



WIOA: POLICY & PRACTICE

Partnership Training

October 24th, 2017

AGENDA

- WIOA Introduction
- State Standard for Documentation
- Working Together –What is Expected
- WIOA Section 511 Requirements
 - Students
 - Youth out of School
 - Individuals of Any Age



INFORMED CHOICE

- Informed choice is in respect to employment outcomes allowed under WIOA:
 - Full or part-time competitive integrated employment as the result of services (i.e. supported employment, customized employment, self-employment, etc.).
 - If an individual wants to pursue uncompensated employment or employment at subminimum wage after exercising informed choice he/she may do so but not under the VR program.
 - IVRS must refer individuals, who are known to IVRS, who are not wanting to pursue competitive integrated employment to other Federal, State and applicable local programs/providers who can meet their needs (i.e. Independent Living, case management, etc.).



LIMITATIONS ON USE OF SUBMINIMUM WAGE (SECTION 511)

- Section 511 is carrying out the intent of congress where individuals can compete in competitive integrated environments when given the opportunities, services and training to do so; placing limitations on the use of subminimum wages is one means for congress to assist individuals towards competitive integrated employment.
- *Prohibits entities holding 14(c) wage certificates from compensating an individual with a disability at a subminimum wage until certain conditions are met.*
- Focuses on the actual payment of subminimum wage, not on the nature of the work setting.



STATE STANDARD OF DOCUMENTATION

○ Case Managers

- meet at least quarterly with individuals to provide guidance on obtaining competitive integrated employment as well as information and referral on programs to assist with the development of competitive integrated employment.
- The individual plan, case notes, and summaries of their meetings are utilized to document this information.

○ IVRS

- The IVRS documentation of case notes, plans and decisions if the individual has received services. Or
- The IVRS refusal form as signed by the job candidate.



WORKING TOGETHER

- RSA and Wage and Hour
- Unknown to IVRS: Case Managers continue to counsel and guide individuals toward competitive integrated work at minimum wage or higher by identifying the value in working at a competitive wage in an integrated environment.
- Case management, CRPs, others refer the individual to IVRS when the individual desires competitive integrated employment.
- Known to IVRS: when an individual is known to IVRS as wanting to seek or remain in subminimum wage employment, IVRS tracks them and regularly provides the counseling and information and referral required under the law. IVRS does this at the minimum standard established by law, not at the exemplary level of the case managers.



CRP REQUIREMENTS

- The CRP is required to make sure that the documentation they receive meets the state standard depending upon the entity that provides the documentation:
 - Case Manager
 - IVRS



REQUIREMENTS OF SECTION 511: STUDENTS

- Prior to beginning work at subminimum wage, a student must demonstrate through the appropriate documentation completion of the following:
 - Receipt of:
 - Pre-Employment Transition Services under VR; or
 - Transition Services under IDEA;
 - Application for VR services;
 - Approved IPE;
 - Working toward the employment outcome in the IPE for a reasonable period of time with appropriate supports without success;
 - Closed VR service record; and
 - Receipt of career counseling and info and referral services.



SERVICE REQUIREMENTS FOR YOUTH NOT IN AN EDUCATIONAL PROGRAM

- Career counseling on competitive integrated employment
- Job exploration and work readiness services
- Information and Referral
 - including benefits planning



SERVICE REQUIREMENTS FOR INDIVIDUALS OF ANY AGE

- Career counseling on competitive integrated employment
- Information and referral to State, Federal, and local programs



DOCUMENTATION FOR INDIVIDUALS WHO REFUSE SERVICES FROM IVRS AND KNOWN TO IVRS

- Students: received Pre-ETS, counseling and guidance on competitive integrated employment, and the refusal of service form is completed.
- Youth not in Educational Program and Individuals of Any Age: educate individual on competitive integrated employment opportunities and ramifications of refusal, information and referral to State, Federal and local programs to assist with their needs, and the refusal of services form is completed.



DOCUMENTATION FOR INDIVIDUALS WHO CHOOSE TO REMAIN IN SUBMINIMUM WAGE EMPLOYMENT – REFUSAL FORM COMPLETED

- Students: not allowed to enter into this type of employment prior to completing documentation requirements.
- Youth out of school and any age: career counseling on competitive integrated employment, information and referral services, benefits planning.

For entities with 15 and fewer employees, provide information on:

- Self-Advocacy
- Self-Determination
- Peer Mentoring



REQUIREMENTS FOR ALL EMPLOYEES

- All current 14(c) employees are entitled to career counseling and information about training opportunities **no later than July 22, 2017**, and annually thereafter.
- The employer is prohibited from paying a subminimum wage to any employee who has not received the necessary counseling, and/or information, and would be required to pay the full minimum wage to each affected employee until the employee has been provided with the necessary counseling, and/or information.



REFERRAL FOR IVRS SERVICES: INDIVIDUALS INTERESTED IN COMPETITIVE INTEGRATED EMPLOYMENT

- If an individual is interested in working in competitive integrated employment, a referral should be made to IVRS and IVRS will begin serving that individual.
- The referral form attached with this PPT should be used by partners and submitted to IVRS.
- Upon receipt of the form, IVRS has 10 working days in which to schedule and meet with a referred individual.



IVRS REFERRAL FORM

○ Please complete all sections. If you would like assistance with this form, do not hesitate to ask. If you need more space, please use an additional piece of paper.

○ **Personal Information:**

○ First Name: _____

Middle/Maiden Name: _____

○ Last Name: _____

○ Preferred Name: _____

○ Home Address: _____

○ City, State: _____ Zip: _____

○ County: _____ Home Phone: (____) _____ Cell Phone: (____) _____

○ Primary E-Mail: _____ Secondary E-Mail: _____

○ Gender Identity: Male Female Do not wish to disclose

○ Do you have a specific low vision impairment or are you considered legally blind? No Yes

○ Do you require an interpreter? No Yes Language: _____

○ Preferred Method of Communication: E-mail Phone Video Relay

○ Permission to Send Text Messages: No Yes

○ Do you have a legal guardian? No Yes Name: _____ Phone: _____

○ **Referral Source:**

○ Who referred you to IVRS? _____

_____ Phone Number: (____) _____

○ What is the reason they suggested you apply for services? _____



REFERRAL FOR IVRS SERVICES: INDIVIDUALS NOT INTERESTED IN COMPETITIVE INTEGRATED EMPLOYMENT

- If the person is not interested in working in competitive integrated employment and the only need for that individual is the required documentation, these individuals would be considered not known to IVRS and instead should be referred by the CRP to their DHS Case Manager, Care Coordinator or Service Coordinator.
 - At the next quarterly meeting, CRPs should seek out a copy of the individual's service plan and level of care; these documents should include discussions on competitive integrated employment and what support services are available to them to achieve competitive integrated employment as well as their willingness to refer them to those support services, (i.e. VR).



STATE STANDARD FOR DOCUMENTATION

- Documentation is required to be provided by the individual and/or the individual's parent/guardian if the individual is seeking employment at subminimum wage. (CFR 397 Subpart B – Subpart E)



DOCUMENTATION STANDARDS FOR YOUTH WHEN PROVIDED BY IVRS OR THE LEA

- Youth known to the LEA and not IVRS:
 - The information listed below without IVRS involvement.

- Youth known to IVRS:
 - Youth's name;
 - Eligibility justification;
 - IPE justification/Closure;
 - Closure Summary;
 - Include information provided by the school that also identifies the LEA personnel, etc.; and
 - Date and method of transmittal of information.



WHEN A YOUTH OR PARENT/GUARDIAN REFUSES SERVICES

- If known to IVRS:
 - Youth's name;
 - Description of the refusal and the reason for the refusal;
 - Signature of the youth or, as appropriate, parent/guardian;
 - Signature of the IVRS staff or LEA staff;
 - Date of signatures;
 - Date and method of transmittal of information; and
 - Statement that the LEA or IVRS will retain a copy of all documentation required consistent with the case management system.



IVRS REFUSAL OF SERVICES BY INDIVIDUALS OUT OF SCHOOL

- Name: _____
- Address: _____
- City/State/Zip: _____
- Phone: _____
- You have, through your own choice, refused to participate in services including career counseling and information and referral leading to competitive integrated employment offered through IVRS.
- Reason for refusal: _____

- You have, through your own choice, refused to participate in the following activities and have chosen instead to work in extended employment:
- Reason for refusal: _____
- You further understand that IVRS will contact you every six months for the first year following the date of this refusal and annually thereafter, to discuss employment options and the services available to assist you in finding a job. IVRS will retain copies of all documentation related to your refusal to participate.

○ _____	_____	_____	_____
○ Individual's Name	Date	Individual's Representative	Date
○ _____	_____		
○ IVRS Representative	Date		
○ _____			



WHEN A YOUTH OR PARENT/GUARDIAN REFUSES SERVICES

- If not known to IVRS:
 - The LEA is responsible for documenting the refusal and providing this documentation to the individual.



IVRS REFUSAL OF SERVICES BY STUDENTS

- Name: _____
- Address: _____
- City/State/Zip: _____
- Phone: _____
- You have, through your own choice, refused to participate or continue to participate in the pre-employment transition services or other services leading to competitive integrated employment offered through IVRS. Please be advised that your refusal may negatively impact your ability to participate in extended employment through a community rehabilitation provider.
- Reason for refusal: _____

- You further understand that IVRS will contact you every six months for the first two years following the date of this refusal and annually thereafter, to discuss employment options and the services available to assist you in finding a job. IVRS will retain copies of all documentation related to your refusal to participate.

- _____
- _____
- Student's Name Date Parent/Guardian (if applicable)
- _____
- IVRS Representative Date School Official (if applicable)



DISCUSSION ON CRPs AND PAYING SUBMINIMUM WAGE

- DOL states the employer (CRP) must pay minimum wage until the individual provides the 511 documentation.
- There is nothing with the WIOA statute or regulations that dictate when a CRP must pay minimum wage. DHS will provide necessary counseling and guidance as well as information and referral so CRPs should always have the correct documentation available to them.
- If the DHS entity working with the individual provides quarterly information that includes requirements stated previously (CIE, counseling and guidance, info and referral, etc.), this is the paperwork the CRP needs.



PEER MENTORING, SELF-ADVOCACY, SELF-DETERMINATION SERVICES

- Services can be provided by whoever is available in the community:
 - Independent Living;
 - Case Managers (i.e. help learning how to access services and become independent);
 - Peer who is working in competitive integrated employment;
 - Etc.
- Services must be provided within a year.
- Documentation of these services is obtained from the individual who participated and is kept in the CRP case file for DOL to review it.
- The documentation required is simply referral for these services—if the individual refuses to participate in these services then the CRP would want to document the refusal.
- These services cannot be provided by a 14(c) entity or CRP



CAREER COUNSELING INFORMATION AND REFERRALS

- Value of working
 - Pay, hours, benefits
 - Social network
 - Interests that transfer to competitive integrated work
 - Past experiences that they have an interest in pursuing
 - Past experiences that they do not have an interest in pursuing
 - Services that can assist them in identifying interests
 - They are not alone but there is a team ready to assist them in achieving competitive integrated work and will be with them even afterward
 - Wrap around services that are available



CAREER COUNSELING INFORMATION AND REFERRALS

Information and Referrals to Other Programs

- Other core partner programs in the Workforce Development System in the State
- Title I adult, dislocated worker and youth programs (One-Stop Career Centers, now known as American Job Centers).
- Title II programs – Adult Education and Literacy
- Title III programs – Wagner-Peyser (often indistinguishable from Title I services). Disability Employment Initiative (DEI)
- Community rehab programs that offer employment services.
- Ticket to Work Employment Networks
- Centers for Independent Living as appropriate
- Developmental Disability Departments
- Home and Community Based Waiver programs
- Regional Centers (in some States)
- Veterans' Administration (as applicable)
- Community College or secondary school programs in some areas, often through a third party cooperative arrangement with VR
- Other local agencies in a service area, including some faith-based organizations



FAQ

- When should I refer someone to IVRS?
- What documentation should a CRP have?
- Where do I find the tools?
- What if an individual wants to work but their guardian doesn't want them to?
- How do I know if a member receiving HCBS should be referred to IVRS?
- What other entities can serve individuals with disabilities?
- As a CRP, we provide employment services, why do I need to refer to VR?





RESOURCES AND TOOLS

Guidebook

- <http://www.ivrs.iowa.gov/cesframeset.html>
- DOL Final Rules Resources
 - https://doleta.gov/wioa/Final_Rules_Resources.cfm
- Wage and Hour
 - <http://www.wagehour.dol.gov>
- Community of Practice Recordings
 - <http://www.ivrs.iowa.gov/cesframeset.html>
- Toolkit (Page)
- ASK Resources
- Independent Living Centers <http://www.ivrs.iowa.gov/clients/independentlivingprogram.html>
- Resource Sharing Guide
<http://www.ivrs.iowa.gov/partners/CRP/ResourceSharingDHSIVRS.pdf>



QUESTIONS???

- Page Eastin
- Iowa Department of Human Rights, Client Assistance Program
- 800-652-4298
- Page.eastin@iowa.gov

- IVRS staff can be reached toll-free
- 1-800-532-1486

- LeAnn Moskowitz, Program Manager
- DHS, IME, Policy unit
- Office: 515-256-4653
- lmoskow@dhs.state.ia.us

