



## **Disability Employment First Planning Tool**

Created by RespectAbility, Best Buddies, The National Association of Councils on Developmental Disabilities (NACDD), National Council on Independent Living (NCIL), Paralyzed Veterans of America (PVA) and National Organization on Disability (NOD).

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Dear Governors, Workforce Development Board and Agencies,  
Vocational Rehabilitation Agencies and others devoted to enabling  
people with disabilities to get jobs,

Our nation was founded on the principle that anyone who works hard should be able to get ahead in life. People with disabilities deserve to be able to work to achieve the American dream, just like anyone else. Companies like Walgreens, E.Y., AMC Theaters, Lowe's and others have shown that employees with disabilities are loyal, successful and help them make more money. If we find the right jobs for the right people it can and does increase the bottom line of companies, while enabling people with disabilities to achieve dignity and independence.

We stand ready to help governors, states, workforce development boards and agencies, vocational rehabilitation and others in their efforts to enable people with disabilities to get competitive integrated employment. Thus, we have created this “**Disability Employment First Planning Tool**” as a resource for your state, workforce development boards and agencies. It is organized around the key recommendations from the National Governors Association's report, ***A Better Bottom Line: Employing People with Disabilities***<sup>1</sup>. The pages that follow are taken from best practices and can really help you in your work to create win-win-win solutions for people with disabilities, employers and taxpayers alike. The key areas are:

- Making the best of limited resources
- Finding and supporting businesses in their efforts to employ people with disabilities
- Making disability employment a part of the state workforce strategy
- Preparing youth with disabilities for careers that use their full potential, and providing employers with a pipeline of skilled workers
- Being a model employer by increasing the number of people with disabilities working in state government

There is full bipartisan support<sup>2</sup> in Washington and around the nation for employment for people with disabilities. The National Governors Association initiative ***A Better Bottom Line: Employing People with Disabilities***<sup>3</sup> was a significant milestone. The **Workforce Innovation and Opportunity Act (WIOA)**<sup>4</sup> and **ABLE Act**<sup>5</sup> recently became law.

According to section 102 of WIOA, each state will now have to create a “Unified Plan” before March 2016. We recognize that this is not an easy task, and that there is not a lot of time. Until now, tens of billions of dollars of tax money has been wasted on failed programs, while evidence shows that there are better programs and practices that work<sup>6</sup>. Our goal is to ensure that each state puts forward an excellent plan based on best practices — one that will create the most integrated job opportunities that pay competitive wages for people with disabilities possible, while meeting the talent needs of employers. Thus, the pages following will give you a list of best practices that you can replicate in your own work.

1. [bit.ly/1vb4Ib9](http://bit.ly/1vb4Ib9)

2. [bit.ly/1wYGgtc](http://bit.ly/1wYGgtc)

3. [bit.ly/1vb4Ib9](http://bit.ly/1vb4Ib9)

4. <http://www.doleta.gov/wioa>

5. [bit.ly/1w39Iy9](http://bit.ly/1w39Iy9)

6. [bit.ly/1xV9Wvm](http://bit.ly/1xV9Wvm)

This month Section 503<sup>7</sup> came online to ask federal contractors to take affirmative action to recruit, hire, promote, and retain individuals with disabilities. For the first time, they also have a 7% utilization goal for qualified individuals with disabilities in each of their job groups (including management). Moreover, all of their staff, including those with disabilities, must be paid at least \$10.10 an hour. Another regulation, VEVRAA<sup>8</sup>, requires similar obligations on contractors to hire veterans, including veterans with disabilities. Policies are changing fast and we stand ready to help.

We have already met with 33 governors on employment for people with disabilities and real progress is being made. The initial efforts of Governors Jack Markell (DE), Terry Branstad (IA), Scott Walker (WI), Dennis Daugaard (SD), Phil Bryant (MS), Jay Inslee (WA) and others have been stellar.

Please go through all the policies outlined in the following pages. We also have created separate documents for each state as resources. They include statistics, planning data, and a wealth of information. It even has links to lists of all the federal contractors in your state that, due to Section 503, must now become inclusive employers.

Please contact [JenniferM@RespectAbilityUSA.org](mailto:JenniferM@RespectAbilityUSA.org) or at 202-365-0787 if you have any questions. We are here to help you succeed in opening the doors to success for the twenty million working age Americans with disabilities, most of whom want to work.

Sincerely,

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7. [usa.gov/1BLnZ72](http://usa.gov/1BLnZ72)

8. <http://www.dol.gov/ofccp/regs/compliance/vevraa.htm>

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Welcome to the *Disability Employment First Planning Tool*, organized around the five areas from the NGA report *A Better Bottom Line: Employing People with Disabilities*. This tool is meant to be a guide and internal document for you and your state, workforce development boards and agencies, vocational rehabilitation and others. It will help you better understand what a holistic plan for integrated competitive employment for people with disabilities would entail, as well as to see where there are current gaps. Throughout this planning tool, all “jobs” and “employment” refer to jobs that are either competitive integrated employment as defined by WIOA or self-employment. (Please see full WIOA definition of competitive integrated employment in Appendix A.)

This tool is written to provide specific and measurable steps that can be taken to achieve the overall goal of integrated employment of people with disabilities. As you consider these steps and goals we ask that you consider where your state is on the path to achieving each of these. We have provided space to note the state’s progress based on the following:

- N** Not Yet Started or Considered
- B** Beginning to Progress Towards Goal
- D** Developing Steadily Toward Goal (i.e. you have a model program in part of the state but it is only available to a small number of the people with disabilities and employers who need it)
- M** Met Goal
- E** Exceeds Goal and is Exemplar for Other States

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## I. MAKING THE BEST OF LIMITED RESOURCES

One of the most cost effective things that you can do to successfully integrate disability employment into the state workforce strategy is to reduce the barriers caused by negative stigmas surrounding employment for people with disabilities (PwDs). Indeed, efforts that do not cost any taxpayer dollars but rather demonstrate leadership can make a significant difference in lowering barriers to entry into the workforce and to changing the landscape for people with disabilities, employers and taxpayers alike.

A Princeton study shows that while people with disabilities (PwDs) are seen as warm, they are not seen as competent. Similarly, a study published by Cornell Hospitality Quarterly found that companies share a concern that people with disabilities cannot adequately do the work required of their employees. Thus, leadership by the Governor and state to reduce this stigma is vital before broad progress can be made.

Ensuring that there is an *expectation* by employers that employees with disabilities can succeed, and by PwDs that they can work successfully is critical to better outcomes for people with disabilities, businesses, and the state. This is especially true for young people with disabilities and for those with newly acquired disabilities who were previously in the workforce. This section gathers data regarding your leadership and efforts to address and reduce stigmas and other barriers to employment in your state and make disability employment a part of the state workforce strategy.

Additionally, in making the best use of limited resources to advance employment opportunities for people with disabilities, the NGA *A Better Bottom Line* ([bit.ly/1vb4Ib9](https://bit.ly/1vb4Ib9)) report highlights that *“Governors can act to secure resources by directing agency heads to continuously review opportunities for federal support and the possibility of partnerships with federal agencies and the private and nonprofit sectors. Areas for governors to consider include: (1) capitalizing on the numerous federal programs, particularly in the U.S. Department of Education Office of Special Education (OSERS), which oversees the Rehabilitation Services Administration (RSA); the U.S. Department of Labor’s Office of Disability Employment Policy (ODEP); and the U.S. Health and Human Services (HHS) Administration on Community Living; (2) connecting with private-sector and philanthropic resources to complement public- sector funding with short-term pilots, innovative ideas, or evaluations and studies; and (3) maximizing the efforts of disability experts in their state, including advocacy organizations, research institutions, and universities that are engaged in similar activities as state agencies to advance opportunities for people with disabilities, such as recruitment, assessment, services, outreach, and awareness campaigns.”*

## **A. Internal Issue Awareness and Commitment**

1. The Governor has taken the time to personally understand the issues surrounding the expansion of competitive integrated employment for people with disabilities (PwDs) in this state.
2. The executive director of the state workforce board and agency, and other key state leaders such as the vocational rehabilitation director, special education director and others have taken the time to personally understand the issues surrounding the expansion of competitive integrated employment for people with disabilities (PwDs) in this state.
3. The Governor has openly pledged his/her support and commitment to the National Governor's Association (NGA) Disability Employment Initiative "A Better Bottom Line: Employing People with Disabilities."
4. The State and Governor celebrate and recognize National Disability Employment Awareness Month each October.
5. The State is reaching out to make the most of opportunities coming from the Federal government and other partners, and is blending and braiding those opportunities for maximum results. This practice entails a legitimate process of fiscally mixing funds to create one source, and combining separate accountable sources to provide services.

## **B. Raising Public Awareness and Decreasing Stigma**

1. The Governor uses his or her own time, name and office to reduce stigmas and prejudice against hiring people with disabilities by demonstrating the positive business case aspects of employing PwDs at least once a month, through media opportunities such as personal statements, appearances, op-eds, conferences, and media events.
2. During speeches to business leaders, the Chamber of Commerce and other employer groups, the Governor regularly speaks about the positive business cases of being an inclusive employer.
3. The Governor uses his or her own time, name and office to reduce stigmas and prejudice against hiring PwDs by demonstrating the positive business case aspects of employing PwDs at least once a month, through media opportunities such as personal statements, appearances, op-eds, conferences, and media events.
4. The Governor visits a successful job site in their state at least quarterly that employs PwDs and where it is win-win for employers and employees alike. Media is invited to report about the experience to highlight the business case for employing people with diverse abilities.
5. The Governor is working with public figures/celebrities (i.e. from Hollywood, sports or local news stations) to do public service announcements or events throughout the year to encourage companies to see the advantage of hiring PwDs.

6. During speeches to business leaders, the Chamber of Commerce and other employer groups, the Governor regularly speaks about the positive business cases of being an inclusive employer.
7. The state promotes awareness and inclusive hiring by identifying and publicly praising businesses within the state that are leaders in inclusion through awards, visibility, or other incentives.
8. The Governor hosts disability employment summits, which include businesses that are successful inclusive employers making the business-to-business case for inclusive employment to other employers.

## **II. FIND AND SUPPORT BUSINESSES IN THEIR EFFORTS TO EMPLOY PEOPLE WITH DISABILITIES**

**From the NGA *A Better Bottom Line* report:** *“Businesses are telling policymakers that they are willing to hire people with disabilities, but they need a long-term partner. Government must reorient its strategy from looking to businesses to solve a social service problem to instead understand and solve the challenges businesses face in identifying and recruiting skilled workers. Governors can encourage state agencies to find more such businesses by dedicating staffers who have business expertise to work with employers, working with multiple businesses in a sector, and including small businesses. Governors can provide leadership in building long-term partnerships that support business with actions such as assigning one point of contact from the state to work with employers over the long term, providing skills assessment and training, and navigating the complexities of benefits related to workers with disabilities.”*

### **A. Communication, Staffing, and Support**

1. There is a state-supported centralized agency that distributes information, resources, integrated employment support and training for businesses that hire PwDs, and this agency makes itself known to employers.
2. The state has enables mechanisms and services which enable businesses to effectively include people with disabilities in their workforce.
3. The state is working to build and sustain the capacity of front-line staff across systems to successfully implement evidence-based effective practices in supporting and serving employers who hire individuals with disabilities as well as their employees with disabilities.
4. There are expectations on provider organizations to assure that they are transitioning from predominantly facility-based, segregated service models to market-driven service models focused on the provision of integrated employment supports and other home and community based services.
5. The state has created mechanisms to enable people with disabilities, including veterans with disabilities, to navigate multiple service programs.

6. The state has a special focus on supporting Federal contractors under new mandates from Section 503, including working closely with the United States Business Leadership Council, an organization devoted to supporting inclusive employers, as well as with the National Industry Liaison Group which represents Federal contractors.

### **III. MAKE DISABILITY EMPLOYMENT PART OF THE STATE WORKFORCE STRATEGY**

From the NGA **A Better Bottom Line** Report: *“Make disability employment part of the state workforce development strategy. For many states, the first step has been to prioritize “employment as the first option” when designing policies, programs, and investments to support the employment of people with disabilities. To date, more than 30 states have adopted Employment First strategies, which direct state policies and investments to prioritize employment for people with disabilities. Governors can make Employment First a priority by issuing an executive order or working with the state legislature to enact legislation to support it. Governors can also direct state agencies to align disability programs with workforce and economic development programs, track disability employment outcomes and make sure they are included with current workforce data collection, and focus on the business case when meeting with employers.”*

#### **A. Policy and Legislation**

1. The Governor/state has signed Employment First legislation and/or issued an Executive Order on Employment First.
2. The Governor has made specific and measurable commitments to improve competitive integrated employment for PwDs in this state, and has made it a high priority for his/her Administration.
3. The state is actively working to align policy, practice, and funding across systems to promote integrated employment as the preferred outcome of publicly financed supports and services to individuals with disabilities.

## **B. Communication and Representation**

1. There is a statewide workforce development board that reports directly to the Governor.
2. At least one representative of the disability advocacy community is specifically included in that workforce development taskforce which reports to the Governor.
3. There are online ads, which are 508 compliant; to help PwDs find services to get jobs (i.e. for American Job Centers or Vocational Rehabilitation) before people start receiving benefits.
4. There are online ads, which are 508 compliant; to help employers source talented PwDs (i.e. [www.tabABILITY.org](http://www.tabABILITY.org)).
5. The local, regional, and statewide workforce development boards fully support integrated employment as a winning strategy for workforce development.
6. The state has taken steps to market options like vocational rehab to persons who are contemplating or who have applied for SSI/DI in an effort to assist these individuals to return to work.

## **IV. PREPARING YOUTH WITH DISABILITIES FOR CAREERS THAT USE THEIR FULL POTENTIAL, AND PROVIDING EMPLOYERS WITH A PIPELINE OF SKILLED WORK**

Ensuring that employment of people with disabilities (PwDs) is win-win-win for individuals, businesses, and the state takes persistence, talent, training, preparing and devoted resources. There must be an expectation of work first rather than an outdated system of benefit reliance. Today, many youth with disabilities receive accessible education and degrees, yet they never enter the workforce. Is your state systematically and proactively using best practices to change that outcome and help youth with disabilities transition into work and meaningful careers?

From the NGA *A Better Bottom Line* Report: *“Prepare youth with disabilities for careers that use their full potential, providing employers with a pipeline of skilled workers. Governors can send a strong message to state agencies, educators, business, and parents on the importance of starting early to create the expectation that employment and a career is a goal for everyone, including youth with disabilities, and ensure that career readiness begins in kindergarten through 12th grade education and is supported at colleges and universities and as students transition to work. Research shows that early career awareness and work experience for youth are indicators of positive employment.”*

### **A. PARENTS AND EARLY EDUCATION**

1. The state provides accurate and useful tools and resources for expectant mothers where there is a pre-natal diagnosis of disability so they know that resources will be available for their children to prepare for school and future employment. Those materials are given to health-care providers and are available on the web for free. For example see: <http://www.legis.delaware.gov/LIS/LIS147.NSF/2bede841c6272c888025698400433a04/>

[a86e1f5446f4b2ed85257b82006ea24b?OpenDocument&Highlight=0,Syndrome](https://www.ky.gov/aces/developmental-disabilities/developmental-disabilities-services/early-infant-toddler-program) and through KY ACEDD see [www.downsyndromediagnosis.org](http://www.downsyndromediagnosis.org)

2. The state provides an early infant and toddler program to all who need it within a reasonable time with an educational component promoting school readiness through pre-language-pre-literacy and numerical skills. The program promotes “Employment First” messages that every person can work and make a difference.
3. The state offers readily available free wrap around services and tools to help parents prepare their children with disabilities for work.

## **B. SCHOOL TO WORK TRANSITIONS**

1. Individual Educational Plans (IEPs) and Individual Learning Plans (ILPs) have an expectation of integrated competitive work as a first-choice option for students with disabilities.
2. The state provides high school degree bound, college, and university students with disabilities with transition services and access to internships, mentorships and work opportunities.
3. The state facilitates and supports performance-based transition apprenticeships for non-degree bound students and young adults (such as Project SEARCH or PROMISE) that offer hands-on career exploration, worksite-based training and support and placement for people with disabilities coming from school to work.
4. High quality (with integrated competitive employment as a goal) resources are readily available to transition-age students and individuals waiting for services and their families to encourage them to choose employment over benefits alone options.
5. If schools have a graduation requirement of community service hours for students, supports are offered and provided to students with disabilities so that they have equal access to integrated community service opportunities.
6. Young people with disabilities (PwDs) are made aware that employment is the first option and made aware of possibilities that would allow them to avoid long-term dependence on Social Security programs (SSI/SSDI), while also having access to the necessary publicly funded systems and supports that enable them to have full and rich adult lives characterized by successful employment.
7. State agencies such as Department of Education, and Vocational Rehabilitation blend and braid funding with formal agreements for performance based programs such as Project SEARCH, or PROMISE as a method of achieving Employment First objectives.
8. The state is confident that it has partnerships and relationships in place to meet the employment needs of all young PwDs transitioning from school to work in any given

year. (For assistance in determining the number of students with PwDs in your state who are transitioning from school to work, go to <http://www.respectabilityusa.org>)

### **C. STATE COMMITMENT TO ACCOMODATIONS, ACCESSIBILITY, AND TRAINING**

Successful employees may have been born with a disability or have acquired disabilities through age, accident, or disease. With reasonable accommodations many can enter and/or remain highly productive in the workforce. Is your state doing what is needed to keep workers with newly acquired or increasing disabilities in the workforce?

1. The state provides assistive and accessible technology training and support to those who need it to get and maintain competitive integrated employment. This program has strong customer service so that PwDs can be employed quickly and appropriately.
2. The state supports the efficient purchase or rental of assistive technologies, services and/or training to ensure competitive integrated employment for PwDs.
3. The state participates in an assistive technology recycling program. (i.e. <http://www2.ed.gov/programs/atsg/at-reuse.html>)
4. The state creates a favorable business environment for the development of innovative assistive technologies to help PwDs succeed in competitive integrated employment.
5. All of the state's American Job Centers are universally accessible: they do not present any physical or virtual barriers for PwDs.
6. State workforce plans identify how Job Centers incorporate veterans' priority of service for veterans with non-service-connected disabilities.
7. Each of these Centers has staff that has been fully trained to work with clients with disabilities so that they can be served in these centers, and not sent to a separate office or operation.
8. The state Vocational Rehabilitation program is fully matched so that wait lists are reduced or the order of selection does not exist.
9. State vocational rehabilitation quickly and appropriately matches the consumer with a rehabilitation counselor working on their job needs and placement.
10. State vocational rehabilitation offers technical assistance to employers so that they may retain workers with disabilities and for workers acquiring new disabilities to enable them to remain in the workforce.

11. The State provides information for medical and healthcare providers to become knowledgeable about the importance of encouraging patients with the onset of disability to stay or return to the workforce as a priority when appropriate.
12. Statewide hiring freezes do not include vocational rehabilitation counselors due to the federal grant that funds a portion of their salary. They are hired if they are needed.
13. In partnership with the Social Security Administration, the state created a Ticket to Work Employment Network model to connect its service systems, improve return-to-work and transition programs, and receives payments from SSA for successful employment outcomes.
14. All Individuals who are eligible for Home and Community Based Services (HCBS) waivers are automatically eligible for employment support under Vocational Rehabilitation Services.

