

*The Promises and Pitfalls of WIA
for Persons with Significant Disabilities*

by

*Michael Callahan, Project Director
UCPA's "One-Stop to Success" Project
&
Marc Gold & Associates*

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You may contact UCPA's One-Stop to Success Project Co-directors: Michael Callahan & Norciva Shumpert, at 228-205-4586; e-mail, MiCallahan@aol.com, Norciva@gmail.com; or visit UCPA's web site at www.UCPA.org. DOL grant #F-6934-8-00-80-60, no endorsement of this article by DOL/ETA is implied.

Sometimes we had better be careful what we wish for. Over the past fifteen years many of us in the employment side of TASH have been suggesting that natural and generic approaches represent preferred avenues for persons with significant disabilities to achieve meaningful jobs in the community. Apparently Congress was listening. In the summer of 1998 Congress passed and President Clinton signed the Workforce Investment Act (WIA, PL 105-220). This sweeping labor law took its direction from the so-called “Republican Revolution” in 1994 and consolidated a number of federal employment programs, including Vocational Rehabilitation, into a single, comprehensive initiative designed to offer a single point of entry for all citizens who want to become employed. Four cabinet level departments are required to participate in WIA including the departments of Labor (DOL), Education (DOE), Health and Human Services (HHS, under the Community Services Block Grant) and Housing and Urban Development (HUD). Additionally, HHS, under Temporary Assistance for Needy Families (TANF), the Departments of Agriculture and Transportation as well as Americorps are encouraged to participate in the implementation of this act.

How does all this relate to the employment needs of persons with significant disabilities? At this point its fair to say that the answer is unclear. However, the best route for successful inclusion into WIA is likely to be through the series of One-Stop Career centers that are mandated by this legislation. This component of the act requires states to develop comprehensive employment centers in Service Delivery Areas (SDA’s) representing geographic areas comprising 200,000 - 500,000 persons. A One-Stop Career center is to provide a single point of access to services leading to jobs and careers for all unemployed citizens. WIA is driven by a set of principles that govern both the broader act and the one-stop system specifically. The overall direction set by WIA embraces the following principles:

- Providing universal access to all who want to work;*
- Empowering individuals who use WIA’s services;*
- Streamlining services;*
- Providing state and local flexibility;*
- Increasing accountability to the user, taxpayer and system;*
- Strengthening role for local boards and private sector; and,*
- Improving youth programs.*

In addition to these seven principles embedded in the overall act, WIA charges One-Stop Career centers with four elegantly simple directives:

- Universality of access and services*
- Customer choice;*

- Integration of services offered (blending, combining resources); and,*
- Accountability for results by providers.*

Looked at through the value lens of an organization such as TASH, these principles seem more in keeping

with our perspectives regarding the needs of persons with significant disabilities than most traditional, generic legislation. And even though the basic thrust of the legislation undoubtedly was not directed towards welcoming the people who TASH represents, the welcome mat is out. The problem we face is whether to accept the implied invitation, to enter into these historically inadequate generic systems, or to focus on the disability-specific services that have gotten us to this point. The decision is not an easy one.

One-Stop Career centers will be a part of a revamped state employment system that replaces the Job Training Partnership Act (JTPA) and blends each state's job service agency (from the Wagner-Peyser Act), with Adult Education, Vocational Rehabilitation and a laundry list of over fifteen other agencies that provide employment supports ranging from Job Corps participants to veterans to Native Americans. WIA allows for significant, indeed unprecedented, flexibility at the state and local level. The act requires the development of a statewide workforce board and a cadre of local workforce boards, one for each SDA that contains a One-Stop Career center. The Governor of each state has extensive powers in setting the particular course that each state will take as well as appointing members to the statewide board. There are relatively few sweeping federal mandates within WIA, rather the law provides a general direction and national intent leaving the specifics to the states.

Each SDA will be managed by a Local Workforce Board whose membership is selected by a local elected official (LEO). In the case of multiple LEO's, a compromise working agreement must be submitted to the Statewide Workforce Board. Participation by entities representing persons with disabilities is required for both local and state boards, but selection is not guaranteed. Private sector employers must comprise at least "one plus fifty percent" of each workforce board. These boards will largely determine the degree to which one-stop centers will seek to recruit, welcome and effectively serve persons with significant disabilities.

The Reality

It takes energy and resources to be present at the table as the decisions regarding the shape of local one-stop centers are made. At this point, two of the most widely-utilized sources of funding for employment for the persons that TASH represents, VR and DD state agencies, are cautiously considering their roles. Vocational Rehabilitation is a required partner of the one-stop system. However, at this point, VR agencies in many states have chosen to present themselves as an alternative to the one-stop system -- offering services when centers are unable to meet the needs of certain applicants with disabilities -- as opposed to providing the additional capacity necessary to make the generic system work seamlessly for all persons with disabilities.

