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Tools for Inclusion: People with Disabilities: Having a Voice in the Creation of the New Workforce Investment System

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People with Disabilities: Having a Voice in the Creation of the New Workforce Investment System

by David Hoff

Introduction

Planning is currently underway which will result in major changes in the employment and training systems across the country. It is critical that people with disabilities and their advocates be a part of these planning processes, which could significantly impact services for people with disabilities.

The changes taking place are a result of the Workforce Investment Act (WIA), a federal law which states must implement by July 1, 2000. WIA brings together various federal job training and employment programs into one integrated system of services, which all people, including people with disabilities, can access through One-Stop Centers located in each major population area.

The purpose of this publication is to inform people with disabilities and advocates about the opportunities available for input into WIA implementation. Significant resource and service delivery decisions are being made as part of WIA. This new workforce investment system is intended to meet the needs of all job seekers. Advocacy needs to take place now, so that the needs of people with disabilities are not overlooked in the decisions being made about how this new system will operate. As this new workforce investment system is formed, it is important that people with disabilities and advocates be proactive in their approach, to avoid having to demand that it be modified or "fixed" after the system has been fully established.

The new workforce system presents a tremendous opportunity to expand the array and quality of services available to assist people with disabilities to obtain and succeed in employment. In the past, individuals with significant disabilities have not usually benefited from the "generic" publicly funded employment and training services. It appears that one of the intents of WIA is to change this. People with disabilities are mentioned throughout the WIA legislation and regulations, as among the groups and individuals these services are designed to serve. Additionally, there are very specific mechanisms within WIA regulations to help ensure that individuals with disabilities are well served within each state's workforce development system.

What does WIA replace? What is different about WIA as compared to previous legislation?

WIA replaces the Job Training Partnership Act (JTPA). While some activities and services that occurred under JTPA will continue in a similar way under WIA, others change significantly. Some of the major changes are:

- No more prerequisites for receiving services. Under WIA, all adults age 18 and older are eligible for core services. Under JTPA, only economically disadvantaged adults, age 22 or older, received any services.
- WIA establishes a One-Stop delivery system for accessing employment and training services, in major population areas of every state. In many locations, this replaces state, county or local offices of employment and training (i.e., the unemployment office).
- Under WIA, Individual Training Accounts (ITAs) are established for purchasing training services. Training was previously provided through contracts with training providers.
- Private Industry Councils (PICs) are replaced by Local Workforce Investment Boards.

What is the connection between the State Vocational Rehabilitation system and WIA?

Under the legislation, each state's public Vocational Rehabilitation system must be an integral component of the new workforce investment system. The One-Stop service delivery system under WIA has 19 mandated partners. The Vocational Rehabilitation system is one of these mandated partners, and Vocational Rehabilitation services will be available to at least some degree via the One-Stop system. Specifics on how this will happen will vary from state to state. However, Vocational Rehabilitation will continue to exist as a separate program under WIA, with its own federal funding source.

In examining WIA, should the focus of people with disabilities go beyond the role of Vocational Rehabilitation?

Yes. The role of state Vocational Rehabilitation is only part of what people with disabilities and advocates should be concerned with in looking at WIA. There are a wide range of services in this new workforce system beyond those available from Vocational Rehabilitation, to which people with disabilities are entitled and from which they could benefit.

Will services specifically for people with disabilities continue to exist with the implementation of WIA?

Yes. A wide range of employment services specifically for people with disabilities funded by a variety of sources (including Vocational Rehabilitation, state Mental Health agencies, and state Developmental Disability agencies), and delivered by various public and private agencies (such as community rehabilitation providers) will continue to exist. Some of these agencies and services will have a connection with WIA; others will not.

What is the governing structure for WIA?

- **At the national level**, the Employment and Training Administration of the United States Department of Labor (USDOL) coordinates the implementation of WIA.
- **At the state level**, a State Workforce Investment Board, appointed by the Governor of each state, provides monitoring and coordination of each state's workforce investment system.
- **At the local level**, the workforce investment system is overseen by a Local Workforce Investment Board, located in each major population area of a state. Under WIA, these local boards have considerable discretion and flexibility, and make many operational decisions, including the appointment of the local One-Stop operators. The Local Board is appointed by the Chief Local Elected Official (usually a mayor, or head of an elected county board). A representative of the Vocational Rehabilitation System sits on each Local Board, since the Local Boards must include all One-Stop partners.
- **Board membership:** The chair as well as fifty percent of the members on the state and local boards must be from the business community.

Is there any requirement that people with disabilities sit on Local Boards?

No. The WIA legislation urges, but does not require, the inclusion on these boards of people with disabilities and organizations that represent them.

What are the required planning processes for the Workforce Investment Act?

1. Development of State Workforce Investment Plans
2. Development of Local Workforce Investment Plans
3. Development in each state of the Methods of Administration (MOA) for Implementation of the Nondiscrimination and Equal Opportunity Provisions of WIA.

STATE PLANNING AND ACTIVITIES

What are the requirements for State Plans?

Each state must submit a five-year plan to the USDOL, which outlines the vision, goals, strategies, policies, and measures for the state's workforce investment system.

When are State Plans due?

State Plans must be submitted to USDOL by April 1, 2000. As of January 1, 2000, eighteen State Plans have been submitted: Florida, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Nevada, New Jersey, North Carolina, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Tennessee, Texas, Utah, Vermont, and Wisconsin.

Are states required to address the needs of people with disabilities in State Plans?

Yes. All State Plans must include a description of how the needs of people with disabilities will be met by the state's Workforce Investment system. This must be specifically addressed in Section IV of the plan, part 8 (adults) and Section IV, part 14 (youth).

Are states required to collaborate with disability groups or organizations?

The State Plan must include a description of how the state collaborated with a wide variety of entities in the development of the plan. The only disability-related organization a state is specifically required to collaborate with is the state Vocational Rehabilitation agency. However, there is a requirement that states collaborate with "other interested parties", including service providers, community-based organizations, and advocates. People with disabilities and organizations representing them could certainly fall into the category of "other interested parties".

Are states required to get input from the public prior to submitting plans?

Yes. Each state must provide opportunities for public comments, and the plan must describe the process used to obtain these comments. All comments received, or a summary of comments, must be included in the plan, along with a discussion of how this input was considered in the plan development.

Is there a specific amount of time required for public comments on State Plans?

No. States are permitted to decide what they feel is an appropriate amount of time for public comments on the State Plan. However, the plan must indicate the timeline used for obtaining comments.

LOCAL PLANNING AND ACTIVITIES

What are the requirements for Local Plans?

Local Workforce Investment Boards must submit a five-year comprehensive plan to the Governor of their state, describing policies, procedures, and activities of the local workforce investment service delivery area.

When are Local Plans due?

The due date for Local Plans varies from state to state. The implementation deadline for WIA is July 1, 2000, and it is expected that by then, all Local Plans will be submitted and approved by each state's Governor.

Is there a requirement to address the needs of people with disabilities in Local Plans?

There is no specific requirement that disability issues be addressed in Local Plans, beyond discussion of how the public Vocational Rehabilitation system will be included in the local workforce investment system. However, the Local Plan is required to be consistent with the State Plan, including how it addresses the needs of people with disabilities. Additionally, a responsibility of the Local Board is to organize the service system to most effectively serve people with disabilities, as part of its overall obligation to serve people with multiple barriers to employment. Therefore, in its description of the local service delivery system, it is reasonable to expect that the Local Plan include how the needs of people with disabilities will be met.

Are Local Boards required to get input from the public prior to submitting plans?

Similar to the State Plan, the Local Board must provide opportunities for public input into the development of the Local Plan. When the proposed Local Plan is completed, Local Boards are required to allow at least a 30 day period for comment. Any comments expressing disagreement with the plan must be submitted by the Local Board to the Governor, along with the plan.

