White House Hosts Summit on Disability and Employment

On February 3rd, the Obama Administration hosted the “Summit on Disability and Employment.” Focused on providing businesses, advocates and the general public with information on new and existing federal resources to improve employment opportunities for people with disabilities, the Summit provided attendees with a forum to share best practices and effective strategies to successfully recruit, hire, promote and retain employees with disabilities.

Coinciding with the day’s program, the White House released its newest disability publication: “Recruiting, Hiring, Retaining, and Promoting People with Disabilities: A Resource Guide for Employers.” Authored by the White House Domestic Policy Council and the Curb Cuts to the Middle Class Initiative, the Resource Guide serves as a blueprint for employers looking to create
more inclusive workplaces.

For more information on the Summit, please read the White House blog. To learn more about the Resource Guide and read it in its entirety, please visit the LEAD Center Resource Center.

LEAD Participates in Congressional Briefing on Disability Pay Gap

At a time when people with disabilities earn 63 cents for every dollar earned by people without disabilities, LEAD Assistant Project Director Elizabeth Jennings joined a panel of leading experts to examine the pay gap between workers with and without disabilities.

Held on January 22nd, "Closing the Pay Gap for Workers with Disabilities," took place on Capitol Hill. The day's program included commentary from Michelle Yin, Senior Researcher, Workforce and Lifelong Learning Program, American Institutes for Research (AIR); Michael Gamel-McCormick, Associate Executive Director for Research and Policy, Association of University Centers on Disabilities (AUCD); Dwayne Norris, Vice President and Director, Workforce and Lifelong Learning Program, AIR; and John Westbrook, Manager, Disability Research to Practice Program, SEDL. Jill Houghton, Executive Director, United States Business Leadership Network (USBLN), served as moderator and was joined by Representative Chris Van Hollen (D-Md.), a leading disability advocate in Congress.

Jennings’ presentation focused on the many misconceptions people with disabilities, their families and society as a whole have toward working and living with a disability. For far too long, Jennings asserted, the very definition of “disability” imposed by the federal government creates a disincentive to work. She pointed to the fact that asset limits remain artificially low - making it impossible for beneficiaries to save for an emergency or plan for the future - and the long held fear that working will result in the loss of benefits and support services people with disabilities rely on to fully participate in American society.

At the conclusion of the panel discussion, participants, including Jennings, highlighted a number of proposals, actions and next steps to make the pay for workers with and without disabilities more parallel. Recommendations included the decoupling of means tested benefits from other support services; an increase, leading to the elimination of asset limits, as a condition for certain federal/state benefits eligibility; not including 401Ks and other retirement benefits as assets; and a change in societal attitudes and perceptions toward workers with disabilities.


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LEAD Center Launches Four-Part Webinar Series on the Workforce Innovation and Opportunity Act (WIOA)

The Workforce Innovation and Opportunity Act (WIOA), signed into law by President Obama last July, maintains a primary focus on assisting job seekers and workers with and without disabilities to succeed in the labor market, and matches employers with skilled workers who may benefit from education, skills training and career services. The LEAD Center is hosting a four-part webinar series on WIOA about key aspects of the law that represent new opportunities for the public workforce system to support job seekers with disabilities. Highlights of WIOA explored throughout the series include:

- Emphasis on career pathways and sector partnerships to promote employment in in-demand industries and occupations;
- Sequence of services elimination before enrollment in training;
- Establishing a single Unified State Strategic Plan;
- Making individuals with disabilities part of state and local strategic plans;
- Identifying and reporting performance outcomes (including assessing physical and programmatic accessibility of facilities, programs, services, technology and materials and appropriate staff training and support).

The first webinar in the series, “WIOA from a Disability Perspective” was held on February 25, in collaboration with ODEP. The highly engaged audience of nearly 600 people included workforce development professionals, disability advocates and organizations, policy makers, individuals with disabilities and other related stakeholders. Webinar speakers included Michael Morris, Co-Chair of the Public Policy Team, NDI LEAD Center; Kim Vitelli, Chief, Division of National Programs, Employment and Training Administration, U.S. Department of Labor; David Mank, Director of the Indiana Institute on Disability and Community at Indiana University and newly-elected Chairperson of the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (Section 609 of Title IV of WIOA); and Bridget Brown, Executive Director, National Association of Workforce Development Professionals.

