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Supported Employment:

History, Policy and Legislation



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Employment Initiatives

What is Supported Employment?

- ▶ Competitive employment in integrated settings with ongoing supports
- ▶ Collaboratively funded service
- ▶ Opens the door to employment for people with high support needs
- ▶ Individualized package of services
- ▶ Place and train model



SE components

- ▶ Assessment
- ▶ Job Development and Marketing
- ▶ Job Placement
- ▶ Job Site Training
- ▶ Fading and Stabilization
- ▶ SE Follow-along and Maintenance

Historical Notes

- ✘ 1918: Vocational Rehabilitation (VR) started by an Act of Congress for WWI veterans
- ✘ 1920: VR extended to civilians with physical disabilities
- ✘ 1943: VR extended to persons with intellectual disabilities mental illness
- ✘ 1964: Civil Rights Act of 1964, the President's Committee on MR (PCMR)



Historical Notes (continued)

- ▶ 1970's: Advocates push "deinstitutionalization" and free appropriate public education in the Least Restrictive Environment
- ▶ 1973: Rehab Act called for Affirmative Action in hiring and prohibited discrimination against persons with disabilities



Historical Notes (continued)

- ▶ Early 1980's: Successful employment demonstrations - universities around the US
- ▶ 1984: US Dept. of Ed - Office of Sp. Ed and Rehab Services (OSERS) funded 5 year 27 state projects to implement Supported Employment
- ▶ 1986: Rehab Act (PL 99-506) additional funds for SE via Title VI part C for all states



Historical Notes

- ✘ Expanded SE to individuals with disabilities other than mental retardation: brain injury, physical, autism, mental illness
- ✘ 1990: ADA enacted
- ✘ 1992 Rehab Act amendments:
supports and services must be available to achieve employment



Current policy trends & issues

- ▶ Ticket to Work - the past 20 yrs., the # of workers getting disability payments has more than doubled to 8.95 million. About \$140 billion in payments in FY 2013
- ▶ CMS-Principles of integration & choice establish basis for court, legislative and policy changes in funding and service delivery that supports meaningful employment outcomes for individuals with I/DD
- ▶ WIOA

Policies and trends

- **Court and Legislative**
 - Olmstead integration mandate
 - Rhode Island settlement
 - Workforce Innovation Opportunity Act (WIOA)
- **Policy Changes**
 - EEOC policy directing implementation of Section 503 of Rehab Act
 - 1915 (c) HCBS Waiver program rule changes
- **Initiatives**
 - State Employment Network (SELN) activities and collaborations with NASDDDS
 - Employment First
 - National Governor's Association Conference
 - State's as Model Employers

Workforce Innovation & Opportunity Act (WIOA) & Employment of People with Disabilities

With the passage of the Workforce Innovation and Opportunity Act (WIOA), Congress has reauthorized the Workforce Investment Act of 1998 (WIA), including the Rehabilitation Act, through 2020.

- ▶ Increased VR role in transition
- ▶ Limitations on sub-minimum wage
- ▶ Changes in definition of supported employment
- ▶ Focus of supported employment state grants on youth
- ▶ Increased emphasis on role of general workforce development system:

Legislative Policies and trends - WIOA

Workforce Innovation and Opportunity Act reauthorizes the Workforce Investment Act of 1998 & the Rehabilitation Act, through 2020. Major highlights include:

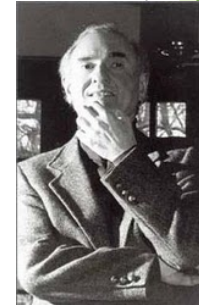
- ▶ Larger role for LRS/VR as people with disabilities make the transition from school to adult life.
- ▶ Efforts intended to limit the use of sub-minimum wage.
- ▶ Required agreements between state VR and state Medicaid systems, and state IDD agencies.
- ▶ A definition of “customized employment” in federal statute, and an updated definition of “supported employment” that includes customized employment.
- ▶ A definition for “competitive integrated employment” as an optimal outcome.
- ▶ Enhanced roles and requirements for the general workforce system and One-Stop Career Centers in meeting the needs of people with disabilities.
- ▶ Changes in performance measures, with potentially major implications for VR.

Key advocates of Se...