Finding State and Local Contacts, and Information on the Status of Planning Activities

- State and local contact information is available from the USDOL Employment and Training Administration web site:
<www.ttrc.doleta.gov/ETA>
- Information on the status of State Plans, as well as copies of some State Plans, are available at:
<www.usworkforce.org>
- You can also contact your state or local Department of Labor or Employment, your Governor's office (who appoints the State Board), or office of the Chief Local Elected Official (who appoints the Local Board).
- Information may also be available from your state, county, or local government's web site. The State and Local Boards may also have their own web sites or web pages. (Remember that prior to July 1, 2000, Local Boards may still be using the name Private Industry Council or Regional Employment Board).
- If you are having difficulty finding the right contacts or obtaining the information you want concerning WIA state and local plans and activities, you should feel free to contact your state and local elected representatives.

ACTION STEPS

What to do now:

- **Find out whether your:**
 - ◆ State Workforce Investment Plan has been submitted to USDOL.
 - ◆ Local Workforce Investment Plan has been submitted to your state's Governor.
- **If your State or Local Plan has not yet been submitted**, get involved in plan development. Find out when the required period of public comment on the plan takes place. Provide input and feedback concerning the plan, and how it address the needs of people with disabilities. Encourage other disability advocates to do the same.
- **If your State or Local Workforce Investment Plan has been submitted**, obtain a copy of the plan and review it, to determine how the needs of people with disabilities have been addressed. If you have questions or concerns about what is in the plan, contact your State or Local Workforce Investment Board, or your elected state or local representatives.

What to do once WIA is implemented (after July 1, 2000):

- **Monitor Annual Report to USDOL:** Each state is required to report annually to USDOL on how the state's workforce investment system is performing in helping people with disabilities find and maintain employment, and what steps the state is taking to ensure ongoing improvement in this area. Obtain this report to monitor the state's perception of progress. Provide feedback concerning what steps the state should be taking to improve employment outcomes for people with disabilities. Hold the state accountable for the commitments it makes to USDOL.
- **Attend State or Local Board Meetings:** The State and Local Workforce Investment Boards are required to have regular open meetings. Call your State or Local Board and find out the schedule and location of public meetings. Minutes of formal meetings of the Local Board are available to the general public upon request. Via these public forums, as well as through individual contact with members of the board and other officials, you can have input into how the workforce system is meeting the needs of people with disabilities.
- **Monitor the local delivery of services under WIA:** Monitor the local delivery at One-Stop Centers and elsewhere of WIA services to people with disabilities. Determine if local services are following through on WIA's commitment to universal access and meeting the needs of people with disabilities as part of overall service delivery. Bring any questions or concerns you have to the attention of One-Stop staff, the Local Board, and other officials.
- **Provide input to the State Board on Local Board performance:** The State Board certifies Local Boards every two years. Provide feedback to the State Board on how your Local Board and service delivery area are performing in meeting the needs of people with disabilities.
- **Consider becoming a member of your Local Workforce Investment Board:** Through membership on your Local Workforce Investment Board, you can have a significant voice in the implementation of the Local Plan and workforce investment activities. Local Boards are required to make information available to the public concerning how to become a member of the board; as noted earlier, the boards are appointed by the Chief Local Elected Official (usually the mayor of a major municipality, or elected head of a county board). Remember that at least 50% of the membership of each board must be employers. Human service agencies may find better success in becoming a member of a board as an employer, rather than a community agency. As members of the local board, human service agencies can work to ensure that people with disabilities are fully included in the workforce development system. In addition, they can work with the local system to address their own, often significant, workforce needs as employers.

METHODS OF ADMINISTRATION (MOA) FOR NONDISCRIMINATION & EQUAL OPPORTUNITY

What is the MOA?

Each state's Governor is required to develop a written "Methods of Administration" (MOA), which specifies how the state will ensure that programs under WIA (including One-Stop Centers) do not discriminate against any individual, group or population, including people with disabilities. There are very specific requirements concerning what information these MOA must contain, such as how staff will be trained to ensure equal opportunity, and how the state will monitor WIA programs for compliance. At the end of this publication is a list of resources for obtaining additional information on the Nondiscrimination and Equal Opportunity Provisions of WIA.

When are MOAs due?

Any state whose State Plan was approved by the USDOL by November 12, 1999 must submit its MOA to USDOL by May 6, 2000. All other states must submit their MOA within 180 days of approval by USDOL. This means that the due date for some state MOAs will probably not be until late fall of 2000.

