

Workforce Innovation and Opportunity Act



New Workforce Investment Law Affecting:

- Employment and Training Programs:
 - Adult
 - Youth
 - Dislocated Worker
 - Wagner Peyser
- Adult and Technical Education
- Vocational Rehabilitation

Congressional Intent

- Unified State Workforce Plans
- VR role to stem tide of direct referrals to subminimum wage
- Larger role for VR to serve youth earlier in high school
- VR to serve as experts with Job Center partners
- VR to expand employer relations
- VR to serve on State Workforce Board
- Common Measures with other partners

New/Modified Definitions

- Customized employment
 - Competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability
- Supported employment
 - Makes clear that SE is integrated competitive employment, or an individual working on a short-term basis in an integrated employment setting towards integrated competitive employment
 - Also now includes customized employment

Focus on Youth

- New requirements for VR to work with schools
- New definitions for:
 - Students with disabilities
 - Youth with disabilities
- New focus for Workforce Investment programs to work with out of school youth



Pre-employment Transition Services (PETS)

VR, in collaboration with LEA, shall provide or arrange to provide:

- 1) job exploration counseling
- 2) work-based learning experiences
- 3) Counseling on opportunities for transition or post-secondary educational or higher education programs
- 4) Workplace readiness training to develop social skills and Independent Living
- 5) Instruction in self-advocacy, which may include peer mentoring.



Subminimum Wage

- New section—Section 511
- It requires in 2016 that a series of steps be taken before an individual under the age of 24 can be placed in a job paying less than minimum wage
- Also prohibits schools from contracting with sub-minimum wage providers

Section 511

- Non entity, which holds a special wage certificate may compensate an individual with a disability who is age 24 or younger as a wage that is less than FMW unless one of the following conditions is met:
 - (1) the individual is currently employed by the certificate holder
 - (2) the individual, before beginning (subminimum) work has completed and produces documentation indicating completion of each of the following actions:

Actions to be completed

- (A) the individual has rec'd PETS or transition services under IDEA
- (B) the individual has applied for VR services with the result that...
 - Individual has been found ineligible for such services ...or,
 - individual has been determined to be eligible for VR services;
 - individual has an IPE
 - Individual has been working toward an employment outcome specified in IPE with appropriate supports ...for a reasonable period of time without success
 - Individuals VR case is closed, and
 - Individual has been provided career counseling... and referral to other federal programs and resources...and
 - Such counseling, information and referrals are not for subminimum wage provided by an entity described in this subsection, and such employment-related services are not, compensated at a subminimum wage and do not directly result in employment compensated at a subminimum wage provided but an entity described in this subsection

511-During Employment

- 14 C holders may not continue to employ an individual, regardless of age, at a subminimum wage unless, after the individual begins work at that wage, at the intervals describe in para (2) the individual
 - Is provided by DSU career counseling, info and referrals delivered in a manner that facilitates independent decision-making and informed choice as the individual makes decisions regarding employment and career advancement; and
 - Is informed by the employer of self-advocacy, self-determination, and peer mentoring training opportunities available in the individuals geographic are, provided by an entity that does not have any financial interest in the individual's employment outcome, under applicable Federal and State programs or other sources.

511-During Employment

- Timing
 - The actions require under A and B shall be carried out once every 6 months for the first year of the individuals employment at subminimum wage, and annual thereafter for the duration of such employment
- Documentation
 - 14 C holder must provide documentation
 - DVR or DOL could request

State Plan: Common Measures



- Entering and retaining **employment**
- Median **earnings**
- Obtaining an educational **credential** –HS diploma, post-secondary credential
- **Skills** gains via post-secondary education and training
- Effectiveness in serving **employers**



Training and Services for Employers

- Provide training and TA to employers regarding the employment of individuals with disabilities, including:
 - Awareness
 - ADA
 - Other employment-related laws



Training and Services for Employers

- Working with employers
 - Work-based learning
 - Recruitment of qualified applicants
 - Train employees
 - Promote awareness
- Providing consultation, TA, and support to employers for VR job seekers
- Assisting employers with utilizing available financial support for hiring PWD