▶ Paul Wehman

▶ Wolf Wolfensberger



▶ Marc Gold



Marc Gold



- ✘ *“A lack of learning in any particular situation should first be interpreted as an inappropriate or insufficient use of teaching strategy, rather than an inability on the part of the learner.”*
- ✘ (M.Gold, 1980).

We Learned that...

- ▶ The ability to become successfully employed in a competitive job was not related to an individual's place in the continuum
- ▶ Individuals would always need individualized support
 - intensive support at first ...then faded" for the individual job tenure



Important SE principles

- ▶ ALL individuals are capable of working in competitive, community based integrated employment if they are provided
 1. “instruction/training-systematic
 2. The necessary on-going follow along supports



Vocational Rehabilitation

- Competitive integrated employment defined: The Rehabilitation Act previously used “competitive” employment but never defined. WIOA defines competitive integrated employment as full-time or part-time work at minimum wage or higher, with wages and benefits similar to those w/o disabilities performing the same work, and fully integrated with co-workers without disabilities. Considered the optimal outcome under WIOA.
- Customized employment - “competitive integrated employment, for an individual with a significant disability, based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability,” “designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer,” and “carried out through flexible strategies.” As a result, customized employment is now among the available services from public VR nationally.

Vocational rehabilitation - Cont'd

Changes in definition of supported employment: The adapted definition makes it clear that supported employment is integrated competitive employment, or an individual working on a short-term basis in an integrated employment setting towards integrated competitive employment. In addition, customized employment is now included within the definition of supported employment. Also, the standard post-employment support services under supported employment have been extended from 18 to 24 months.

- **Focus of supported employment state grants on youth:** Under WIOA, half of the money that states receive under the supported employment state grants will now have to be used to support youth with the most significant disabilities (up to age 24), and these youth may receive extended services (i.e., ongoing supports to maintain an individual in supported employment) for up to four years. The definition of “youth with the most significant disabilities” in the implementing regulations will be a key issue.

- **Technical assistance for post-secondary education:** The new law allows the RSA commissioner to fund technical assistance to “better enable individuals with intellectual disabilities and other individuals with disabilities to participate in postsecondary educational experiences and to obtain and retain competitive integrated employment.”

- **Role of VR in One-Stop system:** WIOA designates certain programs as “core programs” in the workforce development system. Public VR is among those designated as a core program, and as such will continue to be a mandatory member of state and local workforce boards. Other core programs are Adult, Dislocated Worker, and Youth workforce investment programs, the state Employment Service (Wagner-Peyser), and Adult Education and Literacy.

- **Changes in performance measures:** Under WIOA, the core programs are subject to common indicators of performance. For adults, these include a) entering and retaining employment, b) median earnings, c) obtaining an educational credential (high school diploma, post-secondary credential), d) skill gains via post-secondary education and training, and e) effectiveness in serving employers. These performance measures are a new requirement for state VR programs, and the changes in current VR performance indicators will be a critical implementation issue.

- **Funding of One-Stop infrastructure:** Under the new law, payment for One-Stop infrastructure and other costs will be determined at the local board level. However, if agreement cannot be reached, the governor will develop the requirements for payment of One-Stop costs by One-Stop partners. Under WIOA, public VR can be required to use a maximum of 0.75% of its funds for One-Stop infrastructure, which will gradually increase to a maximum of 1.5% after five years.

- **Increased emphasis on role of general workforce development system:** A number of provisions in WIOA emphasize and increase the requirements for the general workforce development system and One-Stop Career Centers to meet the needs of job seekers with disabilities. These include:

- ▶ **Local workforce development boards will have to ensure that there are sufficient service providers in the local area with expertise in assisting individuals with disabilities with their career and training needs.**

Vocational Rehabilitation cont'd

Increased VR role in transition: Each state's public VR program 15% of public VR funds must now be used for transition services, specifically pre-employment transition services as defined within the act to include;

job exploration counseling, work-based learning, counseling on post-secondary opportunities, workplace readiness training, and training on self-advocacy. • *Limitations on sub-minimum wage:* A new section has been added to the Rehabilitation Act, Section 511. It requires (as of 2016) a series of steps before an individual under the age of 24 can be placed in a job paying less than minimum wage (almost all of which are positions with community rehabilitation providers in sheltered workshops or enclaves)..

• Requirement for formal cooperative agreement between VR and state Medicaid and IDD agencies: