



Workforce Innovation & Opportunity Act (WIOA) and Section 511 Impact on Employment Outcomes

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Session Outcomes

- ✓ Gain knowledge of Section 511 of the Rehabilitation Act
- ✓ Identify actions SEAs, LEAs and Vocational Rehabilitation Agencies need to take
- ✓ Identify resources to assist with Section 511 of the Rehabilitation Act implementation

Title V of the Rehabilitation Act

WIOA amends title V of the Act by adding:

- Section 511 Limits use of subminimum wage
- The provisions in section 511 are effective 2 years after enactment, July 22, 2016.
- Section 511 demonstrates the intent that individuals with disabilities, especially youth with disabilities, must be afforded a full opportunity to prepare for, obtain, maintain, advance in, or reenter competitive integrated employment.

Workforce Innovation & Opportunity Act (WIOA)

- Expanded role for VR in transition
- Early involvement with students transitioning from school to employment & post-secondary education
- Increased coordination with SEAs and LEAs
- Increased work-based learning opportunities

WIOA (cont.)

- Movement away from segregated settings
- Increased emphasis toward integrated community settings
- Efforts intended to limit the use of sub-minimum wage
- Increased involvement with business

WIOA (cont.)

- Increased collaboration and alignment among the workforce partners
- Increased VR role with workforce development agencies
- Data collection, accountability and aligned performance measures
- Increased knowledge about and implementation of evidenced-based/research practices

How does WIOA Align with IDEA?

- The provisions related to the work of VR in schools creates a continuum of services that aligns with IDEA but does not supplant the legal responsibilities of schools
- Mandates that VR and SEAs/LEAs jointly develop a system so students achieve competitive integrated employment
 - Cannot use segregated facility based agencies that provide subminimum wage

Section 511 builds on Employment First

Expecting, encouraging, providing, creating, and rewarding integrated employment in the workforce:

- at minimum or competitive wages and benefits;
- as the first and preferred outcome for working-age youth and adults with disabilities;
- especially those with complex and significant disabilities, for whom job placement in the past has been limited, or traditionally has not occurred.

What is Section 511 about?

The purpose of Section 511 is:

- ensure that individuals with disabilities have access to information and services that will enable them to achieve competitive integrated employment.
- It includes requirements for State VR agencies, subminimum wage employers and local and/or State educational agencies, including specific requirements for youth prior to their participation in subminimum wage employment.

What is Section 511 about?

- Limitations on employers who hold special subminimum wage certificates
- Changes go into effect July 2016
- Specific conditions must be met before employers can:
 - Hire youth with disabilities (under age 24) at subminimum wage
 - Continue to employ individuals with disabilities (of any age) at subminimum wage

Section 511 and Employed Youth

- Must provide information and referral, and career counseling
- Youth must be informed by the subminimum wage employer of self-advocacy/self-determination and peer mentoring
- Year 1 – process must occur every 6 months; annually for 2 years

Section 511: What it means for schools

- Prohibits SEAs and LEAs from entering into contracts or agreements with community rehabilitation providers to transition youth into segregated programs
- Schools currently contracting with agencies holding subminimum wage certificates will no longer be able to continue
- Schools and VR can use community rehabilitation providers to provide services in community integrated settings

Competitive Integrated Employment

- The standard under WIOA
- Combines old definitions of “competitive employment” and “integrated setting”
- Replaces the term “gainful employment” with “competitive integrated employment”

Competitive integrated Employment

- Includes mandatory criteria related to: compensation, advancement, and integration in the workplace
- Clarifies that the employment location must be in “a setting typically found in the community.”

Competitive integrated Employment

- Employee with a disability's interaction with other employees and others, as appropriate (e.g., customers and vendors), who are not persons with disabilities (other than supervisors and service providers) must be to the same extent that employees w/o disabilities in similar positions interact with these same persons
- Interaction must occur as part of the individual's performance of work duties and must occur both in the particular work unit and the entire work site, as applicable

Section 511: Subminimum Wage

Section 511 of the Act establishes the roles and responsibilities of VR program and State and local educational agencies, in assisting individuals with disabilities, including youth with disabilities, who are considering employment, or who are already employed, at a subminimum wage, to maximize opportunities to achieve competitive integrated employment through services provided by VR and the local educational agencies.

Section 511: Subminimum Wage

- Takes effect July 22, 2016
- Limits the payment of subminimum wages by employers holding special wage certificates under the Fair Labor Standards Act (FLSA)
- Prohibits employers from hiring youth with disabilities at a subminimum wage level unless the youth are afforded meaningful opportunities to access services, including pre-employment transition services under WIOA or IDEA

Section 511: Subminimum Wage

VR must provide, at certain prescribed intervals, career counseling and information and referral services, designed to promote opportunities for competitive integrated employment, to individuals with disabilities, regardless of age, who are known to be employed at a subminimum wage level for the duration of such employment.

Transition & WIOA

- Transition and employment services – not “programs”
- Presumption that all students can work
- No more asking “Do you want to work?” but instead “Where do you want to work?”
- Job shadowing, internships, volunteering, community involvement
- After school/weekend & summer employment
- Integrate students into school-to-work opportunities & vocational courses



Where can I find a copy of the Section 511 Act and Regulations?

Section 511 is a small piece of the WIOA legislation which can be found on the US Department of Education or the US Department of Labor's web pages. The regulations are currently in draft

Information can be found at

<http://search.usa.gov/search?utf8=%E2%9C%93&query=section+511+&affiliate=ODEP&x=0&y=0>

When do the new requirements of Section 511 Act go into effect?

Section 511 goes into effect July 22, 2016 which is two years after the signing of the WIOA.

However, everyone needs to be aware of these changes as soon as possible, especially the school districts. This is important to reflect changes in student's Individual Education Plans prior to July 22, 2016.

Does Section 511 eliminate subminimum wage?

Section 511 only eliminates subminimum wage options for students with disabilities. Section 511 does not eliminate the subminimum wage option for all other individuals with disabilities. Employers who have a special wage certificates, commonly known as 14(c) certificate will still be able to pay less than minimum wage for individuals with disabilities who are not students from a secondary school.

Section 511 assures that students with disabilities have the opportunity to receive Pre-Employment Transition Services and all other individuals with disabilities have the opportunity to receive employment information and career counseling-related services.

Can the school district fund or arrange for a student to work at less than minimum wage?

Section 511 states that a school district *may not* enter into a contract or make other arrangements with an subminimum wage employer for an individual who is age 24 or younger which the work is compensated at a subminimum wage.

This can be interpreted as long as the individual is a student of a school district, the student cannot be involved in any subminimum wage employment. However once the individual is no longer a student of the school district, the individual can participate in subminimum wage employment even if they are under 24 years of age.

If the student cannot participate in subminimum wage employment then what activities should the school district focus on?

WIOA has defined five service categories for Pre-Employment Transition Services (pre- ETS). It is recommended that school districts focus on providing the five pre-ETS instead of subminimum wage employment.

1. Job exploration and counseling
2. Work based learning experiences
3. Counseling for post-secondary education
4. Workplace readiness
5. Instruction in self-advocacy

Can a student's Individual Education Plan have the transition employment goal that will involve subminimum wage employment?

Yes, the student's Individual Education Plan (IEP) can still identify an employment goal that will pay at subminimum wage but certain requirements must be met: These requirements consist of:

- The student cannot participate in any subminimum wage employment as long as individual is considered a student under the school district;
- The student must be referred to the Vocational Rehabilitation Program;
- The student must be given the opportunity to receive all five Pre-Employment Services; and
- Documentation of Subminimum Wage needs to be completed prior to completing school services.

How does Section 511 impact a youth with a disability who is no longer involved with a school district?

A youth with a disability is an individual between the ages of 14 and 24.

Effective 7/22/2016 If the youth has completed secondary school but still younger than 24 years old, s/he cannot start working for less than minimum wage until they have applied for VR and had the opportunity to receive pre-employment transition services.

If the youth is already working at subminimum wage on 7/22/2016, it is recommended they are referred to VR for the opportunity for pre-employment transition services.

Do Section 511 requirements apply to individuals with disabilities who are not receiving any wages or are being paid at minimum wage?

No. The requirements of Section 511 only applies to individuals being paid less than minimum wage. If individuals are participating in any paid employment or if they are being paid at/above minimum wage then Section 511 requirements do not apply and they do not need the reviews.

However if an individual with a disability may benefit from VR services, it is recommended they be referred to the local VR office.

Do Section 511 requirements apply to individuals with disabilities who are working in an integrated work environment but still receive some wages less than minimum wage?

Yes. Section 511 requirements do not change for segregated or integrated work settings.

Comments!
Questions?
Thoughts!
Reflections!
Ideas!
Debate!
Dialogue!
Stump the Presenters...