Webinar participants noted that this series was “timely,” “valuable,” “clarifying” and a “good combination of vision and practical suggestions.”

Register today for the three remaining webinars in the WIOA series:

- **April 29, 2015** - WIOA and the Unified State Planning Process
- **June 24, 2015** - WIOA Youth Services
- **September 24, 2015** - Section 188, the Nondiscrimination Provisions of WIOA

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LEAD Center Hosts Webinar on CMS Guidance on Non-Residential Services and Its Implications for Employment

On March 25, 2015, the U.S. Department of Labor’s Office of Disability Employment Policy (ODEP), in collaboration with the Centers for Medicare and Medicaid Services (CMS) and the National LEAD Center, hosted a webinar entitled, “Redefining Home & Community Based Services: CMS Guidance on Non-Residential Services and Its Implications for Employment.” Leading experts from CMS’s Disability & Elderly Public Health Group presented information about recent CMS policy guidance issued around this topic and responded to questions posed by webinar participants. LEAD Center published the questions and answers from the inquiries made during this webinar presentation as well as subsequent requests for additional information we received. LEAD Center FAQs on Medicaid and Integrated Employment as well as the archived webinar, PowerPoint slides and a transcript are on the LEAD Center website.

The Centers for Medicare and Medicaid Services (CMS) released new regulations in January 2014 governing home and community-based services (HCBS) provided through state Medicaid programs. The regulations also clarify that in order to receive Federal HCBS funding for services to individuals with disabilities, states must ensure HCBS be delivered in the most integrated setting, and “....support full access of individuals receiving (waiver services) to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources and receive services in the community to the same degree of access as individuals not receiving (waiver services).”

CMS staff joined the U.S. Department of Labor’s Office of Disability Employment Policy (ODEP), the LEAD Center and national subject matter experts on March 25, 2015 to discuss the HCBS rule and its applications in supporting individuals with disabilities to seek and attain competitive integrated employment and explore the CMS toolkit designed to assist states in complying with the requirements of the HCBS final rule as it relates to non-residential settings. The webinar, Redefining Home & Community Based Services: CMS Guidance on Non-Residential Services and Its Implications for Employment was attended by over 800 individuals representing federal, state, and local level providers of services to individuals with significant disabilities, as well as individuals with significant disabilities and their family members and supports. In addition to expert guidance on the implication of the HCBS final rule on employment, attendees received informational materials to further build their knowledge; CMS Final HCBS Rule Q&A, FAQs on Medicaid and Integrated Employment, CMS HCBS Exploratory Questions - Non-Residential, and HCBS Settings Rules Q&A from National Organizations.

This latest webinar adds to a growing body of archived trainings and information available through the LEAD Center, prepared in collaboration with the U.S. Department of Labor’s Office of Disability Employment Policy (ODEP), Centers for Medicare and Medicaid Services (CMS) and national subject matter experts. Visit the LEAD Center to access informational materials,
archived webinars, PowerPoint slides and transcripts to learn more about the CMS HCBS final rule and the implications on residential settings, non-residential settings, day services, and integrated employment.

- **Webinar: 2-20-14 - Innovative Strategies for Using Medicaid State Plan and Waiver Options to Promote Integrated Employment of People with Disabilities**
- **Webinar: 5-28-14 - Medicaid Managed Care and Its Implications on Employment Services**
- **Webinar: 6.25.14 - New CMS Regulation on HCBS Settings: Implications for Employment Services**

Frequently Asked Questions Factsheet: *Innovative Strategies for Using Medicaid State Plan and Waiver Options to Promote Integrated Employment of People with Disabilities*

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**The Latest on the ABLE Act and ABLE Accounts**

Although the Achieving a Better Life Experience (ABLE) Act has been law for more than three months, there remains a significant amount of work to be done before individuals with disabilities and their families can begin to benefit. The two most pressing areas of work remaining are the development of state ABLE programs and the establishment of ABLE regulations and/or guidance by the U.S. Department of Treasury.

