

Testimony of William E. Kiernan, Ph.D., Director and Research Professor Regarding the reauthorization of the Workforce Investment Act (WIA) of 1998. On behalf of the Institute for Community Inclusion (UCEDD), University of Massachusetts Boston. Before the Senate Health Education Labor and Pensions (HELP) Subcommittee on Employment and Workplace Safety.

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Testimony Regarding the reauthorization of the Workforce Investment Act (WIA) of 1998

I am William E. Kiernan, Ph.D., Director of the Institute for Community Inclusion, a University Center for Excellence in Disabilities located jointly at the University of Massachusetts Boston and Children's Hospital Boston. We are one of 67 such centers that make up the nationwide network of University Centers for Excellence in Developmental Disabilities (UCEDD) that are national leaders in research, interdisciplinary training, technical assistance, and service and are supported by the Association of University Centers on Disabilities. UCEDDs are the national leaders in a constellation of activities designed to improve employment options and outcomes for people with developmental and other disabilities. Our center has worked extensively in supporting the employment of persons with disabilities and has been involved with supporting the One Stop Career Centers and the public Vocational Rehabilitation agencies at the state level in expanding employment options for persons with disabilities. I am pleased and honored to have been asked to comment on the reauthorization of the Workforce Investment Act and correspondingly the Rehabilitation Act.

I have organized my verbal as well as the initial portion of this written testimony around the two questions that were sent to me by the Committee. Additionally, I am submitting written testimony including some more specific suggestions as to areas where changes could be made to strengthen the Act as well as areas where modifications might be made to allow the Act to realize its full and intended Congressional intent, that is, providing universally designed, no-wrong door strategy for all job seekers in the United States.

I would like to begin my written presentation with a brief overview of employment status of persons with disabilities nationally and the potential relationship that persons with disabilities have or could with the workforce development efforts of this legislation.

Current Status of Employment of Persons with Disabilities: Over the past decade it has become more apparent that there will be a shortage of workers to meet employer demands. Even given the current economic downturn, with the declining birth rate as well as the aging of the current workforce, most industries are realizing that their growth will more likely be limited in the long term by the declining labor supply and not the economy in general. Despite this declining workforce, there are still populations where the labor force participation rate is quite low as in the case of persons with disabilities where seven out of ten persons with disabilities are not in the labor market. Coupling the apparent declining labor supply with the low labor force participation rate for persons with disabilities (nationally about 36% of working age adults having any disability condition and 27% for those having a mental disability as compared to 70% labor force participation for all working age adults as reported by the American Community Survey,

2006), there are some clear inconsistencies in both expectation and perception of this current and potential labor resource.

The US Bureau of Labor Statistics reported that the official unemployment rate for people with disabilities, meaning those who have lost their jobs and those whom are actively seeking employment, for the first quarter of 2009 was between 13 and 14%, 5 to 6 percentage points higher than the non-disabled population. Additionally, as was also reported in the American Community Survey, the BLS reported that for the same time period only 23% of all adults with disabilities participated in the labor force as compared with 71% of the non-disabled population. Correspondingly, for those individuals with disabilities who are employed their earnings are considerably less than the earnings for persons without disabilities (50 to 70% less earnings per week for persons with disabilities as compared to those without disabilities as reported by the American Community Survey, 2006). Finally, as reported by the Harris poll, of those individuals surveyed the vast majority who were not working would be interested in working if the opportunity were to become available (approximately seven out of ten asked).

A future challenge for employers is how to utilize the full labor force, supporting the older worker who may be acquiring disabilities as they age, engaging the retired worker, and recruiting from the emerging workforce of individuals with disabilities and recent immigrants to advance the economic engine of American businesses in the coming years.

Interesting enough the approaches to supporting the current older worker as well as the reengagement of the retired older worker are more similar than dissimilar to those utilized in accessing the untapped labor pool of workers with disabilities. Workplace modifications and accommodations that are universally applicable to the diverse workforce of today, older workers, workers with disabilities and immigrant workers, offer promise for employers to have a qualified workforce in the coming years.

The concept of the One-Stop, that is no wrong door to employment for all job seekers, is mandated in the Workforce Investment Act. The intent of the One-Stop was and remains a system that is seamless and able to support job seekers with a variety of interests, preferences and needs. Additionally, the One-Stops can and often play a role with employers as a source of qualified job applicants. The early roll out of the One-Stops due to initial funding strategies, limited the ability of the system to be truly comprehensive. The lack of clarity regarding the role of the collaborators, the emphasis on high volume service and the mandate to serve all job seekers has resulted in a system that has considerable potential yet to be realized.

The following section offers recommendations relating to WIA in the context of the questions posed by the committee following up with more detailed discussion of elements of WIA that work, those that may need to be revised, those that are not working and, finally, some suggestions of innovative practices and recommendations that would modernize WIA.

Response to the Committee Questions

Recommendations to the Committee:

- Universal aspects of the One-Stop must be maintained and reinforced from physical to program access.
- Ongoing contributions of the Employment and Training Administration to Supporting the Employment of Persons with Disabilities must be a clear focus of ETA in all programs.
- Ongoing contributions of the Office of Disability Employment Policy (ODEP) must focus on the identification and removal of barriers for customers with disabilities seeking services through the One Stops.
- Measurement of effectiveness and impact must not create a disincentive for One-Stops to serve customers with disabilities.
- Elimination of the concept of sequential services, that is, movement from core to intensive to training, and having direct access should be adopted.
- Clear practices and resource sharing between the One-Stops and the public Vocational Rehabilitation system leading to increased employment outcomes for customers with disabilities must be the central focus of Memoranda of Agreement with WIA.
- Linkage with other mandated and non-mandated partners must be encouraged leading to increased employment options for persons with disabilities.
- Required infrastructure contributions for partners should be eliminated.
- Integration of the employment exchange function with the One-Stops in all locations must be accomplished.
- Comprehensive transition program development leading to employment outcomes for students with disabilities must be the focus of the WIA youth services and VR services.
- One-Stops should be strongly encouraged to become Employment Networks.
- Collaborations with other entities in assuring access to One-Stop Services and employment outcomes should be the goal of WIA with results of policies, programs and outcomes reported in the annual plan and the annual report of LWIBs and the SWIBs.

Capacity training and staff development addressing employment of the hard to employ, including persons with disabilities, must be a focus of ETA in the development of the One Stop system's ability to serve customers with disabilities.

A. What works and should be preserved and/or refined in the current workforce system and what should be eliminated

The following section outlines some of the areas that have been reported or been documented as working as well as those areas that, with some modifications, could address the universal aspects of the WIA legislation.

1. What should be preserved and/or refined?

*Universal aspects of the One-Stop must be maintained and reinforced from physical to program access. Over the past several years many of the One-Stops have addressed the physical access of the centers through careful location of the centers in accessible buildings and locations, having office space that meets the ADA requirements and equipment and materials that facilitate access by all customers. Additionally, the enhanced role of the greeter, the front desk, at most One-Stops is now not only a position that supports new or former customers obtaining directions and information but also provides assistance especially in the accessing of information and materials in the resource areas.

There continues to be room for increased accessibility in the programs and activities of the One-Stop for persons with disabilities, non or limited English speaking customers and older customers who may not be technologically literate. The need to assure that the principles of Universal Design for Learning and the use of teaching strategies and materials for adult learners is essential if all customers are to be served through the One-Stops. Progress has been made in these areas as seen in examples in states such as Washington, Alaska, Massachusetts and Wisconsin. All One-Stops should make sure that they meet not only the physical accessible requirements but the access to programs and activities as noted in the ADA and in Section 188. Assistance from DOL, through training and technical assistance, to One-Stops would serve to increase the accessibility in the One-Stops for all customers, including those having a disability and others who would be considered harder to serve.

The One-Stops, as opposed to the earlier Employment Service, have a strong focus on customer service that should be continued. However, it has been observed that staff can be unsure of the legal parameters regarding disability inquiries. It is suggested that DOL develop clearer guidelines and assistance to One-Stop staff on what they can ask in the way of offering supports and assistance as well as disclosure. A clearer identification of how a customer can utilize all of the resources of the One-Stop and what assistance would be most beneficial can continue to increase the customer focus of all One-Stops.

*Ongoing contributions of the Employment and Training Administration to Supporting the Employment of Persons with Disabilities must be a clear focus of ETA in all programs. ETA has played a central role in increasing the capacity of the One-Stops to serve customers with disabilities. Projects such as the Work Incentive Grants and the Disability Program Navigator (DPN) grants have been effective at increasing the capacity of One-Stops to serve customers with disabilities. The role of the DPN should be maintained in ETA and expanded to all of the states. Clarification and consistency in the DPN role is needed, and the functions of the DPN addressing systemic change as well as facilitation of access to available services by customers with disabilities and other hard to serve customers in contrast to the provision of direct services to One-Stop customers. The continuation and expansion of the DPN is essential in supporting job seekers with disabilities.

Additionally, ETA should look to assisting One-Stops in developing more creative Memoranda of Agreement with mandated entities such as the public Vocational Rehabilitation agencies at the state and local levels as well as the non-mandated partners such as the state agencies serving individuals with intellectual disabilities, persons with mental illness and those who are on welfare. In the coming year an added focus on schools and youth in transition should clearly be an area of emphasis for ETA and the One-Stops along with their mandated and non-mandated partners.

*Ongoing contributions of the Office of Disability Employment Policy (ODEP) must focus on the identification and removal of barriers for customers with disabilities seeking services through the One Stops: ODEP in its short tenure at the Department of Labor has played a considerable role in increasing the understanding of how persons with disabilities can be served in the community through the adoption of the principles and practices of customized employment and youth services. The demonstration of the effectiveness of customizing the employer and customer relationship in the workplace has been accomplished. The integration of these strategies into the One-Stops will mean a collaborative working relationship between ODEP and ETA in the coming years.

ODEP, with its focus on policy, can and should play a considerable role in both the development of effectiveness measures for One-Stops nationally as well as the identification of policies and practices that have been effective in linking the mandated and non-mandated partners together to address the universal design aspects of the One-Stops. Increasing the capacity of the system through identification of skills, competencies and certifications of personnel in the One-Stop would again integrate the policy mandates of ODEP with the activities and practices of ETA.

