



POLICY BRIEF:

Background and Resource Guide for Increasing Competitive Integrated Employment (CIE) Opportunities in California

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This is the fourth in a series of policy briefs intended to provide Local Workforce Development Boards and their local and regional planning partners with useful information and resources as they work to realize the policy objectives of the Workforce Innovation and Opportunity Act (WIOA) State Plan. These policy briefs may be useful for local and regional plan implementation and will address a number of policy matters, including suggested ways to serve populations with barriers to employment and how to implement policies and practices emphasized in the WIOA State Plan.



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INTRODUCTION

As indicated in the California WIOA State Plan, the California Workforce Development Board (State Board) and the California Department of Rehabilitation (DOR) have agreed to partner to support services to youth with disabilities, engage employers, build service capacity, and provide opportunities for competitive integrated employment (CIE) for individuals with disabilities. The purpose of this policy brief is to help further realize the objectives of the DOR partnership agreement contained in the WIOA State Plan by providing resources to Local Workforce Development Boards (Local Boards) and their partners as they seek to implement CIE. CIE, specifically is described on page three, means work performed by a person with a disability within an integrated setting including both individuals with and without disabilities. The brief provides a baseline level of information for Local Boards and American Job Centers of California (AJCCs) on current and future efforts pertaining to California’s CIE Initiative, “Blueprint for Success: Employing Individuals with Intellectual Disabilities and Developmental Disabilities (ID/DD) in California” while also providing resources to begin or expand local programs. The information provided in this brief links program planners and practitioners with state and local level contacts. In the near future, CIE partners (California Department of Education (CDE), Department of Rehabilitation (DOR), and Department of Developmental Services (DDS) will also be releasing CIE technical assistance.

The first section of this policy brief provides background and information on national and state agreements and initiatives that are aimed at increasing opportunities for CIE for people with ID/DD. The second section of the brief provides links to additional resources which can be used to increase partnerships with local and regional agencies and create better opportunities for individuals with ID/DD to prepare for and engage in CIE. A local area working closely with local partners to develop career pathways and employment opportunities for people with ID/DD should ensure that they are aware of the systems in which these individuals are served to create successful outcomes in education and employment. The CIE core partners (DOR, CDE, and DDS) are key in providing relevant technical assistance to help ensure that participants achieve employment in an integrated setting.

SECTION I: CIE FOR INDIVIDUALS WITH ID/DD OVERVIEW

Employment Challenges Facing Individuals with Disabilities

The rate of employment (33.5%) for jobseekers with any disability is far lower than the employment rate (74.7%) of non-disabled jobseekers. For jobseekers with ID/DD, the employment rate is even lower. The State Council on Developmental Disabilities (SCDD) reports that the rate of any type of employment for people with ID/DD is only 13.1%.¹ For those individuals with disabilities who are working, pay tends to be far less than for those without disabilities, and in many instances less than minimum wage. Not many individuals with ID/DD work in integrated job settings offering pay to these individuals of at least minimum wage. Specifically, the SCDD reports, approximately only 3 percent of working age regional center clients are engaged in "CIE," and over 45% are being paid less than subminimum wage. Even more noteworthy, another 47% do not have any access to workforce services at all.²

This section provides background on federal and state level initiatives and agreements relevant to CIE, including new WIOA restrictions on the payment of subminimum wages for individuals with disabilities. Information presented is consistent with information in the Blueprint developed by CIE partners, DOR, CDE, DDS, and other stakeholders to create better workforce opportunities for individuals with ID/DD.

What is CIE?

In California, CIE is defined as full time or part time work, including self-employment which also:

- Compensates individuals at the minimum wage defined as a rate that is 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 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.
- 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.
- Is eligible for the level of benefits provided to other employees.

¹ State Council on Developmental Disabilities, (2014), [Table 1: Table of California Employment Rates, General Population vs. People with Any Disability vs. People with Developmental Disabilities](#)

² State Council on Developmental Disabilities, (2011), [Average Hourly Wage](#)

- 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.
- Presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.”³

The implementation of the WIOA specifies the obligation for the entire workforce system to increase access to high quality workforce services for all individuals with disabilities, including those with ID/DD, to prepare them for CIE. Local Boards and AJCCs should take a proactive approach to serving this population and should develop a comprehensive understanding of California’s CIE framework so they can support local CIE implementation activities, strengthen partnerships with relevant programs, and help develop new programs.