It is important to remember that the newly signed law allows states to establish independent ABLE programs but does not mandate them, nor does the federal law in and of itself create them. Rather, prior to establishing an ABLE account, a state must first pass legislation to develop ABLE-related programs and, thus, ABLE accounts. To date, there have been more than 30 state legislatures who have filed bills to establish state ABLE programs, with several other legislatures in the “drafting stage.”

The Treasury Department, in collaboration with the Internal Revenue Service (IRS) and the Social Security Administration (SSA), is working to develop regulations as required by the ABLE Act. Forthcoming regulations will clarify various elements of the ABLE Act, including eligibility and further specification on what is or is not a “qualified disability expense.” While the Treasury Department is not required to publish regulations and/or guidance until summer 2015, the Department recently issued a notice encouraging states to move forward with implementing ABLE programs, despite not yet having formal regulations.

Please stay tuned as more information and updates are likely to occur in the coming weeks and months.

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Employment and Training Administration Releases a Training Employment Guidance Letter Concerning the Workforce Opportunity and Innovation Act

Consistent with the various timelines stipulated in WIOA, we can expect the release of related materials developed by various federal agencies and departments articulating how states should begin implementing the law. One such piece was recently released by the Employment and Training Administration (ETA) in the form of a Training and Employment Guidance Letter (TEGL).

Released on February 19, 2015, the purpose of the TEGL is stipulated as:

“... laying out the vision for a revitalized transformed workforce system as a result of implementation of the WIOA. Further, it encourages workforce system leaders and partners to take action now to support successful implementation to fully realize the vision of WIOA. Finally, it provides an overview of upcoming guidance and technical assistance to support effective implementation of WIOA.”

The document also describes what ETA considers the three “hallmarks of excellence” when developing and maintaining a revitalized workforce system, the key operational and governing principles of any successful workforce system and specific recommendations states should adopt to prepare to meet WIOA obligations.

For more information on the implementation of WIOA, please read the U.S. Department of Labor document.

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Kansas Workforce System Creates Partnership to Promote Employment

On January 22nd, experts from LEAD Center presented at the 14th Annual Kansas Workforce Summit. The theme was Preparing Tomorrow’s Leaders in a Rapidly Changing Workplace.

Michael Morris, LEAD Center’s Public Policy Team Co-Lead and Lisa Mills, Subject Matter Expert, presented on Federal Policy Changes: Opportunities for People with Disabilities. This session, which was co-facilitated by Stephen Hall from Griffin Hammis Associates, discussed WIOA, Section 503 and other Federal policies that have recently aligned to support employment for people with disabilities. They also designed and co-facilitated a session focused on Building Consensus on Priority Goals and Strategies for Increasing Integrated Employment Outcomes in Kansas: Strategies for Collaboration and Coordination of Efforts within Kansas. This half-day session created an opportunity for open dialogue on promoting employment outcomes for youth and adults with disabilities. The session was attended by more than 60 stakeholders, representing state agencies and community partners.

The LEAD Center’s engagement was lauded in the Kansas Employment First Oversight Commission’s 2015 Report to the Governor and Kansas Legislature. The report notes that, “The Commission recommends state government embrace an effective systems change planning process regarding Employment First, where disability stakeholders are key partners in driving
positive changes. The Commission notes that positive efforts are already underway that make this systems change effort possible, including: The positive involvement of the LEAD Center with key state governmental leadership in the Brownback Administration. The Commission commends the Governor and his Administration their active engagement with the LEAD Center in this effort.”

In addition, LEAD Center Customized Employment Subject Matter Experts are launching a multi-site pilot project in Kansas to promote Group Discovery, in partnership with American Job Centers and vocational rehabilitation agencies, as strategy to promote employment outcomes for youth and adults with disabilities. SMEs have developed and revised Group Discovery materials and approaches, a streamlined training for facilitators and a Blueprint for Employment, which focuses job seekers, their staff and support network on creating a job search plan. Group Discovery materials and training will be evaluated by job seekers and others involved in the process. They will be available through LEAD Center following the completion of the pilot projects.