ODEP can and has played a role in examining federal policies and practices that have facilitated as well as inhibited the employment of persons with disabilities. This remains an important policy area in which ODEP can continue to influence other federal agencies and their practices such that there is a more cohesive view of both employment as the

goal for persons with disabilities across all federal agencies as well as to identify ways in which conflicting policies and practices can be brought into line with the expectations of employment first as the goal for persons with disabilities.

*Measurement of effectiveness and impact must not create a disincentive for One Stops to serve customers with disabilities: While this has been an area of continuous discussion over several years, there is little progress in the area of identifying clear performance measures for the One-Stop system. Some of this is reflective of the nature of the One-Stop in that it is a system and not an individual program, and thus for the One-Stop there must be collaborations across multiple agencies addressing the needs of the customers who are seeking employment. Many of these partner agencies have outcome measures and most have unique interpretations of what the actual measure means, as in the case of 'what is employment' and 'how long should individuals be followed'. Care must be exercised so that any measurement of outcomes does not create a disincentive for the One-Stops to serve specific sub-populations.

As it currently stands, if the One-Stop does not meet its performance measures while using WIA funds, there are clear sanctions. The existing structure can and often has been reported to be a reason for the low rate of service for persons with disabilities and other hard to serve customer groups. There is a need to develop measures of effectiveness that reflect the customer diversity while embracing the mandate of the One-Stop to serve all customers. In some instances the customer mix will vary depending upon the demographics of the area served by the One-Stop. Any measurement system must be sufficiently flexible to accommodate the diversity of the populations served by the One-Stops as well as be able to provide consistent measures of outcomes such as employment placements, earnings and job retention among other variables. The identification of effective outcome measures for WIA is clearly an area of importance and should be a priority for both ETA and ODEP with the development of such measures including both mandated and non.-mandated partner input and consideration.

While not a performance measure, the adoption of common intake and application materials across the One-Stop and its partners would serve to streamline the application effort for the customer as well as reduce the costs to the agencies if common data and variables are used for multiple applications for service. The same would be true for outcome measures. With some greater consistency in the definition of the outcomes measures, cross agency reviews may be able to be accomplished with the outcomes providing more meaningful and useful monitoring as well as strategic planning. Finally, the development of measures and processes that do not create disincentives for the One-Stops to serve the harder to serve customers is essential if the mandate of WIA to be universal, seamless and accessible to all is to be realized.

*Elimination of the concept of sequential services from core to intensive to training and have direct access should be adopted: Typically services are available to the customer in

a sequential fashion with core services being the first to be offered. The customer may move from core to intensive and then training as needs become more clearly identified. Moving through this sequence can serve to add time to the process that is unnecessary and inefficient. One-Stops staff should be able to access training for individuals who would clearly benefit from training and also those who would benefit from more intensive services rather than having to go through a sequence of services. The increased flexibility will allow the One-Stop to more effectively address the needs of persons with disabilities as well as other hard to serve customers and also more clearly focus resources on the services that will have the greatest impact on reaching the goal of employment for the customer.

Additionally, with the adoption of a direct access system for services, One-Stops can also be more targeted in the development of their partnerships with the public Vocational Rehabilitation system and other mandated and non-mandated partners. In these instances collaboratively supporting training leading to employment at the time of application may be the most efficient use of shared resources for a customer. Flexibility in the use of One-Stop resources can give the One-Stop ability to link with other partners in funding and or supporting services for the customer.

*Clear practices and resource sharing between the One Stops and the public Vocational Rehabilitation system leading to increased employment outcomes for customers with disabilities must be the focus of the Memoranda of Agreement with WIA. While included in WIA, the relationship of the public Vocational Rehabilitation system is varied across states and within states. In some states the linkage of the One-Stop and the VR system has been considerable as witnessed by the efforts in Southwest Washington, Alaska, Wisconsin, Michigan, Connecticut and Minnesota. In these states there is a clear working relationship between the two systems. In other states, while there may not be as clear a relationship at the state level, there are relationships at the local level with local office of the VR system where staff of VR are located within the One-Stop on a part time or full time basis. Among other states, where the VR agency is not a guest or a casual resource at the One-Stops, but has a meaningful relationship, there have been stronger working relationships between these two partners. It is clear that there are examples of partnerships that have demonstrated that these systems can coordinate resources and direct their focus to increase the employment of customers with disabilities.

*Linkage with other mandated and non-mandated partners must be encouraged leading to increased employment options for persons with disabilities. All too often the focus of the partnership has been on what resources each of the partners can provide to the infrastructure of the One-Stop. These discussions have sidetracked discussions of the elements of any agreement to fiscal as opposed to program and resource sharing. It is felt that if the infrastructure expenses of the One-Stop are provided then the nature of the partnerships with both the mandated and non-mandated partners can be upon sharing of

personnel, expertise and fiscal resources directed at assisting customers in accessing employment.

