



Congressional Leaders Announce Agreement on Reauthorization of Workforce Investment Act and Rehabilitation Act

On Wednesday May 21, 2014, agreement on a bill to reauthorize the Workforce Investment Act (which includes the Rehabilitation Act) was announced by a key group of Democrats and Republican legislators in the Senate and House, led by Senator Tom Harkin (D-IA). This bill, renamed the *Workforce Innovation and Opportunity Act (WIOA)*, will now go before both houses of Congress for approval, and the understanding at APSE is that the bill is likely to pass both the House and Senate in essentially its current form.

APSE's Public Policy Committee and Staff worked diligently to provide recommendations regarding this bill, with a particular focus on Title V, which reauthorizes the Rehabilitation Act. A major focus of APSE's efforts was opposition to the inclusion of Section 511. APSE proposed extensive suggested language changes and alternatives to Section 511; as a result of these efforts we have seen slight modifications. APSE continues to believe that Section 511, entitled *Limitations on Use of Subminimum Wage*, does not achieve the well-intended goal of restricting the use of subminimum wage.

While APSE is opposed to the inclusion of Section 511, we are pleased to see there are many provisions within this bill that strengthen the opportunities for citizens with disabilities to become successfully employed, working side-by side with their fellow citizens, and advancing economically. A few of the specifics of Rehabilitation Act of the *Workforce Innovation and Opportunity Act* include:

- Stresses competitive integrated employment as the first and best choice for people with disabilities and directs 15 percent of VR funds to assist with transitioning young people with disabilities to the workforce.
- Increases pre-employment transition services to include experience in competitive integrated settings through internships, part-time jobs and summer jobs, and requires state VR agencies to presume all individuals with disabilities who want to work can do so with the appropriate supports and services.



- Aligns disability programs in order to ensure that individuals receive the services, technology, and support they need in order to live inclusive, successful lives.
- Provides for the provision of technical assistance to promote high quality employment outcomes.
- Maintains the Rehabilitation Services Administration (RSA) within the Department of Education, rather than moving it to the Department of Labor as was proposed.

Section 511

The modified Section 511 provides a set of requirements for individuals with disabilities who are 24 years of age or younger. Before an individual with a disability under the age of 24 can be compensated at subminimum wage, certain steps must be completed and documented. These include:

The individual has received pre-employment transition services under IDEIA and has applied for VR services under Title I. If found eligible, the individual must have an individualized plan for employment, with appropriate supports and services, including supported employment, for a reasonable period of time without success, provided career counseling and appropriate information and other services.

There are many provisions within the proposed legislation that work to promote equality of opportunity for people with disabilities. However, we are still concerned that Section 511 will have the opposite impact than intended, by unintentionally creating pathways for individuals with significant disabilities to be placed in positions earning subminimum wage, and placing new responsibilities on the Public Vocational Rehabilitation system to screen individuals for segregated sheltered settings through a “check-list” type of approach. Please visit the HELP Committee’s [site](#) for a one-page summary of the legislation, section-by-section summaries, and the full text of the legislation.