funded 3 new grass roots projects
- \* Vocational Rehabilitation End-Dependence
- \* Lead Center State Agency Coordination
- \* Disability Employment initiative Commerce

# WIOA Major Proposals

- \* Increase services and supports to youth with disabilities
  - \* Especially those with more significant disabilities
- \* Integrate general workforce programs and disability workforce programs
- \* Define competitive integrated employment and make it the goal for all people with disabilities
- \* Slow the movement of youth with disabilities to subminimum wage programs
- \* Create an Administration on Independent Living

# WIOA Disability Changes

- \* Limit the use of Sub-Minimum Wages
- \* Requires agreements and plans between state Vocational Rehabilitation System, Medicaid System, and Intellectual and Developmental Disability Agency
- \* Defines
  - \* Customized Employment
  - \* Competitive Integrated Employment
  - \* Role and requirements of the General Workforce System in meeting the needs of people with disabilities

# WIOA Board Changes

- \* Reduces the required board members to business lead and the 4 core programs
- \* No longer requires a Youth Council
- \* At the discretion of the board they can form these committees
  - \* One Stop Partner Issues
  - \* Youth Services
  - \* Services to Individuals with Disabilities
- \* Boards are authorized to solicit grants and donations from non-federal sources



# Limitation on the use of Sub-Minimum Wages

- \* As of 2016 a series of steps must occur prior to anyone under the age of 24 be placed in a job paying less than minimum wage
- \* Schools are prohibited from contracting with Sub-Minimum Wage providers for “Transition Services”
- \* Legislative definition of “Competitive Integrated Employment”
  - \* Full or part time, minimum wage or higher, same benefits, fully integrated with co-workers

# Definition changes Supported Employment

- \* Integrated Competitive Employment
- \* Short term basis working towards competitive
- \* Customized Employment (defined)
- \* Support services extended from 18 to 24 months
- \* Supported Employment State Grants
  - \* ½ must be used to support “youth with the most significant disabilities” (up to age 24)
  - \* Qualify for extended services up to 4 years

# Post Secondary Options

- \* Post secondary allowed fund technical assistance to better enable individuals with intellectual disabilities to participate in post secondary educational experiences
  - \* Think College

# Get to Know Your “One Stop System”

- \* Requirements for the general system to meet the needs of job seekers with disabilities
  - \* Boards may include community organizations
  - \* Ensure sufficient service providers to meet the career and training needs of PwD.
  - \* Career paths for individuals with disabilities to enter and retain employment
  - \* May have standing committees on services for people with disabilities
  - \* Governors may reserve 15% of funds for use in specific areas including disability employment programs

# Disability WIOA Related Highlights (1)

- \* Focus on increased physical and programmatic accessibility for people with disabilities to employment and training services
- \* Provide youth with disabilities will extensive pre-employment transition services
- \* Require state vocational rehabilitation agencies to use at least 15% of their federal funding for transition services to youth with disabilities.

# Disability WIOA Related Highlights (2)

- \* Directs state vocational rehabilitation agencies to be job directed and employer directed as well as client directed.
- \* Defines competitive, integrated employment as including self-employment, supported employment, and customized employment.
- \* Established a committee to advise the President and the Secretary of Labor on strategies to increase competitive integrated employment for individuals intellectual and other significant disabilities.

# DOL Advisory Committee

- \* (1) increase competitive integrated employment (CIE) opportunities for individuals with (I/DD)
- \* (2) The use of certificate program carried out under Section 14(c) of the Fair Labor Standards Act (FLSA) for the employment of individuals with I/DD or other individuals with significant disabilities; and
- \* (3) Ways to improve oversight of the use of such certificates.

# Primary Focus of the Work

- (1) to increase opportunities for CIE;
- (2) to ensure CIE is the first option for people with significant disabilities in order to increase the employment participation rate
- (3) to significantly reduce the use of FLSA Section 14(c) and the dependence on subminimum wages and segregated service placements.



# DOL Subcommittee Transition to Careers Subcommittee

beginning transition at age 14, including work experiences opportunities for postsecondary education for youth with significant disabilities which includes competitive integrated work experiences

Creating seamless transition and systems integration in policy and funding for transition across related federal agencies

Address professional supports and incentives by improving school and provider competencies and providing technical assistance to states.

# DOL Committee Complexity and Needs in Delivering Competitive Integrated Employment Subcommittee

## \* The Preliminary Recommendations:

- Aligning policy and practices to prioritize CIE across the four federal agencies
- Aligning across federal agencies the funding rules and payment methodologies to prioritize and incentivize CIE
- Addressing real and perceived disincentives to employment caused by concerns about loss of healthcare/cash benefits
- Addressing systemic low expectations around employment
- Improving accountability for achieving CIE and ensuring quality through data collection

# DOL Marketplace Dynamics Subcommittee

- \* The Preliminary Recommendations are focused on employer and business model issues for increasing CIE. These emphasize:
  - promote hiring people with disabilities as good for business outcomes
  - Creating a sustainable culture of inclusion and diversity through business to business communications
- \* Building better business partnerships between businesses, providers, and government programs;
- \* Addressing training issues by improving provider competencies and developing national training requirements; and
- \* Addressing the complex issues of transportation in urban, sub-urban and rural America.