2. What should be eliminated?

*Required core contributions for partners should be eliminated: As was noted previously, the focus of the partnership discussions has been upon what resources could be provided for infrastructure support of the One-Stop. This focus has led to considerable debate among the mandated partners and related resistance on working collaboratively to address a universal and seamless employment and training system for all job seekers. It is strongly recommended that adequate financial resources be made available to cover the basic operating expenses of the One-Stop and that the elements of the Memoranda of Agreement be directed at defining what each of the entities will bring in the areas of personnel, expertise, fiscal and program resources.

*Integration of the employment exchange function with the One-Stops in all locations must be accomplished: As was noted in the GAO report (One-Stop System Infrastructure Continues to Evolve, but Labor Should Take Action to Require that All Employment Service Offices Are Part of the System: GAO September 2007), it is essential that the One-Stop and the Labor Service Offices be integrated both for effectiveness in addressing customer needs as well as efficiency in reducing costs. In those instances where the Labor Exchange is separate, the Wagner Peyser resources are typically no longer available to the One-Stop and thus the WIA resources are needed to support the administration and core services of the One-Stop, and are not available for intensive and training services.

B. What innovative policy recommendations could be suggested to modernize WIA?

*Comprehensive transition program development leading to employment outcomes for students with disabilities must be the focus of the WIA youth services and VR services: With the passage of WIA, transition from school to employment and adult life will become a core area of responsibility for the public Vocational Rehabilitation system. The additional stimulus monies available to several state agencies (Education, Labor and the public Vocational Rehabilitation Agency) are focused, in part, upon the youth population and assuring that these youth enter and remain in the workforce. These highly focused resources are of short duration (about 24 months) but are of sufficient magnitude that they can significantly impact how transition from school to work and adult life is addressed in selected communities. Though the stimulus money is of limited duration, the issue of transition is not and the additional resources through the Workforce Investment Act, the Rehabilitation Act, the Edward M. Kennedy Serve America Act (expanding volunteer services and service leading to employment) and the soon to be published Higher Education Act regulations (creating opportunities for students with

intellectual disabilities to complete their entitlement to education in a postsecondary setting) can become part of an expanded strategy for establishing a comprehensive transition service at the state level.

There is clear evidence to show that students with disabilities who have an employment experience in school are more likely to be employed in their adult years. Additionally, with the focus on youth in WIA and the addition of transition from school to employment and adult life, now part of the Rehabilitation Act, there is a significant opportunity to revise the way services and supports are provided to youth with disabilities as they exit school. The integration of service leading to employment (the Edward M. Kennedy National Service Act), the options for completing education entitlement services for some youth with disabilities in a community college, college or university setting, the use of training resource through community colleges can all serve as a platform to revise the transition process so that student with disabilities upon exiting school are directed toward employment and not non-work options in their adult years. One of the relative strengths of WIA has been the percentage of young people with disabilities utilizing the WIA funded youth services and better integration of such services with transition activities would be of major benefit.

Partnership agreements including schools, the public Vocational Rehabilitation agency, One Stops, Community Colleges, Universities and community rehabilitation providers can lead to a more robust transition planning process and the development of programs and services that link postsecondary settings with community colleges and volunteer services that may lead to employment for youth with disabilities.

*One-Stops are strongly encouraged to become Employment Networks: The passage of the Ticket to Work and Work Incentives Act in 1999, resulted in the creation of the Ticket to Work Act. The Ticket provides resources to Employment Networks (ENs) to assist persons with disabilities in accessing and maintaining employment. Over a five year period the Employment Network can share in the SSA revenues saved through individuals with disabilities entering and remaining in employment.

In the past One-Stops have shown limited interest in becoming an Employment Network for the Ticket Program. In the past year significant changes have been made in the program in terms of financial incentives, and simplifying the administrative processes, including an expedited process for One-Stops to become an EN, greatly reducing the complexity of this process. The ICI in a review of the potential of the Ticket to generate revenue for the One-Stops in the Commonwealth of Massachusetts found that for customers who were receiving SSI or SSDI benefits from May 2007 to May 2008, of the 193,868 customers of the Massachusetts One-Stop system, 7,347 (3.8%) were on SSI/SSDI. Iowa did a similar analysis and found that of the 200,602 One-Stop customers in 2006, about 3,400 (1.4%) were Ticket holders. While it's a smaller percentage than MA, the number is still significant. These two examples illustrate that there is real untapped potential for an increase in One-Stop involvement in Ticket, and in turn

building the capacity of the workforce development system to meet the needs of individuals with disabilities. It is suggested that through regulatory and policy directives, efforts be made for an enhanced role of One-Stops in the Ticket program.

*Collaborations with other entities in assuring access to One-Stop Services and employment outcomes should be the goal of the WIA with results of policies, programs and outcomes reported in the annual plan and the annual report of the LWIB and the SWIB: The One Stop could partner with community rehabilitation providers (CRPs) that have strong individual job placement programs. These CRPs would come to the One Stop Career centers and meet with individuals identified by the One Stop as potentially benefiting from more intensive employment and training services. The CRP would be responsible for engaging individuals in direct job placement with the goal of entry into the workforce and then sustained employment.