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**LEAD PEOPLE David Mank, Ph.D., Director of the Indiana Institute on Disability and Community at Indiana University**

David Mank, Ph.D., is the Director of the Indiana Institute on Disability and Community at Indiana University, Indiana’s University Center for Excellence on Disabilities, and Full Professor in the School of Education, Department of Curriculum and Instruction.

In January, Dr. Mank was appointed by U.S. Secretary of Labor Thomas E. Perez to serve on a new Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities, a key provision of the Workforce Innovation and Opportunity Act (WIOA).

Dr. Mank has an extensive background in the education and employment for persons with disabilities and has written or co-written numerous articles and book chapters. His interest also includes a focus on the transition of youth with disabilities from school to employment and community living.

Says Dr. Mank, “I believe the greatest opportunity to advance integrated community employment is doing transition from school to work the right way. We know that job experiences
before age 21 are associated with better employment outcomes later in life. Every student in secondary education or post-secondary education also needs real community work experience.”

He adds, “The future of employment of people with disabilities will improve if, and only if, we align policy and funding structures with employment outcomes.”

Dr. Mank has served on the Board of Directors of the American Association on Intellectual and Developmental Disabilities, and is Past President of the Association of University Centers on Disabilities. Dr. Mank was a founding board member of APSE - The Network on Employment, and a recipient of the Franklin Smith Award for National Distinguished Service from The Arc of the United States and the Distinguished Achievement Award from the Association of University Centers on Disability.

**FEATURED AGENCY Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities**

The Workforce Innovation and Opportunity Act (WIOA) establishes several new and exciting mandates aimed at increasing the participation of individuals with disabilities in the American workforce. Among those mandates is the establishment of the “Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.”

As stated by the United States Department of Labor Office for Disability Employment Policy (ODEP), the purpose of the Committee is to prepare findings, conclusions and recommendations for the Secretary of Labor on:

- Strategies to increase employment opportunities for individuals with intellectual or developmental disabilities and/or other individuals with significant disabilities in competitive integrated employment;
- The use of certificate programs carried out under Section 14(c) of the Fair Labor Standards Act (FLSA) for the employment of individuals with intellectual or developmental disabilities and other individuals with significant disabilities; and
- Approaches to improve oversight of the use of such certificates.

The Committee consists of 24 members, 17 of whom are public members, selected by the Secretary of Labor. Public members include self-advocates, providers, representatives from national disability advocacy groups, academics/researchers, employers and other individuals from the private sector with expertise on increasing opportunities for competitive integrated employment for individuals with disabilities. Federal members include The Employment and Training Administration, the Wage and Hour Division and the Office of Disability Employment Policy from the Department of Labor; the Centers for Medicare and Medicaid Services; Administration on Intellectual and Developmental Disabilities from the Department of Health and Human Services; the Social Security Administration; and the Rehabilitation Services
Administration. The Advisory Committee held its first meeting on January 22-23, 2015. The second meeting will be held on March 22-23, 2015 at Gallaudet University.

We encourage you to visit the Committee’s webpage often for the latest information and updates regarding their ongoing work, including agendas and how you can submit information to the Advisory Committee.

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Important New Resources

- Kansas Employment First Oversight Commission 2015 Report to Governor and State Legislature
- Home and Community-Based Services: Creating Systems for Success at Home, at Work and in the Community
- Recruiting, Hiring, Retaining, and Promoting People with Disabilities: A Resource Guide for Employers
- Improving Employment Outcomes for People with Psychiatric Disorders and Other Disabilities
- A Fair Shot for Workers with Disabilities
- An Uneven Playing Field: The Lack of Equal Pay for People with Disabilities
- 2015 Workforce Recruitment Program
- Accommodation and Compliance Series: Leave as an Accommodation

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