#### **D. SELF-EMPLOYMENT, SMALL BUSINESS OWNERSHIP, AND ENTREPRENEURSHIP**

1. The state ensures that Small Business Centers are accessible and staff are trained to include and service small business owners and self-employed PwDs.
2. The state encourages micro-lending and other lending to PwD owned small businesses and start-ups.
3. The state offers readily available and free services and tools for PwDs who are entrepreneurs or self-employed.

#### **V. BEING A MODEL EMPLOYER BY INCREASING THE NUMBER OF PEOPLE WITH DISABILITIES WORKING IN STATE GOVERNMENT**

In many states the public sector is the largest employer. However, no matter its size, state government has an important role to play as a successful leader as an inclusive employer and through the state's contracted employers. This serves to address both the practical concern of employing more PwDs and the perception problem, by demonstrating best practices and value added to the employer by fostering an inclusive work environment.

According to the NGA *Better Bottom Line* report, being a model employer by increasing the number of people with disabilities working in state government is vital. *“Governors have a wide range of options for increasing the number of people with disabilities they employ, such as creating a fast-track hiring process for people with disabilities, focusing on retention of these employees, and setting hiring goals. A key action governors can take is to set a state goal for hiring people with disabilities through an executive order and hold agencies accountable for achieving that goal.”*

#### **A. STATE EMPLOYMENT OF PEOPLE WITH DISABILITIES**

1. There is a Governor's initiative and identified statewide hiring goal in place for PwDs. (i.e. <http://www.governor.wa.gov/office/execorders/documents/13-02.pdf> and <http://www.dol.gov/ofccp/regs/compliance/section503.htm>)
2. There are people who self-identify as PwDs, or who have visible disabilities, in senior leadership roles in the Administration.
3. Inclusion of employees with disabilities is a part of the human resources evaluation of managers in state government.
4. The Administration/state uses the contracting system to promote the hiring, retention and promotion of PwDs by state contractors. This includes having a state version of the Federal Section 503 (see <http://www.dol.gov/ofccp/regs/compliance/section503.htm>) which requires eligible Federal government contractors to have at least 7% of their employees in all job categories be PwDs.
5. The State encourages entrepreneurship by revising the state's disadvantaged business certification program to include businesses owned by PwDs as certified businesses eligible for a state contracting preference.
6. There is a fast track or selective placement hiring system for PwDs within state government so there is a preference hiring system for PwDs.

## **B. PERFORMANCE GOALS AND METRICS**

1. The state has specific measurable annual performance goals for inclusive employment, similar to Executive Order 13548, which requires federal agencies to have performance targets and numerical goals for employment of individuals with disabilities and sub-goals for employment of individuals with targeted disabilities including veterans with disabilities. (Learn more: [www.whitehouse.gov/the-press-office/executive-order-increasing-federal-employment-individuals-with-disabilities](http://www.whitehouse.gov/the-press-office/executive-order-increasing-federal-employment-individuals-with-disabilities)) There are also requirements under Section 503 of the Rehabilitation Act that require eligible Federal contractors to have at least 7% of their workforces in all job categories be PwDs. (Learn more: [www.dol.gov/ofccp/regs/compliance.section503.htm](http://www.dol.gov/ofccp/regs/compliance.section503.htm))
2. An official team is responsible for measuring performance metrics against annual benchmarks, has the budget to do so, and reports their results directly to the Governor, key stakeholders, and the public.
3. The state uses an anonymous employee engagement survey to determine if employees with disabilities feel discriminated against, are self-identifying, and are getting the accommodations that they need to succeed in their jobs.