Should the One Stop chose to contract such a service through the CRP system, a direct benefit to the One Stops would be the freeing up of staff to support more customers who can utilize the traditional career center types of services. If the One Stop were to choose to offer the services through their system then the additional resources necessary would be used to support the hiring and establishment of such a service through the One Stop. Regardless of the selection of the model, contract or expansion of services, the One Stop would engage the local public Vocational Rehabilitation system as a partner in this effort. The target population to be served while having limitations that could be considered a disability may meet the eligibility requirements as a person with a disability but not be eligible for vocational rehabilitation services since the VR system will most likely be in an Order of Selection. The expertise of the VR system however can assist in the identification of supports, technology and accommodations that may be beneficial for the job seeker.

Other partnerships with state agencies such as the Department of Developmental or Intellectual Disabilities or the Department of Mental Health would bring in the resources and the customer base served by these agencies. While non-mandated entities, they could link with the One-Stops and the CRPs (entities that they currently contract with) to increase the options for employment of persons who are served by these agencies. Through the State Employment Leadership Network (SELN), a joint effort of the ICI and the National Association of State Director of Developmental Disabilities Services (NASDDDS), eight states have adopted or are considering the adoption of an Employment First strategy. This strategy calls for the allocation of agency monies to address employment outcomes first prior to any other service. The focus on employment is consistent with the overall direction of the Center for Medicare and Medicaid Services (CMS), in that, through the Medicaid Infrastructure Grants CMS is supporting states to move more toward employment as the outcome for persons with disabilities who are served by these state agencies. Linking the One-Stops, VR and the state agencies serving persons with Intellectual Disabilities also brings in the resource of CMS since, on average, one half of the budgets for these State agencies are reimbursements received from CMS for services provided.

*Capacity training and staff development addressing employment of the hard to employ including persons with disabilities must be a focus of ETA in the development of the One

Stop system's ability to serve customers with disabilities: If the One-Stops are to be able to continue to expand their capacity to serve customers with disabilities, then additional staff competencies will need to be developed addressing disability awareness, screening and assessment, consumer direction, job development, job accommodations, on-site supports and marketing to employers. The development of these competencies can be integrated into the One-Stop staff development efforts and be available on line. The training of employment training specialists or job coaches has typically been on a more informal basis. More recently there has been an increase in the creation of a range of skills that need to be mastered for staff to be able to assume the position of an employment training specialist or a job coach. These training activities are leading to the development of a national training effort directed at increasing the skills of current staff who are working in the employment and training field as well as the creation of a career track for individuals who would be interested in a career in this area. The competencies that have been identified as essential for staff who are supporting and training individuals with disabilities are similar to those that are used to increase staff skills of those supporting the harder to employ as well as the older worker. Such a training effort is consistent with the capacity development efforts in the broader discipline of workforce professionals and WIA.

DOL can play a leadership role in supporting a national staff capacity development effort that would increase staff skills and increase the effectiveness of One-Stop services and other employment and training services nationally. UCEDDs are exceptionally well qualified to provide training to current and future professionals working with individuals with disabilities.

Finally, we have included as an Attachment A; Detailed Comments and Recommendations for WIA a more detailed presentation of some of the recommendations for change in the WIA legislation. These are offered in support of the above comments and are hoped to be viewed as complimentary to this written statement.

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Attachment A: Detailed Comments and Recommendations for WIA

WIA Reauthorization Comments

The following section presents: (1) an overview of WIA, (2) background and context, (3) issues that need to be addressed in the reauthorization, and (4) WIA reauthorization recommendations

1. Introduction and Overview

The passage of the Workforce Investment Act (WIA) in 1998 resulted in a revolutionary concept – the idea of universal access to employment assistance for all job seekers needing help. Language within WIA, and subsequent regulations (both the general WIA regulations, and the specific regulations for non-discrimination in section 188) sent a clear message – that universal accessibility in the “generic” workforce system includes serving people with disabilities. In many ways, this concept of universal access in WIA, and emphasis on serving people with disabilities, was evidence and another indicator of an ongoing evolution of full integration of people with disabilities into mainstream society, side-by-side with all other citizens.

Since the passage of WIA, and the simultaneous development of the One-Stop delivery system, extensive resources have been spent on developing the capacity of the One-Stop system and workforce development system as a whole, to meet the needs of individuals with disabilities. This has included extensive funding from two DOL Departments: the Employment and Training Administration (ETA), and Office of Disability Employment Policy (ODEP). Along with the Work Incentive Grants from ETA and Customized Employment Grants from ODEP, since 2003, through a cooperative effort between ETA and the Social Security Administration, Disability Program Navigators have been working in One-Stop Career Centers to guide people with disabilities in the use of workforce development services. There are currently over 425 Navigators spread across 42 states. The amount spent on capacity-building grants from ETA and ODEP well exceeds \$195 million total from 2000 to 2007, with ETA alone spending more than \$115 million through their Work Incentive Grants and Disability Navigator programs. In addition to these federal efforts, state and local funds have also been used for various capacity-building initiatives. The end result has been significant increases in the capacity of One-Stop and workforce development systems to serve people with disabilities.