State DD agencies are even further from the table. Since DD is not a required partner of the one-stop system, most state agencies have virtually ignored the development phase of WIA. It can only be assumed that unless there is a noticeable turn-around, DD state agencies will be left out of local and state workforce boards.

One-Stops are charged with providing each applicant access to a set of "core services". Those services include:

- a. *Eligibility determination for adults, youth and dislocated workers;*
- b. *Outreach, intake and orientation to one-stop services;*
- c. *Skills assessment (which can include non-assessment based discovery);*

- d. *Job search assistance and career counseling;*
- e. *Information on provider's performance and program costs;*
- f. *Disclosure of the local workforce area's performance measures.*
- g. *Information on supportive services such as child care and transportation;*
- h. *Assistance in filing unemployment compensation claims;*
- i. *Establishing eligibility for Welfare-to-Work services; and,*
- j. *Follow up services after employment.*

An important difference between WIA and JTPA involves the use of Individualized Training Accounts (ITA's) in the new act to pay for employment programs and services. Rather than having the Private Industry Council (PIC) under JTPA contract with employment training programs and slot applicants to those pre-selected providers, WIA One-Stops offer the opportunity for applicants to take their ITA vouchers to providers of their choice for services.

The Promise is Inclusion

Imagine a young person with a significant disability graduating from a school anywhere in our country and being able to go to the local One-Stop Career center to become successfully employed. Imagine a person who has the chance to leave a state institution receiving access to personalized employment planning and job development representation from a One-Stop center. Imagine an adult with significant multiple disabilities, along with his or her family, going to a One-Stop center to receive assistance in developing a personal budget to pay for the employment services that will allow them to leave a workshop or day center. These images alone represent a sufficient reason to fight for inclusion into generic employment services just as TASH has fought for inclusion in regular schools across the U.S.

In fact, inclusion is the central theme of the promise of WIA. Congress, whether it intended to or not, has provided us with the legislative structure to move aggressively from a disability-focused employment system to a generic, natural approach. But the mandates are few. The promise of this new law can easily pass us by as the local deals and structures are set. States have until April 1, 2000, to present plans for implementation of their One-Stop systems and all states must have a fully operational network of One-Stops in place by July 1, 2000. This means that TASH members and others interested in the full inclusion of persons with disabilities within this system have less than a year to get to the table and to assure that access is offered. Some states may already have One-Stop centers as a result of a pilot demonstration initiated by DOL in the mid '90's. These sites may be grandfathered in to the new system required by WIA, but they still must meet the general intent and direction of the legislation.

Even though it is accurate to say that the underlying values of WIA are based more on streamlining, minimizing and economizing government services than on meeting the needs of all persons in the community, the stated values within the legislation provide us with a sufficient framework to shape this emerging system in a way that can become a single point of access to employment services for all. However, just as special education services in schools have had to re-think and re-form themselves to adjust to the demands of inclusion, so also will the current disability-focused employment structures of vocational rehabilitation and developmental disability agencies. It

would probably be accurate to state that less than one percent of all persons who TASH represents have successfully used the generic job service office to become employed. It will require both in-depth consideration and aggressive action by VR and DD agencies, as well as by advocacy organizations such as TASH, to shift this reality towards inclusion.

An easily overlooked promise of WIA, especially for those of us who are focused within the disability arena, is the wealth of resources that might exist within the current and future One-Stop centers. Small business incubation centers, employee support groups, car pool and transportation co-ops and other similar services are available in many areas. It is our responsibility to assist these resources to become responsive to the needs of non-traditional applicants.

The Pitfalls of WIA

First, there is no guarantee that the kind of directed effort indicated above will successfully open the generic employment system to persons with significant disabilities. Since we have only so much energy and resources, there is a valid caution that could be raised concerning the degree of effort we can expend in such a risky venture. And beyond our own energy, what might the fallout be from our funders who are cautiously avoiding full participation in the development of WIA? Many state vocational rehabilitation agencies are deeply concerned that the end result of WIA is that they will be so assimilated into the generic system that VR will cease to exist. This concern for survival can easily result in battle lines being drawn between state or local VR offices and those who advocate for an inclusive system.

Developmental Disabilities agencies within states can also cloud the issue. Since most have remained well away from the initial implementation efforts, the clear message to providers of employment services for persons with significant disabilities is that WIA does not concern them. This message implies that we will continue to do business as usual and that there is no need for providers to seek funding or relationships within a One-Stop center.

