

8-8-14

To: Employment First stakeholders

From: Statewide Employment First Coordinator Mike Maley

Re: Employment First: Workforce Innovation and Opportunity Act

(Please forward to your local partners & stakeholders)

One of the challenges of any large, long-term systems change effort like the Employment First initiative is the complex and constantly evolving legal and regulatory landscape at both state and federal levels.

A good example of this at the federal level is the recent passage of the Workforce Innovation and Opportunity Act (or WIOA) on July 22, 2014. According to the U.S. Department of Labor, “WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.”

The Rehabilitation Act of 1973, which is the funding source for Oregon’s Vocational Rehabilitation (VR) program, was reauthorized as part of WIOA.

The Act requires analysis and thoughtful consideration. In particular, WIOA makes numerous changes related to transition-age youth, including:

1. Emphasizes the need to increase investment in services to transition-age youth. State VR programs are required to spend at least 15 percent of their federal allotment on transition services. Oregon VR already exceeds this 15 percent on transition.
2. Provides definitions for youth and students with disabilities. These definitions require that transition services be provided to people with disabilities between ages 14 and 24.
3. Defines and requires provision of pre-employment transition services. These services, which are new to this Act, may include job exploration counseling, work-based learning experiences, counseling on post-secondary opportunities, and training on self-advocacy. Local VR offices must also work with schools and the local workforce development system to coordinate pre-employment services and activities to all transition-age youth.
4. Requires that before youth with disabilities under the age of 24 can enter into a sub-minimum wage job (in sheltered settings), a state’s VR program must provide them with pre-employment transition services. VR must also provide youth with career counseling, information, and referral services.

Other highlights of WIOA include:

- New performance standards — one set of standards and indicators adopted for all states.

- A requirement that Individualized Plans for Employment (IPEs) be developed no later than 90 days after an eligibility determination. (Current VR policy requires completion of IPE within 180 days of eligibility).
- A requirement that sheltered workshops cannot continue to employ individuals, regardless of age, at a subminimum wage unless the designated state agency provides career counseling in a manner that includes independent decision making and informed choice.
- An extension of the period that state VR programs may provide supported employment services from 18 months to 24 months.
- More clarity around what counts for a self-employment closure.
- Federal definitions of key terms, including “competitive integrated employment,” “customized employment,” and a modified definition of “supported employment.”
- A requirement that state VR programs engage employers to improve participant employment outcomes.

The Employment First team, along with our agency partners at VR, the Office of Developmental Disability Services (ODDS), the Oregon Department of Education (ODE) and Oregon State and Local Workforce Investment Board system (OWIB), are working together to clarify and understand the new requirements, performance standards, and indicators.

For those of you interested in learning more about WIOA, the bill can be found:

<http://www.doleta.gov/wioa/pdf/WIOA-enrolled-bill.pdf>

The U.S. Department of Labor and the U.S. Department of Education also have information posted on their websites:

<http://www.doleta.gov/WIOA/>

<http://www2.ed.gov/about/offices/list/osers/rsa/wioa-reauthorization.html>

Federal regulations for implementing WIOA that will help interpret and provide more detail on particular provisions of the bill are expected in the coming year.

Thank you all for your continued involvement, support, and advocacy for services to individuals with intellectual and developmental disabilities in Oregon. If you have comments or other questions, please email them to employment.first@state.or.us.

~ Mike