At the same time, it appears these efforts have not necessarily been consistent, and local workforce development systems and One-Stop Career Centers vary greatly in their receptivity and ability to serve people with disabilities. Additionally, while some data are available which provide indicators regarding the performance of the workforce development system in serving people with disabilities, the lack of strong performance measurement systems for One-Stops has created challenges in determining the progress that has been made.

2. The Workforce Development System: Background and Context

In providing comments on WIA reauthorization, it is critical to have at least some context for the role of the One-Stop system, which is the primary means for delivery of workforce development services. It is important to bear in mind two basic concepts. First, One-Stop Career Centers are not service delivery agencies in the traditional sense. The intent of the WIA legislation, and at least somewhat in actual practice, is that One-Stops are a consortium and collaborative of multiple publicly funded employment and training programs, that come together to form the One-Stop. There currently exists 17 federally-funded employment and training program that are mandated as One-Stop partners in the WIA legislation, one of them being the public Vocational Rehabilitation system. Despite misperceptions that WIA funding and One-Stop funding are the same thing, as will be discussed in more detail later, only 3 of these 17 partners are funded via Workforce Investment Act Funds (Adult, Dislocated Worker, and Youth Services). The second important factor to consider is the high customer volume that many One-Stops work with. For example, the two One-Stop Career Centers in the Metro North area of Massachusetts (just outside of Boston), serve over 20,000 unique customers per year with approximately 60 staff. In essence, the One-Stop system is a high volume, low-level customer contact system, which relies to a great extent on self-direction. Only a small percentage of customers (typically less than 10%) receive any services beyond the basic “core” services that are available to any individual.

One-Stops have been at times criticized for their inability to respond to individuals needing a high level of 1:1 assistance. Such criticism may be at times valid (particularly in cases where services have been refused or accommodations have not been provided). However, such criticism is also at times misplaced, as One-Stops were never intended to provide the type of intensive, comprehensive services that can be typically found by a community rehabilitation provider, and similar entities, including the level of intensive job development available at CRPs. At the same time, to address the diversity of needs and respond to the mandate to be universally accessible to all, the stronger One-Stop Centers have recognized the need to:

- (1) have high quality information and referral systems to handle the high customer volume they experience,
- (2) quickly ascertain a customer’s needs,
- (3) determine what services within the One-Stop can be used to respond to those needs, and
- (4) identify and engage partners (both formal and informal) to respond to those needs that are beyond the core capacity of the One-Stop.

One of the “best practices” that has been recognized among One-Stops, is the ability to develop a strong network of community partners (often on an informal basis) that can be utilized to respond to customer needs. In the case of individuals with disabilities, this includes community rehabilitation providers, public disability groups, independent living centers, advocacy groups, etc., going well beyond the mandated partnership with public Vocational Rehabilitation. Some One-Stops have also partnered with their local Work Incentive Planning and Assistance programs (funded by SSA), and a few have become

Employment Networks under the Ticket to Work, although participation to date by One-Stops in the Ticket program has been limited, despite significant outreach efforts by SSA.

3. Issues Needing to be Addressed:

Performance Measurement and Issues: The inability to properly measure the performance of the One-Stop system is an ongoing issue. At this point, the only mechanism for measurement of One-Stop performance is through individual partner and funding stream performance measures that allows only a partial (although still somewhat informative) look at the system. A subtext of this lack of a comprehensive performance measurement system, is the lack of a measurement system for One-Stop system performance in serving various groups and sub-populations including people with disabilities. As a result, it is impossible to truly ascertain the performance and progress of the One-Stop system as a whole in meeting the needs of people with disabilities.

Wagner-Peyser Data: The performance data that is available, while limited, indicates both successes and challenges regarding serving people with disabilities. The Wagner-Peyser data are probably the best indicator available of overall One-Stop performance. These funds are used for basic employment/labor exchange services, and track the largest number of individuals using the generic workforce development system. – and per WIA regulations, are to be delivered within the One-Stop system.

Analysis by the Institute for Community Inclusion (ICI), indicates that the percentage of individuals identifying they have a disability has shown a steady increase over time, from 2.3% in 2002 to 3.1% in 2005 figure. The more recently available data show a slight decline: in 2007, 2.8% of individuals using Wagner-Peyser funding were identified as having a disability. As noted in a recent publication by the Institute for Community Inclusion (ICI)

(http://www.communityinclusion.org/article.php?article_id=233&type=project&id=16), “In examining and interpreting these data, it is important to note that these data may not fully reflect the use of these services by people with disabilities, as it does not include individuals with non-apparent disabilities who have declined to identify that they have a disability.” There are a number of other issues with these data. It first off, only indicates percentage of use of the system by people with disabilities, with no outcome data (although outcome data is made available for Wagner-Peyser participants as a whole). Secondly, the data indicate massive variations in the percentage of people with disabilities using services from state-to-state: from less than 1% to over 15%. The underlying reasons for this variation are not clear, but it is concerning and bears further investigation.