National Efforts: Setting Expectations at the Federal level

Historically, access to the workforce system and its services has been very limited for individuals with ID/DD. Nationally, the majority of people with ID/DD have been either unemployed or underemployed despite their ability and desire to work in the community in an integrated setting. Many have been placed in disability only job training programs and “sheltered workshops” where they are paid subminimum wages and have little prospect of ever moving into CIE. However, over the past several years nationally and statewide, policy efforts have been geared toward changing this paradigm by creating CIE opportunities for those with developmental and intellectual challenges. For example, WIOA limits the use of subminimum wages, including for jobs in sheltered workshops.

WIOA and Restrictions on Subminimum Wages

The Fair Labor Standards Act (FLSA) provides for the employment of certain individuals at wage rates below the statutory minimum, including for individuals who are impaired by a disability. This type of employment is also referred to as subminimum wage and was authorized under section 14(c) of the FLSA to prevent limitation of employment opportunities for those with disabilities (United States Department of Labor (U.S. DOL), 2017)⁴. Local Boards should be aware of the changes and restrictions under Section 511 of WIOA, effective July 22, 2016, on the use of subminimum wages for individuals with disabilities. These changes were made as part of national effort to increase CIE. Because of these changes, workforce partners who serve these individuals

³ California Department of Rehabilitation (DOR), California Department of Education (CDE), and California Department of Developmental Services (DDS), (May 2017), [California Competitive Integrated Employment \(CIE\): Blueprint for Change](#)

⁴ U.S. Department of Labor (DOL), (2017), [Subminimum Wage Employment for Workers with Disabilities](#)

will need to begin or expand work with Local Boards and AJCCs to create new employment and training opportunities that align with the WIOA.

Memorandum of Agreement (MOA) between the U.S. Department of Labor, Office of Disability Employment Policy, and U.S. Department of Health and Human Services, Administration for Community Living:

On September 11, 2015, a Federal multi-departmental MOA was developed, for a three year period to expand and promote CIE as the *first* option for individuals with ID/DD supporting the national “Employment First” framework. Under this framework, publicly financed systems are urged to provide consistent CIE messaging and policies that support and guide service delivery practices, approaches, and reimbursement structures. In the MOA, partners agreed to facilitate collaborations between the Centers for Independent Living (CILs) and America’s Job Centers (AJCs) to leverage each’s subject matter expertise and resources, and to increase CIE and the financial capabilities of both sets of partners to provide opportunities for jobseekers with ID/DD.⁵

California’s Strategy: CIE Blueprint for Change (the Blueprint)

The CDE, DOR, and DDS have strategically partnered over the past two years to create an interagency plan that takes a proactive approach to CIE implementation. This plan is intended to inform the service delivery system that supports local programs relevant to efforts to implement CIE. “The Blueprint”, as it is called, was developed to increase opportunities for jobseekers with ID/DD to prepare for and engage in CIE, therefore reducing reliance upon subminimum wage jobs and segregated work settings over a period of five-years.⁶ Furthermore, the Blueprint specifies a timeline for goals, objectives, targeted outcomes, strategies, and action items which focus on five types of services important for achieving successful CIE outcomes: transition services, adult pathways to employment, post-secondary school activities, supported employment services, customized employment and other employment support options, and business partner engagement.

The Blueprint lays out the coordination strategy at the local level which entails the development of Local Partnership Agreements (LPAs) between the DOR districts, regional centers, and local educational agencies (LEAs). Additional key partners and stakeholders will be utilized in the development of LPAs including Local Boards and AJCCs. The LPA will include areas of focus such as coordination of mandatory services, documentation, and will also identify linkages to additional regional and statewide resources including Local Workforce Development Boards, the 14 California WIOA Regional Planning Units, AJCCs, Adult Education Programs, Community

⁵ U.S. Department of Labor, Office of Disability Employment Policy, and U.S. Department of Health and Human Services, Administration for Community Living, (September 11, 2015), [Memorandum of Agreement \(MOA\)](#)

⁶ California Department of Rehabilitation (DOR), California Department of Education (CDE), and California Department of Developmental Services (DDS), (May 2017), [California Competitive Integrated Employment \(CIE\): Blueprint for Change](#)

Colleges Disability Support Programs & Services (DSPS), Independent Living Centers (ILCs) and community college and adult education consortia (AB 86) to improve pathways to CIE. These programs will be further discussed in the resources section of this brief. Local Boards should be engaged during the development of LPAs to ensure the provision of well-sequenced services and to help provide funding that allows for an individualized approach to employment planning and job development for individuals with ID/DD.

California's WIOA Plan [Partnership Agreement](#) with DOR:

The WIOA State Plan is used to foster demand driven skills attainment for all Californians, including individuals with ID/DD through the alignment, coordination, and integration of programs and services. During the WIOA state planning process, the State Board developed a series of partnership agreements with a variety of state level stakeholders. The DOR partnership agreement outlined various priorities to increase access for jobseekers with disabilities including jobseekers with ID/DD.⁷ It seeks to improve access to workforce services to individuals with disabilities, including those with ID/DD and prioritizes areas of partnership between relevant state plan partners including Local Boards and DOR staff. Some of the priorities include transition services for youth, business engagement, program partnerships, and CIE. To ensure a level of one stop accessibility for individuals with disabilities consistent with state and federal requirements pertaining to accessibility, the DOR offers local boards CIE technical assistance for cross-training and professional development of frontline staff in the AJCCs through disability expertise of DOR staff or referrals to local programs, such as independent living centers. In the resources section of this policy brief, Local Boards and AJCCs will find local contacts for the corresponding DOR district as well as other relevant local program contacts who may be able to provide technical assistance and training for Local Board and AJCC staff helping to develop local partnerships to facilitate CIE for individuals with ID/DD.

⁷ California Workforce Development Board (CWDB) and California Department of Rehabilitation (DOR)-Working Group, (September 2015), [Coordination Agreements Among State Plan Partners](#)

SECTION II: RESOURCES TO SUPPORT BUILDING CAREER PATHWAY PROGRAMS AND COMPETITIVE INTEGRATED EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH ID/DD

This section of the brief provides informational resources, including state and local program contact information to help Local Boards build local partnerships to implement CIE and better serve individuals with ID/DD.

Partnerships with systems that serve individuals with ID/DD

The WIOA urged the establishment of state, regional and local partnerships between workforce, education, and human services programs to better align programs and successfully address employment barriers for jobseekers, many of whom depend on multiple programs and departments for government services. In furtherance of this objective Local Boards and AJCCs should be working with DOR districts offices, DDS regional centers, and LEAs to improve access to employment services for individuals with ID/DD. Local Board staffs who provide workforce services to individuals with ID/DD should know the following information about other programs that provide services to individuals with ID/DD:

- DOR Districts
 - Consumers: Districts serve individuals with disabilities prioritizing the most impacted. About 11.1 percent of consumers served by the DOR are individuals with intellectual or cognitive disabilities.⁸
 - Programs and Services
 - Vocational Rehabilitation: Services required to prepare for, secure, retain, or regain employment
 - Supported Employment: Activities and ongoing support services for consumers with the most significant disabilities
 - Assistive Technology: Technical assistance services, loan and reuse programs
 - Social Security: Social Security Administration (SSA) has several work incentives programs available to support beneficiaries
 - Transition Partnership: LEA and DOR partnership to serve transition age students with disabilities
- Regional Centers:
 - Consumers: Regional centers serve Californians with ID/DD. The number of individuals with developmental disabilities in the community served by regional centers (consumers) is expected to increase from 303,599 in the 2016-17 year to 317,837 in 2017-18.⁹

⁸ Department of Rehabilitation, (2016), [2016 Annual Report](#)

⁹ Department of Developmental Services, (May 2017), [MAY REVISION HIGHLIGHTS](#)

- Programs and Services: Lifetime services and supports related to independent living, job training, and employment.
- LEAs:
 - Students: California’s special education system served over 700,000 students in 2014–15. About 11.5 percent of the entire K–12 population is students with disabilities that receive services from their Special Education Local Plan Area (SELPA), which may include multiple LEAs.¹⁰ Over 141,000 of those students are identified as ID/DD.¹¹
 - Programs and Services: Special education students are provided a vast spectrum of services including those related to transition, life skills, and employment.

Other relevant local partners who could help develop and coordinate a comprehensive menu of services to ensure positive employment outcomes for jobseekers with ID/DD should include but are not limited to:

- Adult education providers:
 - Students: Adult students are served by school districts, community colleges, community or faith-based organizations, volunteer literacy organizations, public or private nonprofit agencies, public libraries, correctional facilities, and state agencies. Approximately 5% of the students in Adult Education programs were served in Adults with Disabilities (AWD) programs.¹²
 - Programs and Services: In addition to programs such as Adult Basic and Secondary Academics, Career Technical Education (CTE), and Parenting, Family, and Consumer Awareness, AWD provides support for individuals with disabilities to become self-reliant.
- Independent Living Centers (ILCs):
 - Consumers: Services described below may be provided to any individual with a significant disability.¹³
 - Programs and Services: The 28 ILCs offer five core services mandated by the Rehabilitation Act of 1973, as amended, Title VII, Chapter 1 and H.R. 803 - 113th Congress: WIOA, which include: Information and Referral, Advocacy, Independent Living Skills, Peer Counseling, and Transition.
- Disabled Student Programs and Services (DSPS):

¹⁰ Public Policy Institute of California, (November 2016), [Special Education Finance in California](#)

¹¹ California Department of Education (June 22, 2017), [Special Education - CalEdFacts](#)

¹² California Community Colleges Chancellor’s Office (CCCCO), (2015), [Table 2: Adult Education Enrollment by Provider Type, 2012-13 p. 11](#)

¹³ California Department of Rehabilitation (DOR), (2017), [Title VII--Independent Living Services and Centers for Independent Living](#)

- Students: According to the CCCCCO, in the 2016-2017 school year, 124,288 students were enrolled in the DSPS program in the state's community colleges. Approximately, 10.24% were students with ID/DD (including autism).¹⁴
- Programs and services: The program provides support services, specialized instruction, and educational accommodations to students with disabilities. An Academic Accommodation Plan (AAP) is developed to link a student's goals, curriculum program, and academic adjustments, auxiliary aids, services and/or instruction to his/her disability related educational needs. Services include: priority enrollment, test-taking facilitation, assessment for learning disabilities, specialized counseling, interpreting services for hearing-impaired or deaf students, mobility assistance, note taker services, reader services, speech services, transcription services, transportation, specialized tutoring, adaptive equipment, job development/placement, registration assistance, special parking and specialized instruction.¹⁵

Specific contact information for representatives of these programs can be found in the resources section of this document (below).

Lessons Learned From the Field: Partnerships Should Be Built around Well Sequenced Services and Utilize Braided Funding Strategies

Program Highlight: Tennessee Customized Employment Partnership (TCEP)

Knoxville-Knox County Workforce Connections, the designated administrative entity for Local Workforce Investment Area, led a comprehensive partnership to conduct strategic planning and implementation of activities to improve the career advancement of people with disabilities. The project aimed to address the statewide waiting list for integrated employment services, reach individuals in secondary special education programs who needed post-school employment support (likely waitlisted for such services), and individuals served in segregated settings who wanted integrated employment. Over the course of a year, the grantee for this program built a working relationship with the school system that developed into a Transition Project designed to access funds from multiple resources so as to provide transition services to youth during and following their last year of school. Collaboration and cooperation was strong among provider groups (including the One-Stop), which resulted in increased staff knowledge and better customer access to community resources.¹⁶

¹⁴ California Community Colleges Chancellor's Office (CCCCO), (2017), [2016-2017 Annual DSPS \(Disabled Students Programs & Services\) Status Report](#)

¹⁵ California Community College Chancellor's Office, (May 2014), [Disability Student Programs and Services Fact Sheet](#)

¹⁶ National Center on Workforce and Disability (NCWD), (July 2007), [TCEP: Policy and Systemic Influence](#)

Research indicates that partnerships to better serve individuals with ID/DD should be built around well sequenced services and braided funding strategies. The California Blueprint defines well sequenced services and funding as “unique services provided by more than one fund source arranged in a manner, and provided in a timeframe, to best support each individual’s employment goals and avoid duplicative services.” According to the policy paper, “Blended Funding and Resources for Job Seekers,” the successful customized employment pilot program, Tennessee Customized Employment Partnership (TCEP) succeeded because of well-sequenced services and the sustained use of funding from multiple sources to provide both long and short term supports to participants. The linkages developed allowed staff to gain increased familiarity with community resources for people with disabilities as well as increased opportunities to work with people with disabilities in ongoing service delivery at the job center (Center on Disability and Employment, July 2004).¹⁷ To employ this strategy, Local Boards and AJCCs should refer to relevant agencies that serve individuals with ID/DD to use each’s subject matter expertise to increase awareness about local funding options and resources that support opportunities for CIE.

¹⁷ Center on Disability and Employment, (July 2004), [Blended Funding and Resources for Job Seekers](#)

CIE RESOURCE LIST

[ABILITY Jobs](#): Career Website dedicated to employment of people with disabilities. Resources are provided for both job seekers and employers. The website helps jobseekers post resumes and find careers while helping businesses comply with Section 503 of the Rehabilitation Act.

[Ability tools](#): Ability Tools is California's Assistive Technology Act Project providing a variety of services for Californians with disabilities of all ages. Services include: AT Exchange marketplace, Device Lending Libraries, Financial loan program for AT, Information & Referral, and Reuse program in affiliation with organizational partners, in-person and webinar trainings, and technical assistance to organizations on AT issues.

[Association of University Centers on Disabilities \(AUCD\)](#): A network of interdisciplinary centers advancing policy and practice for and with individuals with developmental and other disabilities, their families, and communities.

[California Department of Rehabilitation \(DOR\)-Working Group Partnership Agreement](#): The agreement was developed in 2015 to ensure that the State Board and DOR will partner to achieve the policy objectives of the state plan including: Fostering demand-driven skills attainment, Enabling upward mobility for all Californians, and Aligning, Coordinating, and Integrating Programs and Services.

[Centers for Independent Living Guide to American Job Centers, Improving Services for Job Seekers with Disabilities](#): This guide includes suggestions for CIL and AJC collaboration to leverage each entity's expertise toward improved opportunities for access to training and education resulting in improved employment and economic self-sufficiency outcomes for job seekers with disabilities.

[Department of Rehabilitation Disability Access Services \(DAS\)](#):

DAS serves as a resource that provides public information, consultation, training and technical assistance to state and local government, consumers, employers and businesses to help prevent accessibility issues providing services at little to no cost for state and local government and DOR affiliated partners. DAS guides public organizations on their responsibilities and the requirements of accessibility for persons with disabilities.

[Job Accommodation Network \(JAN\)](#): This resource is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues. Working toward practical solutions that benefit both employer and employee, JAN helps people with disabilities enhance their employability, and shows employers how to capitalize on the value and talent that people with disabilities add to the workplace

[Promising Practices in Achieving Universal Access and Equal Opportunity, A Section 188 Reference Guide](#): DOL has developed this Reference Guide to assist AJCs by providing promising practices that correlate with specific nondiscrimination requirements in Section 188 and the current Section 188 regulations.

[Vocational Rehabilitation Services Program and Supplement for the Supported Employment Services Program State Plan](#): The CDOR State Plan addresses administration functions and reporting requirements and identifies areas where service delivery can be improved, modified or enhanced. As a core partner identified in the WIOA, CDOR's State Plan is an Appendix to California's Unified State Plan.

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