

POLICY BRIEF

Workforce Investment Act of 2013

Kimberly Davis, OTD, MS, OTR/L; NH LEND Program Trainee 2013-14

Laura Valencia, BS; NH LEND Program Trainee 2013-14

Executive Summary

Senator Murray (D-WA), Senator Isakson (R-GA), Senator Harkin (D-IA), and Senator Alexander (D-TN) introduced the Workforce Investment Act of 2013. The Workforce Investment Act amends the Workforce Investment Act of 1998 (WIA) to revise requirements and reauthorize appropriations for funding core employment programs including Section 511 of Title V of the Rehabilitation Act in the State of Maine.¹ We would like you to vote in support of the Workforce Investment Act of 2013.

Prevalence and Rate of Employment for People with Developmental Disabilities:

- In 2008, about 1 in 6 children in the U.S. had a developmental disability, ranging from speech and language impairments to intellectual disabilities, cerebral palsy, and autism.²
- 19.5% of the labor force is identified as people with disabilities.³
- Maine identifies approximately 24,000 individuals with a diagnosis of developmental disability.⁴
- During the Workforce Investment Act (WIA) 2012 program year, 26 individuals with disabilities attempted access to employment through the WIA program. Twenty-one of these individuals were eligible for assistance. Of the 21 individuals, 19 retained their position at the six-month follow-up. The average earnings of these individuals totaled \$9,744.00 as compared to \$11,668.00 for an adult without a disability who participated in the programming offered.⁵

Growing Support for Employment for People with Disabilities:

- Between 1988 and 2008, the number of individuals receiving day or employment supports nearly doubled, growing from 287,860 to 550,818.⁶
- Since 1995, the Workforce Recruitment Program (Federal) has provided assistance in temporary and permanent employment opportunities to over 6,000 students with disabilities.⁷
- Employment First, a philosophy and policy that focuses on employment as a priority for people with disabilities, is currently established in four states. Additionally there are another 20 states that are exploring initiatives.⁸ In 2013, Maine passed an Employment First Act.

1 Workforce Investment Act of 2013, S.1356, 113 Cong. (2013) Retrieved from: <http://beta.congress.gov/bill/113th-congress/senate-bill/1356>

2 Boyle, C. A., Boulet, S., Schieve, L. A., Cohen, R. A., Blumberg, S. J., Yeargin-Allsopp, M., Visser, S., & Kogan, M. D. (2011). Trends in prevalence of developmental disabilities in US children, 1997-2008. *Pediatrics*, 127, 1034-1042. doi: 10.1542/peds.2010-2989.

3 Office of Disability Employment Policy. (2014). Current Disability Employment Statistics, March 2014. Retrieved from: <http://www.dol.gov/odep/> on April 24, 2014.

4 Maine Developmental Disabilities Council. (2013). Report to the 126th legislature state of Maine, April 2, 2013. Retrieved from www.maineddc.org on April 24, 2014.

5 State Workforce Investment Board. (2013). Workforce Investment Act Program Year 2012 Annual Report. Retrieved from <http://www.maine.gov/swib/documents/index.shtml> on April 24, 2014.

6 Hall, A. C., Freeze, S., Butterworth, J., & Hoff, D. (2011). Employment funding for intellectual/developmental disability systems. *Journal of Vocational Rehabilitation* 34, 1-15. doi: 10.3233/jvr-2010-0529.

7 Workforce Recruitment Program. (2014). Retrieved from wrp.gov on April 24, 2014.

8 Association of People Supporting Employment First. (n.d.). National APSE Employment First Toolkit. Retrieved from <http://employmentfirst.net> on April 24, 2014.

Past Policies Funding Employment for People with Developmental Disabilities:

- “Prior to 1997, waivers had minimal impact on the growth of supported employment as compared to the impact of the Vocational Rehabilitation (VR) system” (Hall, 2011 p. 1-2).⁶ The waiver available for this population was the Medicaid Title XIX - Home and Community-Based Waiver Service, and prior to 1997, was limited to only those who had been institutionalized.
- Prior to WIA 1998, VR services were provided at the discretion of individual states. The positive results were most common when rates were negotiated with the individual providers over a statewide fixed rate.⁹

Current Policies Funding Employment for People with Developmental Disabilities:

- “The Balanced Budget Act Amendments of 1997 expanded the eligibility for integrated employment services to all people served under the Home and Community-Based (HCBS) Waiver, by removing the requirement that participants had to be previously institutionalized” (Hall, 2011 p. 2).⁶
- Title IV Rehabilitation Act Amendments of 1998 “empower[s] individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration to society.”¹⁰
- The funding allocated from WIA Section 511 of Title V in Maine:
 - Will encourage and support individuals with disabilities to obtain competitive, integrated employment and limit the routine transition from school into subminimum wage jobs in non-integrated settings.
 - This section authorizes more training and supports for people with disabilities to attain competitive integrated employment and ensures individuals are recognized as eligible for services.

Opposition to Workforce Investment Act of 2013:

- There are several groups that are concerned that Section 511 does not eliminate the use of subminimum wage jobs and potentially could even increase the funneling of individuals with disabilities into these jobs.
 - It is felt that there are several potential loopholes in the wording of this section that will allow people to access these jobs through different avenues (i.e., use of a prescription to allow subminimum wage employment for youth with disabilities).¹¹
 - The language will increase the number of referrals to the VR system without adequate support causing an automated review of needs rather than appropriate evaluation and determination.^{8, 11}
- The National Council on Disability and several other constituents feel that eliminating the use of sheltered workshops may hinder the ability of those with disabilities to practice skills needed to enter competitive employment.¹²
- The House also passed their version of an alternate Act titled Supporting Knowledge and Investing in Lifelong Skills (SKILLS) Act, H.R. 803.¹³ This act consolidates the funding which will reduce the amount of funding to VR services substantially.

The Workforce Investment Act of 2013 ensures Maine:¹⁴

- Can coordinate efforts of the CareerCenters and the Employment First Act to provide services focused on competitive, integrated employment.
- VR services are adequately educated and sufficient in number to manage services for those with disabilities.
- Designs strategies preparing students with disabilities for post-school employment.
- Can provide customized employment as a VR service which will allow for flexibility in the employment process to best match the needs of the employee and the employer. This will allow for people with disabilities to better explore task reassignment, job carving and or job sharing.³
- Receives funds to support dissemination of evidence-based research related to youth transition services such as those offered at the Bangor CareerCenter.

About the New Hampshire Leadership Education in Neurodevelopmental and Related Disabilities Program Partnership

The University of Maine Center for Community Inclusion and Disability Studies is a partner with the University of New Hampshire Institute on Disability, and the Geisel School of Medicine at Dartmouth, in the New Hampshire Leadership Education in Neurodevelopmental and Related Disabilities (NH LEND) Program. The NH LEND Program provides graduate-level interdisciplinary training for students and professionals from diverse disciplines, including developmental pediatrics, early childhood education, social work, psychology, occupational therapy, health management and policy, and speech language pathology. This partnership is made possible through the NH LEND Program and is supported by a grant (#173 MC00024) from the Maternal and Child Health Bureau, Health Resources and Services Administration, U.S. Department of Health and Human Services; and administered by the Association of University Centers on Disabilities.

9 Revell, W. G., West, M., Cheng, Y. (1998). Funding supported employment: Are there better ways? *Journal of Disability Policy Studies* 9, 59-79. doi: 10.1177/104420739800900104

10 Workforce Investment Act 1998, 29 U.S.C. § 2801 et seq. (1998).

11 National Federation of the Blind. (2013). National Federation of the Blind position statement on Section 511 of Title V of the Workforce Investment Act. Retrieved from <http://nfb.org> on April 25, 2014.

12 National Council on Disability. (2013). Letter to Senate HELP Committee opposing Section 511's inclusion in WIA Reauthorization. Retrieved from www.ncd.gov on April 25, 2014

13 No Author (2014, April). Education and employment fact sheet. Disability Policy Seminar. Seminar conducted at the meeting of The Disability Policy Advocates, Washington, DC.

14 Association of University Centers on Disabilities (n.d.). Title V of the Workforce Investment Act of 2013 (WIA 2013): Section by section analysis of changes. Retrieved from http://www.aucd.org/docs/policy/employment/WIA_Title_V_section_by_section.pdf on April 25, 2014.