WIA Data: The other piece of significant data that is available is the Workforce Investment Act fund data. These funds are generally used for training, as well as more intensive services in the workforce development system. In some cases, WIA funds are also used for core services. The WIA performance data do provide highly detailed information regarding performance and outcomes for people with disabilities. However, only a small percentage of individuals served in the workforce development system are

served via WIA funds (approximately a million people annually vs. over 13 million via Wagner-Peyser funding). Therefore WIA performance is **not** equivalent to One-Stop performance, although it has been observed that many policymakers internal and external to the workforce development system, advocates, and academics often verbally and in writing incorrectly make this assumption. To reinforce this point, in 2007, only 58,000 individuals identified as having a disability were served via WIA funds, while 499,000 individuals were served via Wagner-Peyser funds

There are three WIA funding streams: Adult, Dislocated Worker, and Youth. Analysis of these data by the Institute for Community Inclusion revealed the following: from 2001 to 2007, the percentage of individuals with disabilities served via WIA Adults funds declined from 9% of the total served to 4.2%. For WIA Dislocated Worker funds, the results have varied over this same period, from a low of 3.3% in 2005 to a high of 4.6% in 2006. In conjunction with declines in percentage of individuals served, the outcomes for individuals with disabilities trailed the overall average performance. (It is important to note that there are significant penalties in terms of funding losses for not meeting required performance outcomes using WIA funds.) For Youth funds however, the results are more encouraging. For WIA Youth with disabilities (ages 14 to 21), the percentage of individuals served actually increased from about 14% to 16% from 2001-2004 (although this has since declined to 14.5% in 2007). In terms of performance, Older Youth (ages 19-21) with disabilities slightly lagged the average performance, and for Younger Youth (ages 14-18), performance was either equivalent or exceeded the average performance. (Note: Youth with disabilities are highly eligible for WIA youth services.) These results appear to indicate that when performance for people with disabilities lags the general population, their ability to access services decreases, and when performance for people with disabilities is similar to or exceeds the general population, their ability to access services increases.

4. WIA Reauthorization Recommendations

Given this context, the following are specific recommendations regarding reauthorization of WIA:

PERFORMANCE TRACKING AND MEASUREMENT

- **Development of One-Stop Performance Measurement System:** A key piece of WIA reauthorization needs to be mandating development of performance measurement for the One-Stop system as a whole, which includes measurement of performance in serving people with disabilities, among other groups.
- **Clarity of Disability Definition and Tracking of SSI/SSDI Enrollment Status:** Part of the reform of performance measures needs to include much greater clarity regarding definitions and mechanisms for measurement, as it appears that the mechanisms for measuring disability are at best inconsistent making it difficult to have full confidence in the accuracy of the data. Mandating the collection of SSI/SSDI enrollment status of individuals being served would assist in this process, and allow for a much stronger sense of how the system is performing for individuals with more significant disabilities, and also allow for greater determination of the

potential of the workforce development system in terms of participation in the Ticket to Work.

- **Creation of Benchmarks and Targets for Specific Populations:** In conjunction with reform of performance measures, it is also recommended that statutory language be included in the reauthorization, which mandates creation of annual benchmarks and targets for serving specific populations, including people with disabilities
- **Revamping WIA Performance Requirements:** Revamping of the performance requirements for WIA funds is clearly needed. Too often, concerns over the inability to meet performance standards, is used as an excuse for not serving people with disabilities. The WIA performance measures must be modified to account for a wider range of job seeker needs. Language must also be incorporated into reauthorization that clearly reinforces that discrimination against individuals based on performance measure concerns is not acceptable.

NON-DISCRIMINATION AND UNIVERSAL ACCESS

- **Strengthen Non-Discrimination Language and Monitoring of Performance for Specific Populations:** WIA currently contains significant language regarding the mandate to serve people with disabilities that is strongly reinforced within the Section 188 regulations. It is recommended that this language not only be maintained, but also strengthened to make this mandate clearer. In conjunction with this, language should be incorporated within WIA, that more clearly requires monitoring of the performance of meeting the needs of various populations and sub-groups (including those with disabilities) and that the demographics of the customers served by the workforce development system should be reflective of the diversity of the region being served. This can be reinforced with creation of targets and benchmarks contained within the recommendation above regarding performance measures.
- **Maintain Universal Access Requirements:** One of the key strengths of WIA, is the concept of universal access to core services, which allows any individual to access services, without having to meet eligibility criteria. This should be absolutely maintained in any reauthorization.

TRAINING SERVICES

- **Require Use of Universal Design and Learning Principles in Training:** Access to skill development training programs for people with disabilities has often been limited, particularly for individuals with more significant disabilities. At the same time, the ability of people with disabilities to access employment that provides real economic independence is highly dependent on increasing their skill levels. The use of universal design and learning strategies in creation and delivery of curriculum, have proven to be an effective strategy in increasing the ability of people with disabilities and other groups to access and fully benefit from classroom instruction and training. It is therefore recommended, that as an outgrowth of the universal access requirements of WIA, that language be included in the reauthorization that requires that training programs be delivered, utilizing universal design and learning principles.