A further pitfall of WIA involves the reality of devolution of power. This is perhaps the first example in the disability field of Congress' intent to transfer power and decision-making to the state and local level. Gains and examples of successes in one state, or even one region within a state, might vary significantly with others nearby. Since the structure and services of each One-Stop will be locally determined we will not be able to easily cite exemplary services in a promising area as an overall model or strategy. Success will require local effort within one region, one state at a time.

Another concern of WIA is the question whether effective and individualized services can be offered within a generic structure such as a One-Stop. The Department of Labor has always been focused on macro-economic issues and national statistics. The needs and concerns of individuals have a low priority at best. We know that the best outcomes for the persons we represent are achieved through an individualized, person-directed approach; however, it is unclear whether One-Stops will be willing to work with one person at a time.

Finally, there is the pitfall of WIA just becoming another hollow promise to persons with significant disabilities and their families. One could easily imagine a family effort to access services within a One-Stop center resulting in even deeper fatigue and disappointment. The current generic system simply does not intend or even

attempt to effectively serve the persons that TASH represents. Why should we think that the new system will be any better?

Reflections on WIA

When TASH began to solidify its direction regarding school inclusion, it would be fair to say that regular schools had a similar track record of serving persons with significant disabilities as the generic employment system does today. However, after a decade of a focused initiative on full inclusion, services have shifted dramatically across the country for the better. School inclusion raises many of the same concerns that are voiced in employment such as how to balance the need for specialized services with the desire to achieve access to natural, generic environments and services. While concerns such as these are valid, they have not stifled TASH's advocacy to offer the benefits of full inclusion to all students. The same values must be embraced regarding access to employment.

In addition to the compatibility of values between inclusion issues in schools and in employment, there is another somewhat sobering rationale for TASH members to become involved in WIA -- the possibility of promoting segregated services if we do not become involved.. The act allows One-Stop centers to treat "special participant populations that face multiple barriers to employment" differently from other applicants. Of course its easy to see the people TASH represents included in this "special population". One-Stops may contract with "community based organizations or other private organizations" to provide a "training services program"[PL105-220, Sec. 134, (d), 4,(G), ii, III]. The best case scenario for this circumstance would be that a supported employment agency would receive a disability-focused contract to provide services. The worst case would be if a workshop or other segregated entity received the funds for extended "pre-employment" training.

Anytime a radical shift, such as using generic employment systems for person with significant disabilities, is suggested people look for examples of success. In July of 1998, United Cerebral Palsy Associations was awarded a three year demonstration grant to examine the feasibility of welcoming persons with significant physical disabilities to existing One-Stop centers in Detroit and Denver. This project, now nearing the end of its first year of implementation, is currently serving 38 individuals within the two sites. The project features: a) individualizing the core services offered by One-Stops to include a person-centered discovery and planning approach; b) assistance in developing a personal budget; c) blended funding from a variety of sources such as One-Stop funds, VR, DD, PASS plans, Medicaid Waiver and other resources; and d) contracting with providers of one's choice to access the employment services needed to accomplish personal goals. This experience has led us to offer the following recommendations concerning WIA:

- Learn about WIA by reading the law, accessing the DOL web site (www.doleta.gov) and talking to local employment officials about local plans.*

- Find out who is responsible for implementing WIA within your state and ask about participation by persons with disabilities and provider and advocacy agencies on state and local workforce boards. Try to become appointed to your board or advocate for someone consistent with TASH values to become appointed.*

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- *Encourage your state’s VR and DD agencies to participate in state and local workforce boards in a way that would allow persons with significant disabilities to utilize One-Stop center for employment in a seamless manner, without being bounced back and forth among agencies for funding. It should be possible for all persons with disabilities to access a One-Stop for services without being handed off from one entity to the next for funding and outcomes.*
- *Encourage provider agencies to contact their local workforce boards and offer to provide “soft-skill, OJT and customized” training services for persons with more significant disabilities. These terms are contained in the WIA legislation and represent the likely avenues for applicants to avoid becoming slotted in classroom/curricular training programs as opposed to individualized employment services.*
- *Partner with an interested person with a significant disability (and family members, as appropriate) in a one person effort to negotiate an individualized employment outcome from a One-Stop center. This is probably the most effective way to move this system.*
- *Engage your state’s VR and DD agencies in dialogue to help them consider valued, yet distinct, roles with the One-Stop system and to encourage them to participate in a series of demonstrations to discover ways to include the persons we represent.*
- *Take the initiative, either personally or through your TASH chapter, to offer information, suggestions and advocacy to your local workforce board and to the One-Stop operator.*