The Art of the Possible: Aiming High in Employment First: Federal Policy Changes and Opportunities

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LEAD CENTER MISSION

To advance sustainable individual and systems level change that results in improved, competitive integrated employment and economic self-sufficiency outcomes for individuals across the spectrum of disability.
OBJECTIVES

- Review recent Federal initiatives that create possibilities and opportunities for people with disabilities to achieve employment and career outcomes
  - Office of Federal Contract Compliance Programs (OFCCP) – Section 503 of the Rehabilitation Act
  - Department of Labor - Workforce Innovation and Opportunity Act (WIOA)
  - Center for Medicare and Medicaid Services (CMS) – Settings rules and requirements for transition plans
  - Administration for Community Living - Transforming State Long Term Services and Supports (LTSS) Access Programs and Functions into a No Wrong Door System for All Populations and All Payers.
  - Office of Disability Employment Policy – Employment First State Leadership Mentoring Program (EFSLMP)
OFCCP REGULATIONS

September 2013

OFCCP published two sets of final rules making changes to laws related to affirmative action and nondiscrimination obligations of federal contractors and subcontractors

- Section 503 of the Rehabilitation Act
- Vietnam Veterans Readjustment Assistance Act (VEVRAA)

March 2014

Final rules went into effect
WHY THIS INFORMATION IS IMPORTANT

- More than 175,000 federal contractors
  - Substantial number of job openings all over the country
- Workforce system is front and center
  - Jobs must be listed with the appropriate employment service delivery system (One Stop Career Center)
- Provides opportunity to take a strategic look at partnerships and collaboration at the local and state levels
SECTION 503

- Contractors are required to set a 7% “utilization goal”
  - 7% of each job group in the contractor’s workforce must represent individuals with disabilities (or 7% of the entire workforce if fewer than 100 employees).
  - Job groups established under Executive Order 11246

- The definition of “disability” has been updated to align with the Americans with Disabilities Act Amendments Act of 2008 (ADAA).
OUTREACH AND PRO-ACTIVE RECRUITMENT

- Increase the pool of applicants with disabilities.
- Support your employer partners in meeting their Section 503 and VEVRAA commitments.
BE AWARE OF THE ONLINE RESOURCES AVAILABLE FOR CONTRACTORS

- Reasonable Accommodations (“Productivity Tools”)
- Tax Incentives and Other Funding
- Building Inclusive Environments that Encourage Self-Identification/Disclosure
- Recruitment and Hiring of Qualified Veterans
- Recruitment and Hiring of Qualified Individuals with Disabilities
- Disability and Veterans Community Resources Directory

http://www.dol.gov/ofccp/regs/compliance/Resources.htm
INFORMATION AVAILABLE AT DOL.GOV

➤ Section 503:  
http://www.dol.gov/ofccp/regs/compliance/section503.htm

➤ VEVRAA:  
http://www.dol.gov/ofccp/regs/compliance/vevraa.htm
OVERVIEW OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

- President Barack Obama signed WIOA (Public Law 113-128) into law on July 22, 2014.
- Passed by Congress with wide bipartisan majority (The Senate voted 93-5 and the House of Representatives voted 415-6).
- Reaffirms ongoing role of American Job Centers.
- Promotes program coordination and alignment of key employment, education, and training programs at the Federal, State, local, and regional levels.
- Builds on proven practices such as sector strategies, career pathways, regional economic approaches, work-based training.
- Complements and supports the President’s Job-Driven Workforce Vision.
HIGHLIGHTS OF REFORMS TO THE PUBLIC WORKFORCE SYSTEM UNDER THE ACT

- Requires states to strategically align workforce development programs to support job seekers and employers.
- Promotes accountability and transparency of programs.
- Fosters regional collaboration to meet the needs of regional economies.
- Streamlines and strengthens the strategic roles of workforce development boards.
- Enhances services provided to job seekers and employers and promotes work-based training.
HIGHLIGHTS OF REFORMS TO THE PUBLIC WORKFORCE SYSTEM UNDER THE ACT

- Provides access to high quality training.
- Enhances workforce services for the unemployed and other job seekers.
- Improves services to individuals with disabilities.
- Makes key investments in serving disconnected youth and other vulnerable populations.
The unified state plan must include all the core programs, including Vocational Rehabilitation (VR) and Adult Education. Among the requirements for the unified state plan is to:

- describe how the one-stop delivery system will comply with Section 188 (non-discrimination) regarding physical and programmatic accessibility of facilities, programs, services, technology, and materials for individuals with disabilities.

