



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

April 9, 2021

Senator Patty Murray
154 Russell Senate Office Building
Washington, D.C. 20510

Senator Richard Burr
217 Russell Senate Office Building
Washington, DC 20510

Dear Senators Murray and Burr,

The Employment and Training Task Force of the Consortium for Citizens with Disabilities (CCD) appreciates the opportunity to submit comments regarding the specific needs of people with disabilities as you explore ways to update and expand workforce training programs.

The CCD is a coalition of more than 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. There is no greater manifestation of inclusion than empowering more people with disabilities to enter the workforce. As such, our Employment and Training Task Force works hard to review, understand, and comment on those policy issues affecting the 21 million working age people with disabilities.

As a task force, [we supported the passage of the Workforce Innovation and Opportunity Act \(WIOA\)](#) because it expresses a clear policy in support of competitive integrated employment for individuals with disabilities, and this should not be changed. In particular Title IV, which specifies the law and regulations under which State Vocational Rehabilitation (VR) Services operate, makes explicit the importance of a “*strong emphasis on integrated and competitive employment of people with disabilities and providing training and other supports and services for youth with disabilities transitioning from school to work or postsecondary education.*” One of the most important facets of WIOA is that it “*raises expectations for youth with disabilities and assists states to provide them with the supports they need to ensure success.*”

Moreover, Title I of WIOA specifically calls for increasing access to, and opportunities for individuals to receive, the employment, education, training, and support services necessary to succeed in the labor market, with a particular focus on those individuals with disabilities or other barriers to employment - including out of school youth - with the goal of improving their outcomes. Title I also calls for streamlined service delivery across multiple programs by requiring colocation, coordination, and integration of activities and information to make the system understandable and accessible for people with disabilities, including veterans with disabilities, older workers and those with other barriers to employment.

We acknowledge that several challenges persist in achieving the full implementation of the law, and that these challenges have been further exacerbated by the COVID-19 pandemic. As such, the gap in the labor force participation rate for people with disabilities has not narrowed since the passage of WIOA in 2014. However, we do not believe that a full reopening of the law is the best mechanism to address these challenges until we have fully investigated challenges to implementation – something that would be accomplished via oversight hearings under the purview of the Senate HELP Committee – and exhausted the use of regulatory guidance to provide necessary clarification to states regarding expectations for complying with the full intent of the law.

We are writing to ask that the Committee examine currently proposed and pending legislation before Congress explore how these measures create significant opportunity to advance the workforce system broadly and promote employment for people with disabilities specifically. These opportunities build upon the advances set forth in WIOA including but not limited to the intentional focus on school-to-work transition, expansion of apprenticeship programs that are fully accessible, prioritizing pre-employment training, setting limits on the payment of subminimum wages to people with disabilities (Section 511), and the very definition of competitive integrated employment (CIE) itself.

One significant challenge to the full achievement of CIE as defined in WIOA, is the continued existence and use of 14(c) certificates under the Fair Labor Standards Act (1938) that allow for people with disabilities to be paid below the federal minimum wage, which often (but not always) occurs in segregated employment settings. While Section 511 has greatly contributed to a decline in the use of 14(c) certificates, challenges remain related to the investment necessary to transform business models to fully align with the CIE definition. However, there are several legislative efforts currently underway that would remedy this:

- The **Raise the Wage Act** ([HR603](#), [S53](#)) and the **Transformation to Competitive Integrated Employment Act** (TCIEA, [HR2373](#)) are bipartisan bills that call for an intentional, multi-year phase out of 14(c) certificates. The TCIEA, in particular, further calls for an added investment (\$300 million in the House bill) in the disability services system to support the shift to competitive integrated employment.
- The **American Jobs Plan**, just released by the Biden Administration, similarly calls for the end to the 14(c) program with a similar investment in building up the infrastructure of vocational rehabilitation and Medicaid-funded services that promote and advance employment for people with disabilities.

We also offer several recommendations for instilling design requirements and/or implementation of evidence-based practices into apprenticeship programs to assure that individuals with the most significant disabilities have equitable opportunities to engage in apprenticeship options.