- **Strengthen Use of Training Beyond Traditional Classroom Settings:** The current WIA regulations allow for a wide variety of uses of training funds including but not limited to: occupational skills training; on-the job training; adult education and literacy; customized training for an employer who commits to hiring. However, there is a sense that most training funds are still used for traditional in-person didactic classroom training, which is not an effective learning strategy for many individuals, including some individuals with disabilities. Therefore, in order to ensure that funds that are being utilized to support the full range of today's learning technology, and meet the full range of learner needs, it is recommended that language in the reauthorization more clearly and specifically encourage use of training funds beyond in-person traditional classroom training.
- **Explicitly Require Training Programs to Meet Needs of People with Disabilities:** Anecdotal evidence indicates that many training programs available via the workforce development system have limited willingness and ability to accommodate for the needs of individuals with disabilities, despite legal requirements under the ADA, Rehab Act, and Section 188 of WIA to do so. It is recommended that language be included in WIA reauthorization, that explicitly states and reiterates that training programs make efforts to proactively consider and accommodate the needs of individuals with disabilities, and that reinforces the right of people with disabilities to participate in training programs, and receive reasonable accommodations and modifications as necessary. Language should also be included that encourages the use of public VR and other disability partners to assist in supporting individuals in accessing and fully benefiting from workforce development training programs, in order that individuals successfully complete such programs, while simultaneously ensuring the ability of the workforce development system to meet the training program performance requirements.

ONE-STOP PARTNERSHIPS AND ROLE OF DISABILITY PARTNERS

- **Strengthen One-Stop Partnership Requirements:** The concept of a multiple partners coming together in a streamlined "user friendly" system as envisioned under WIA makes sense. However, while WIA mandates a multitude of partners within the One-Stop system, the reality has been that such partnerships have too often been cursory at best. One of the more obvious examples have been cases of One-Stop Career Centers funded by WIA funds, operating separately from One-Stop Career Centers or state Employment Service offices funded by Wagner-Peyser funds, which appears to be inconsistent with the intent of WIA. Another example, where opportunities presented by WIA have not been fully taken advantage of, is when the partnership with public VR has been itinerant, consisting of a local VR counselor spending a day per week (or even less) at a One-Stop with limited interaction with other staff, which is not the integrated and collaborative partnership envisioned under WIA. At the same time, qualitative research clearly indicates that when there have been strong partnerships in place, including those with public VR, the result has been mutual benefit for all concerned. Therefore, the partnership mandates within WIA for the One-Stop system need to be strengthened, with much clearer parameters regarding the requirements of partnership, and penalties and sanctions for non-compliance.

- **Maintain Public VR as a Mandated Partner:** It is highly recommended that the public Vocational Rehabilitation (VR) system remain as a mandated partner within the One-Stop system. The leveraging of resources and mutual benefits that have been observed on an anecdotal basis and through qualitative research (see reference at the end of this paragraph on case studies of MN, KY and ME), have clearly indicated the benefits of this partnership when properly structured and with the commitment of all involved.
http://www.communityinclusion.org/article.php?article_id=4&type=topic&id=9
http://www.communityinclusion.org/article.php?article_id=3&type=topic&id=9
http://www.communityinclusion.org/article.php?article_id=5&type=topic&id=99
- **Remove Partner Infrastructure Contribution Requirement:** Extensive and excessive energy has been spent over the last decade on the WIA requirement that all partners must contribute to the core services and infrastructure of the One-Stop system, and this has often been a barrier and distraction to productive partnerships. To address this issue, as recommended by a multitude of commentators, it is suggested that a separate line item be created for core One-Stop infrastructure, and that this mandate for partnership contributions to infrastructure be removed and alternative mechanisms for partnership development be allowed.
- **Encourage Participation by Other Disability Partners Beyond VR:** Public VR is the only disability specific system that is a mandated One-Stop partner, and as a result is the only disability specific system that has a mandate to serve on the local workforce investment boards that oversee the workforce development system and One-Stop Career Centers. Given that VR only represents a percentage of individuals with disabilities, and many people with disabilities receive employment assistance outside of the VR systems, it is recommended that language be inserted into WIA which either mandates or encourages other disability systems be included as members of workforce boards and/or partner in other ways with the workforce development system. These would include public intellectual/developmental disability systems, public mental health system and state and local school districts. Similarly, language should be included that mandates or encourages partnership with the Veteran's Administration, which has a major constituency of veteran's with disabilities, that could benefit from stronger linkages with workforce development.

SOCIAL SECURITY EMPLOYMENT SUPPORTS

- **Strengthen Role with Ticket to Work and Other Social Security Employment Support Programs:** It is recommended that language be included in WIA that strongly encourages or mandates that One-Stop Career Centers be Employment Networks under the SSA Ticket to Work program, which could be a catalyst for increasing services to people with disabilities. Similarly to this, should be language that encourages linkages with Work Incentive Planning and Assistance (WIPA) Programs, and other Social Security employment support programs. As noted above, mandating tracking of the SSI/SSDI status of workforce development system customers, would assist in such efforts.

DISABILITY PROGRAM NAVIGATORS

- **Make Disability Program Navigators Permanent:** The Disability Program Navigator (DPN) system has been a real asset to people with disabilities in accessing the One-Stop system. In order to strengthen the DPN system, it is recommended that the WIA reauthorization include a statutory requirement to maintain the DPN system, with expansion to all 50 states.