- Youth with disabilities will receive extensive pre-employment transition services so they can successfully obtain competitive integrated employment.
PROVISIONS RELATED TO DISABILITY

- Supports disconnected youth, of which youth with disabilities comprise a high percent, by:
  - Requiring local areas to increase percentage of youth formula funds used to serve out of-school youth to 75% versus 30% under WIA.
  - Requiring local areas to spend at least 20% of youth formula funds on work experience activities.
  - Providing additional allowable activities including financial literacy education and entrepreneurial training.

- State vocational rehabilitation agencies will set aside at least 15% of funding to provide transition services to youth with disabilities.
PROVISIONS RELATED TO DISABILITY

Local workforce development boards may designate a standing committee to:

- provide information and assist with operational and other issues related to compliance with non-discrimination and applicable accessibility requirements.
- provide input regarding appropriate training for staff on these issues.

Establishes a committee to advise the Secretary of Labor on strategies to increase competitive integrated employment for individuals with disabilities.
PARTNERSHIP DEVELOPMENT

- A renewed focus on the inclusion of people with disabilities across workforce services offers a new opportunity to engage the disability service system.

- Since employment is a critical component of disability services partnerships to leverage the disability services system will benefit both systems and the job seeker.
WIOA TECHNICAL ASSISTANCE TOOLS AND RESOURCES

- Department of Labor
  - WIOA Resource Page - www.doleta.gov/WIOA
  - WIOA Dedicated Email - DOL.WIOA@dol.gov

- Department of Education
  - Rehabilitation Services Administration’s WIOA Resource Page - http://www2.ed.gov/about/offices/list/osers/rsa/wioa-reauthorization.html

- LEAD Center
  - Stay up to date - www.leadcenter.org
MORE WIOA RESOURCES

- WIOA Fact Sheet

- WIOA Overview

- WIOA Frequently Asked Questions
  http://www.doleta.gov/wioa/pdf/WIOA_FAQs_Acc.pdf

- WIOA Key Statutorily-Required Implementation Dates for Programs Administered by the Department of Labor
EVEN MORE WIOA RESOURCES

- Department of Education Office of Career, Technical and Adult Education WIOA Resource Page
  [http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-reauthorization.html](http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-reauthorization.html)

- Employee Assistance and Resource Network WIOA Fact Sheet

- ODEP webpage for updates on the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.
  [http://www.dol.gov/odep/topics/WIOA.htm](http://www.dol.gov/odep/topics/WIOA.htm)

- Stay connected with the LEAD Center for updates on WIOA and other policies and practices that support the employment and economic advancement of people with disabilities.
  Website: [https://www.leadcenter.org/](https://www.leadcenter.org/)
  Listserve: [https://www.leadcenter.org/news](https://www.leadcenter.org/news)
  Webinars and Webinar Archives: [https://www.leadcenter.org/webinars](https://www.leadcenter.org/webinars)
HOME AND COMMUNITY BASED SETTING RULE REQUIREMENTS

A Home and Community-Based setting:

- Is integrated in and supports access to the greater community
- Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources
- Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services
MORE HOME AND COMMUNITY BASED SETTING RULE REQUIREMENTS

- Is selected by the individual from among setting options, including non-disability specific settings
- Person-centered service plans document the options based on the individual’s needs, preferences; and for residential settings, the individual’s resources
- Optimizes individual initiative, autonomy, and independence in making life choices
- Facilitates individual choice regarding services and supports, and who provides them
ADDITIONAL RESOURCES ON DISABILITY EMPLOYMENT THROUGH THE WORKFORCE SYSTEM

- Disability and Employment Community of Practice provides disability and employment resources for the public workforce system, including promising practices to promote the positive employment outcomes of persons with disabilities. [http://disability.workforce3one.org](http://disability.workforce3one.org)
  - For background information on the DEI: [https://disability.workforce3one.org/page/tag/dei_project](https://disability.workforce3one.org/page/tag/dei_project)
  - For the American Job Center Access 30-Second Training Series: [https://disability.workforce3one.org/view/1001403833465878171/info](https://disability.workforce3one.org/view/1001403833465878171/info)
TRANSFORMING STATE LONG TERM SERVICES AND SUPPORTS (LTSS) ACCESS, PROGRAMS AND FUNCTIONS INTO A NO WRONG DOOR SYSTEM FOR ALL POPULATIONS AND ALL PAYERS

- Funded as a collaboration between the Administration for Community Living, Centers for Medicare and Medicaid Services, and the Veteran’s Health Administration

- Funded 25 additional states for planning grants

- Interested in ensuring that employment is part of the focus
EFSLMP

➢ ODEP selected an additional 15 states to be Core states for their Employment First State Leadership Mentoring Program (EFSLMP)

➢ All activities are done in partnership, with collaborations between state agencies for I/DD, VR, Medicaid, Workforce, Education, MH/BH and others

➢ To improve coordination, collaboration, alignment of policies/practices/funding, and ultimately to improve employment outcomes
THANK YOU

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