- The **National Apprenticeship Act** ([HR447](#)) directs the Administrator of the National Apprenticeship system to “promote diversity and ensure equal opportunity to participate in programs for apprentices, youth apprentices, and pre-apprentices”, including supporting the “recruitment, employment, and retention of nontraditional apprenticeship populations in programs under the national apprenticeship system in high-skill, high-wage, and in-demand industry sectors and occupations, including women, people of color, individuals with disabilities, individuals impacted by the criminal and juvenile justice system, and individuals with barriers to employment, as applicable.” The legislation offers technical assistance on how to align program activities with eligible funding from, and planning processes for, the Carl D. Perkins Career and Technical Education Act, the Elementary and Secondary Education Act, the Individuals with Disabilities Education Act, the Rehabilitation Act, and the Higher

Education Act. Under the bill, the Secretary is directed to conduct research on “best practices in increasing participation of nontraditional apprenticeship populations and individuals with barriers to employment, including individuals with disabilities, in programs under the national apprenticeship system; and opportunities to scale up effective models under the national apprenticeship system.” In addition, language in Apprenticeship Program Standards would help ensure instructors incorporate and use the principles of Universal Design for Learning. This will help assure that more programs are more broadly accessible to youth with barriers to learning, including youth with disabilities.

A major piece of legislation was recently introduced by Chairwoman Murray to significantly enhance support for the nation’s workforce system and includes numerous provisions intended to improve its responsiveness to the employment and training needs of individuals with disabilities.

- The **Relaunching America’s Workforce Act** ([HR602](#) / [S200](#)) would provide badly needed funds to the state and local public workforce system to support dislocated workers, youth, and adults who are seeking jobs, including those that are underemployed or most at risk of unemployment including persons with disabilities. Another section expands eligibility for adult and dislocated workers programs to individuals eligible for Pandemic Unemployment Assistance (PUA) under the CARES Act such as those who are self- employed or working as independent contractors and individuals with barriers to employment, including individuals with disabilities. And the bill requires the Secretary of Labor to prioritize awarding monies to entities serving individuals with barriers to employment, specifically mentioning individuals with disabilities, workers who are low-skilled and who need to increase their employability skills and other populations facing employment challenges.

Finally, we recommend consideration of the following as additional efforts that would further support implementation of WIOA.

- **Reinstate Disability Program Navigators.** In 1998, with passage of the Workforce Innovation Act, the precursor to WIOA, funding was provided for personnel to assist disability beneficiaries in understanding the opportunities for returning to the workforce [<https://disability.workforcegps.org/resources/2014/06/09/18/36/disability-program-navigator-dpn-initiative-final-report>]. Through a variety of innovative strategies and approaches, Disability Program Navigators (DPNs/Navigators) helped to expand the capacity of the public workforce system to effectively serve and accommodate a more diversified population of job seekers. As a result of these varied approaches, DPNs impacted the career advancement and self-sufficiency of a diverse population of job seekers, including those with disabilities, veterans, transitional youth, individuals who are homeless, ex-offenders and many other job seekers who are considered underserved and/or at-risk. Unfortunately, this program ended in 2010.
- **Recognize direct support professionals (DSPs) as part of a high-growth industry.** Specifically, DSPs including job coaches and job developers, need to be included as a recognized category in the coding of Bureau of Labor Statistics Standard Occupational Classification (SOC) system.
- **Federal programs must reflect the fact that people with disabilities are a significant and growing portion of the population.** The CDC reported in 2019 that 25.5% of people in the U.S. identify as having a disability. Two specific ways to address this include:

- **Requiring that all federal agencies report demographic data** on program participants that includes disability type.
- **Requiring that federal grants and contracts require inclusion of people with disabilities as a required element for receiving funding** from education, health, and workforce initiatives.

Thank you again for the opportunity to submit feedback to the Committee on workforce programs. Please do not hesitate to reach out should you have any questions. We look forward to working with you.

Sincerely,
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Association of People Supporting Employment First (APSE)
 Autism Society of America
 Cure SMA
 Institute for Educational Leadership
 National Associations of Councils on Developmental Disabilities (NACDD)
 National Council on Independent Living (NCIL)
 National Disability Rights Network (NDRN)
 Paralyzed Veterans of America (PVA)
 RespectAbility
 Spina Bifida Association

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The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Employment and Training Task Force monitors federal legislation and regulations relevant to the employment of people with disabilities, particularly issues related to the programs and projects funded under the Rehabilitation Act of 1973, as amended.