Workforce Innovation and Opportunity Act

OACB Winter Convention
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What is WIOA?

• The Workforce Innovation and Opportunity Act of 2014

  o Signed into law July 22, 2014
  o Reauthorizes the Workforce Investment Act of 1998, including the Rehabilitation Act
  o Maintains Vocational Rehabilitation funding
  o 300 page legislation
  o Unified state plan due January 2016
Major Highlights

- Increased role for VR in transition of youth with disabilities
- Limitations on sub-minimum wage
- Requirement for formal cooperative agreement between VR, I/DD and Medicaid
- Movement of federal programs
- New definitions for competitive employment and supported employment
- Inclusion of customized employment in Rehab Act
- Supported employment state grants for youth
- Post-secondary technical assistance support
- VR is now a core program in workforce development
- Changes in performance measures
- Increased requirements for One-Stops to meet needs of people with disabilities
Role of VR in Transition

At least 15% of each state’s Title I VR funds must be used for “pre-employment transition services”

- Title I funds for FY 14: $3 billion

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<tr>
<th>Required Pre-employment Transition Services</th>
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<tr>
<td>Job Exploration Counseling</td>
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<td>Work-based Learning Experiences</td>
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<td>Counseling on post-secondary education opportunities</td>
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<td>Workplace Readiness Training</td>
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<td>Instruction in self-advocacy</td>
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Role of VR in Transition

Each VR agency, in collaboration with local school districts, must provide, or arrange for the 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.
## Role of VR in Transition

Each local VR office must undertake “pre-employment transition coordination:

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<th>Pre-employment Transition Coordination</th>
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<td>Attending IEP meetings</td>
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<td>Working with workforce development boards, One-stops and</td>
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<td>employers to develop opportunities</td>
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<td>Coordination with Schools for provision of pre-employment</td>
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<td>services</td>
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<td>Attending person-centered planning meetings for individuals on</td>
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<td>waivers</td>
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Sub-minimum wage Limitations

Section 511:
- As of July 2016, requires a series of steps before an individual 24 and younger can be placed in a job paying less than minimum wage (sheltered workshops or enclaves)

- Receive pre-employment transition services
- Apply for vocational rehabilitation services, and if eligible, made a serious attempt at competitive integrated employment
- Receive counseling, information and referral about alternatives to subminimum wage employment
Sub-minimum wage Limitations

Section 511:
- Individuals with disabilities currently employed at subminimum wage must be provided:
  - On going career counseling
  - Information and referrals about community employment
  - Notification of local training opportunities to move into competitive integrated employment, as appropriate
- Prohibits schools from contracting with sub-minimum wage providers.
New Cooperative Agreement

- Requirement for formal cooperative agreement between state VR and state ID/DD agency, and state Medicaid agency, with respect to VR services for individuals with most significant disabilities determined eligible for HCBS.
Movement of Federal Programs

- Agencies moving from the Department of Education to the Administration for Community Living (ACL) at the Department of Health and Human Services.

National Institute on Disability, Independent Living, and Rehabilitation Research

Independent Living Program

Community Living under the Department of Health and Human Services

Offers better coordination with the Administration on Intellectual and Developmental Disabilities
## New Definitions

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<tr>
<th>Competitive integrated employment</th>
<th>Supported employment</th>
<th>Customized employment</th>
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| 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 | Modified to clarify that supported employment is integrated competitive employment, or an individual working on a short-term basis in an integrated employment setting working towards integrated competitive employment.  
- Post-employment support services have been extended from 18 to 24 months | Competitive integrated employment for an individual with a significant disability, that is based on an individualized determination of strengths, needs, and interests of the individuals with a significant disability and carried out through flexible strategies  
- Is included in supported employment and an available service from public VR agencies |
Supported Employment State Grants

- 50% of money received by states under Supported Employment State Grants will be used to support youth (up to age 24) with the most significant disabilities.

- Supplements supported employment services funded via the general VR funding.

- Youth may receive extended services with the Supported Employment grants for up to 4 years.

OOD FY15 budget for Supported Employment State Grants is: $916,727

In 2014, the total supported employment state grant allocation was $27 million.
Technical Assistance for Post-Secondary Ed

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.”
VR is a Core Program

WIOA mandates VR as a core program in the workforce development system.

Four Core Programs:
1. Adult, Dislocated Worker, and Youth Workforce Investment Programs
2. State Employment Service (Wagner-Peyser)
3. Adult Education and Literacy
4. Public Vocational Rehabilitation
Changes in Performance Measures

Core programs are subject to common indicators of performance. For adults, these include:

- Entering and retaining employment,
- Median earnings,
- Obtaining an educational credential (high school Diploma, post-secondary credential),
- Skill gains via post-secondary education and training, and
- Effectiveness in serving employers.
# One-Stops and Disability Employment

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<th>Must ensure provider capacity to serve individuals with disabilities</th>
<th>Requires annual accessibility assessment of One-Stop Career Centers for people with disabilities</th>
<th>Disability is to be considered in development of state performance requirements in use of workforce development funds.</th>
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<td>Boards may include agencies that support individuals with disabilities</td>
<td>State workforce development board must develop strategies to support career pathways for individuals with disabilities</td>
<td>Emphasis on youth</td>
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<td>Employment Networks are specified as optional One-Stop partners.</td>
<td>Allows local workforce development board to have standing committee on the provision of services for individuals with disabilities</td>
<td>States may reserve up to 15% of general workforce development funds for statewide employment and training activities to improve coordination of employment and training activities with programs for individuals with disabilities.</td>
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Important Considerations

- VR Capacity to take on new transition requirements with existing funding
- Mandate for pre-employment transition services for all students eligible or potentially eligible for VR services
- Ensuring focus on actual employment in transition services, not just readiness
- Clarity regarding roles of Education and VR at local level
- Sub-minimum wage limitations in Section 511 – how will it be implemented
- Cooperative agreement between VR, I/DD and Medicaid
What’s Next?

• Implementation will occur over the next couple of years
• Expect proposed regulations for public comment in January 2015
• All major provisions (except Section 511) go into effect in July 2015
• Section 511 (limitations on sub-minimum wage) takes effect July 2016

TIMELINE:

July, 2014
Signed into law

Jan. 2015,
Draft Regulations due

July 2015,
Law goes into affect

Jan. 2016,
Final Regulations due
Employment First State Leadership Mentoring Program

- Last month, Ohio was selected as a core state in the EFSLMP
- Ohio Employment First Taskforce will engage in intensive policy work with regards to WIOA and workforce development over the next 10 months
Employment First State Leadership Mentoring Program

• January – September 2015
• Subject Matter Expert is David Hoff, Institute for Community Inclusion
  o Assessment of existing policies, practices and interagency agreements;
  o Identification of gaps and challenges;
  o Observations and Recommendations;
  o Technical assistance in drafting MOUs between state agencies
  o Development of systematic approach to new transition requirements for VR
  o Development of new common measures for performance
Employment First State Leadership Mentoring Program

- January – September 2015
  - Two on-site visits
  - Two monthly technical assistance calls
  - Quarterly virtual meetings