## **C. ACCESSIBILITY AND ACCOMODATION**

1. The state provides early tailored supports for Administration/State employees experiencing the onset of worsening or challenging conditions (diseases, impairments, disabilities) to enable them to continue in the workforce.
2. The state's internal website (Intranet) is fully accessible (complies with at least Section 508 Standards).
3. The state's external website is fully accessible, including plain language (complies with at least Section 508 Standards) and the state has adopted similar accessibility standards.
4. The state has an accessible document explaining accommodation procedures for applicants, employees and supervisors.
5. The state utilizes accessible electronic record keeping software, databases, communication, and professional development tools.
6. The state has a centralized fund or other resources for accommodations and assistive technology for its employees with disabilities.
7. The state has a process for employees to confidentially self-identify as having a disability.
8. The state has an accessible emergency policy or procedure in place, inclusive of persons with disabilities along with the necessary tools to implement said policy.
9. The state has and disseminates Self-Identification of Disability Forms.
10. The State reviews proposed terminations to ensure reasonable accommodations were properly considered.

**D. MARKETING OF EMPLOYMENT, EFFORTS, AND SERVICES**

1. There is a statewide written statement of diversity and inclusion, which directly refers to disability that is not an anti-discrimination policy.
2. The state's disability policy, including reasonable accommodation policy, is posted on the state website and is easy for employees and the public to find.
3. The state has an officially recognized disability employee resource group (ERG) or affinity group.
4. The state distributes diversity awareness information, which includes disability, as part of new hire training.

5. The state annually distributes a memorandum to human resource directors providing guidance on effective use of the Self-Identification of Disability Forms during the on-boarding process.

6. The State has developed and implemented an external communication and marketing plans, including social media, career fairs, and job announcements that the state is encouraging qualified applicants with disabilities to apply.

**Additional Feedback**

We are interested in your comments to better understand your state and the obstacles and barriers to advancing towards a more inclusive workforce.

**Appendix A**

**WIOA Definition of “Competitive Integrated Employment”: (pages 571-573 of Statute)**

“(5) COMPETITIVE INTEGRATED EMPLOYMENT.—The term ‘competitive integrated employment’ means work that is performed on a full-time or part-time basis (including self-employment)—

“(A) for which an individual—

“(i) is compensated at a rate that—

“(I)(aa) shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law; and

“(bb) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or

“(II) in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

“(ii) is eligible for the level of benefits provided to other employees;

“(B) that is at a location where the employee interacts with other persons who are not

individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and  
“(C) that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.”

**WIOA - “training and services for employers” section**(<https://www.congress.gov/bill/113th-congress/house-bill/803/text>)

**SEC. 418. TRAINING AND SERVICES FOR EMPLOYERS.**

Section 109 (29 U.S.C. 728a) is amended to read as follows:

**SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.**

“A State may expend payments received under section 111 to educate and provide services to employers who have hired or are interested in hiring individuals with disabilities under programs carried out under this title, including--

“(1) providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and other employment-related laws;

“(2) working with employers to--

“(A) provide opportunities for work-based learning experiences (including internships, short-term employment, apprenticeships, and fellowships), and opportunities for pre-employment transition services;

“(B) recruit qualified applicants who are individuals with disabilities;

“(C) train employees who are individuals with disabilities; and

“(D) promote awareness of disability-related obstacles to continued employment;

“(3) providing consultation, technical assistance, and support to employers on workplace accommodations, assistive technology, and facilities and workplace access through collaboration with community partners and employers, across States and nationally, to enable the employers to recruit, job match, hire, and retain qualified individuals with disabilities who are recipients of vocational rehabilitation services under this title, or who are applicants for such services; and

“(4) assisting employers with utilizing available financial support for hiring or accommodating individuals with disabilities.”

## Appendix B

While the ADA and IDEA are necessary and vital laws, they are not sufficient to provide the opportunity outcomes needed by Americans with disabilities. As women and minorities have been able to make significant strides in joining the workforce, the gap in workforce participation between those with and without disabilities, as seen in the adjoining chart, has increased dramatically, as shown below. The increase in workforce participation in 1981 was 45.2%. In 2013 it had only risen to 57.1% -- only a roughly 12% increase in 32 years. Source for chart is the Disabilities Compendium.