Action Steps

What to Do Now

1. **Find Out the MOA's status in your state:** As this is written (2/2000), development of many MOAs is just beginning. Find out who is writing the MOA in your state, and when it will be submitted to USDOL.
2. **Provide Input Into the MOA's Development:** There is no requirement that public comment be incorporated into the development of the MOA. However, possibly in conjunction with other groups (such as organizations representing minorities and individuals from diverse cultures), look and advocate for mechanisms for providing input. At a minimum, consider sending letters to your Governor and state elected representatives concerning the MOA, specifying the type of requirements and language it should contain to ensure that people with disabilities fully benefit from services under WIA.
3. **Obtain a copy:** When the MOA is completed, obtain a copy. Review it, and disseminate it to fellow advocates.

What to do once WIA is implemented (after July 1, 2000):

1. **Monitor MOA Compliance:** Monitor activities under WIA to ensure that the state and local boards, and entities delivering services under WIA, are complying with the MOA, and nondiscrimination and equal opportunity regulations in general. If necessary, utilize the complaint procedures within these regulations to ensure that the rights of people with disabilities to services under WIA are enforced.
2. **Review and Update of MOA:** The Governor of each state must review and update the MOA at least every two years. As you monitor compliance with the MOA, provide feedback concerning modifications that should be made to ensure equal opportunity for all individuals under WIA, including people with disabilities.

Whom to Contact about the MOA:

For information on the status of your state's MOA, and to obtain a copy when it is completed, contact your state Governor's office, or your state department of labor, employment, or training. Copies of the MOA may also be available from your state government's web site, and from county and local government offices.

Resources:

- ***United States Department of Labor***

Employment and Training Administration
Workforce Investment Implementation Taskforce
Employment and Training Administration
200 Constitution Avenue, NW
Room S5513
Washington, D.C. 20210
Voice: (202) 219-0316
FAX: 202-219-0323
E-mail: wia98tf@doleta.gov
WIA Information: www.usworkforce.org

- General web site: www.doleta.gov
- One-Stop web site: www.ttrc.doleta.gov/onestop
- ETA: disAbility Online: www.wdsc.org/disability
- ETA: disAbility Online - One-Stop information: www.wdsc.org/disability/htmldocs/onestop.html

The Employment and Training Administration is the federal agency overseeing the implementation of WIA.

- ***WIA Legislation:*** WIA is officially known as “The Workforce Investment Act of 1998, Public Law 105-220”. Copies of the actual legislation are available at www.usworkforce.org
- ***WIA Regulations:*** Copies of the actual regulations for WIA, are available from the Federal Register [available on-line at: www.access.gpo.gov/su_docs/aces/aces140.html]
 1. Workforce Investment Act, Final Rule; Part 652 of Title 20 of the Code of Federal Regulations [20 CFR Part 652]; Federal Register: April 15, 1999, Volume 64, Number 72 [available on-line at: www.usworkforce.org]
 2. Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998; Final Rule; Part 37 of Title 29 of the Code of Federal Regulations [29 CFR Part 37]; Federal Register, November 12, 1999, Volume 64, Number 218 [available on-line at: www.dol.gov/dol/_sec/public/regs/fedreg/final/99028202.htm]

Information on Nondiscrimination Policies and WIA:

The Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, D.C. 20210
Phone: (202) 219-8927
e-mail: CRC-WIA@dol.gov

Additional ICI Publications On WIA and One-Stop Career Centers

- One-Stop Centers and Equal Opportunity: Overview of Federal Requirements and Regulations (available 4/00)
- One-Stop Centers: A Guide for Job Seekers with Disabilities
- Policy Brief: Provisions in the Workforce Investment Act Relating to Nondiscrimination on the Basis of Disability and the Development by Governor of a Written Methods of Administration
- Policy Brief: Provisions in the Workforce Investment Act describing the Interplay Between Workforce Investment Systems and Vocational Rehabilitation Programs
- The Workforce Investment Act: Opportunities and Issues for the Disability Community (available 4/00)

These publications are available via the Institute for Community Inclusion Web Site at www.childrenshospital.org/ici, or by contacting the Institute at (617) 355-6506; Fax: (617) 355-7940; TTY: (617) 355-6956

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This publication will be made available in alternate formats upon request.