# DOL Building State and Local Capacity Subcommittee

- \* The Preliminary Recommendations emphasize:
  - \* Expanded use of Home and Community-Based Services (HCBS) Waiver programs for CIE by changing the federal match requirements to states to incentivize CIE;
  - \* Aligning and improving data systems on CIE outcomes;
  - \* Promoting and funding innovations in new and existing provider organizations;
  - \* Creating and funding professional development to improve provider competencies; and
  - \* Providing funding for provider transformation.

# Section 14(c) Subminimum Wage Certificate Program

- \* Each of the four initial subcommittees worked on the development of Preliminary Recommendations
  - \* better data on outcomes;
  - \* Improving monitoring and oversight of the program;
  - \* Aligning use of the program with modern federal disability policies,
  - \* Considering a well-designed phase out of the program as a result of increasing CIE; 8 to 10 years no new admissions.
  - \* Providing technical assistance to states and providers to reduce the use of the program; and
  - \* Addressing concerns of unintended consequences by ensuring quality alternatives.

# KCDD Employment Systems Change

- \* Submitted Testimony to Employment First Commission
- \* Testified at Legislative Hearings
- \* Project Search (difficult to implement large scale)
- \* Medicaid Long-Term Supports not Flexible
- \* Vocational Rehabilitation Lack of Vendors
- \* No Support Post-Employment

# Griffin and Hammis Report (GH Report)

- \* Missing Tools
  - \* Supports Waiver
    - \* Self Directed Services
    - \* Financial Management services
    - \* Supported Employment
    - \* Education and Training
    - \* Benefits Counseling
    - \* Non-residential Transportation
  - \* State Plan (i) for Behavioral Health

# Missing Tools Continued GH Report

- \* Universal Comprehensive Assessment of Need
- \* Separation of individual allocation from “Rates”
- \* Rates need to be based on actual cost
- \* Supported Employment rates based on actual cost
- \* Universal Self-Directed Participant Services
- \* Consistent Well-Qualified Personnel



# Employment GH Report

- \* Significantly increase career opportunities
  - \* Apprenticeships and internships
  - \* Support self-employment
  - \* Promote existing incentives
  - \* Fund new projects and a bi-annual summit
- \* Outreach to employers and champions
  - \* Encourage the development of additional employment incentives
- \* Support Employment First efforts
- \* Advocate for a incentive based payment system for Supported Employment Programs

# Hourly Fees Based on Cost

## GH Report

- \* No loss to the provider from the start
- \* Current research shows customized employment
  - \* 30-70 hours for discovery/job development
  - \* 100-250 hours employer/systematic instruction
  - \* 50-100 hours follow-up per year (usually paid from long-term funding)

# Long Term Outcomes GH Report

- \* One time cost for the Vocational Rehabilitation services are significant
- \* The on going cost is minimal compared to sheltered workshop annual cost
- \* “I Wavier” for those with Behavioral health needs
- \* New Supports Waiver
  - \* Self directed service
  - \* Community Guide

# WIOA at the cross roads

- \* Several Laws and regulations coming together
- \* Social Security (Ticket to Work)
- \* Centers for Medicaid Services (final rule on settings)
- \* Developmental Disabilities Act (final rule)
- \* Department of Labor (final rule)
- \* Workforce Innovation and Opportunity Act
- \* Vocational Rehabilitation WIOA changes
- \* Every Student Succeeds Act of 2015 (ESSA)

# Progress

- \* “The reasonable man adapts himself to the world; the unreasonable one persists in trying to adapt the world to himself. Therefore all progress depends on the unreasonable man”

\* George Bernard Shaw

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# Employment Myths

- \* Architects of Life
- \* All it takes is Passion
- \* Love of the Work
- \* One perfect Job
- \* Don't know what you want
- \* People are Pushed
- \* Must be a Market
- \* Sense of Purpose
- \* Hundreds or more
- \* Fulfillment, Connection  
Responsibility and some  
Excitement

<http://www.disabilitypolicyresearch.org>

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STUDYING DISABILITY POLICY

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### An Employment/Eligibility Service Agency (EES)

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graph LR; Outreach((Outreach)) --> Intake[Intake & triage]; Intake --> Support[Employment support & continued assessment]; Support -- Fast track --> SSDI[SSA/SSDI]; Support -- Effort unsuccessful --> SSDI; Support -- Effort successful --> Work[Work]; Support -- No support needed --> Denied[Denied];
```

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