



## National Council on Disability

An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

### Workforce Investment Act Reauthorization

National Council on Disability  
March 23, 2010

#### TOPICAL BRIEF: Workforce Investment Infrastructure

##### ISSUE 1: Dedicated funding for One-Stop Career Center system infrastructure

###### Recommendation:

Congress should authorize dedicated funding for the One-Stop infrastructure, or, in the alternative, cap the percentage of administrative dollars from WIA mandated partners with a phase-in over a five-year period. In addition, Congress should require annual reporting from each state on how administrative funds from each WIA mandated partner are used to fund One-Stops in each Workforce Investment Area.

###### Summary of Concern:

The Workforce Development System replaced a number of smaller federally supported employment programs, consolidating the funds into what was intended to be a more user-friendly, universally accessible system of employment services. The One-Stop Career Center delivery system is the central delivery mechanism for providing locally designed and delivered workforce services to businesses, workers, and job seekers. However, the Government Accountability Office (GAO) reports that One-Stop Career Centers across the country are hampered by the lack of sufficient One-Stop infrastructure funds.

##### ISSUE 2: Accessibility of the One-Stop Career Center system

###### Recommendations:

1. Congress should require each Workforce Investment Area to create and implement an accessibility plan for all One-Stops that meets requirements for vigorous and proactive enforcement of the antidiscrimination and accessibility requirements of Section 188 as established by the U.S. Department of Labor. The plan should contain measurable goals, time frames, and methods for achieving and maintaining physical, communication, and program access.
2. Congress should require state level plans to address technical assistance, quality monitoring, and state financial participation to improve and maintain

accessibility of One-Stops in all Workforce Investment Areas. Such plans should include detailed criteria for assessing whether equal access has been provided and for monitoring measurable progress toward that goal.

3. Congress should require local areas and states to report annually to the U.S. Department of Labor on the status of plan implementation with documentation of public comment and state responses. Congress should require each state to annually document their methods and measures and document improvements with physical, communication, and programmatic access at One-Stops as well as with federally funded training and skills development activities with institutions of higher education and employers.
4. Congress should require mandated statewide employment and training activities to include a dedicated, expert, full-time staff to navigate a pathway to higher skilled and higher paying jobs for job seekers with disabilities that improve their economic strength and security. A minimum of one full-time expert should be dedicated to each Workforce Investment Area to help improve physical, communication, and programmatic access within One-Stops and strengthen coordination and collaboration among employment and training programs within and outside the Workforce Investment system. Such deployment should build on lessons learned from the Disability Program Navigator initiative.

#### **Summary of Concern:**

There are a number of accessibility requirements in Section 188 of WIA with which all One-Stop Career Centers must comply. The Department of Labor (DOL) has taken steps to address these requirements by issuing a Section 188 checklist designed to assist program operators in identifying their nondiscrimination obligations, assessing their performance, increasing accessibility, and identifying resources that can be of assistance. However, concerns remain as to whether this is sufficient to address the physical, communication and programmatic accessibility issues facing individuals with disabilities within the system.

The most pervasive challenges include a lack of sufficient dedicated resources for the implementation of accessible design or the procurement of accessible technology; a lack of knowledge on the part of One-Stop personnel as to the particular needs of and specialized services available to job seekers with disabilities; and concerns relating to the comparative cost and difficulty of finding employment for people with disabilities.

#### **ISSUE 3: Involving people with disabilities in state and local plan development**

#### **Recommendation:**

Congress should require that state and local plans be developed with the participation of people with disabilities, with meaningful documentation of their involvement throughout the planning process as well as an account of how their comments and recommendations were incorporated into the final plans.

**Summary of Concern:**

State and local Workforce Investment Boards are in place to ensure that services address local needs, including those of jobseekers with disabilities. The State plan represents a collaborative process amongst state and local elected officials, Workforce Boards, and partners. Plan development must include opportunity for meaningful stakeholder and public review and comment. The State plan must describe how it will meet the needs of each of the major customer groups, including individuals with disabilities. The State plan must describe the plan development process, including a discussion on how comments were incorporated wherever possible. With respect to persons with disabilities, the State Workforce Investment Board is responsible for determining how best to organize the service system to most effectively serve customers with disabilities. At a local level, a similar process must be in place to involve individuals with disabilities in the planning process and incorporate their suggestions into the final plans.

|                                                        |
|--------------------------------------------------------|
| <b>ISSUE 4: Meaningful and effective participation</b> |
|--------------------------------------------------------|

**Recommendations:**

**Congress should require the Department of Labor (DOL) to establish and publicize a complaint or dispute resolution procedure for use by individuals who have been denied access or are not able to have effective and meaningful participation in available Workforce Investment system supports and services. In addition, Congress should require DOL and the Department of Justice (DOJ) to jointly develop a plan for vigorous and proactive enforcement of the antidiscrimination and accessibility requirements of the law and to provide annually to Congress an update on plan implementation that identifies current state status to protect job seekers with disabilities from discrimination and afford them full, effective, and meaningful participation in available services and supports of the Workforce Investment system.**

**Summary of Concern:**

Provisions of the existing law require accessibility and bar discrimination against people with disabilities. However, many One-Stop Career Centers have not succeeded in making their premises, programs, and resources fully accessible and available to people with disabilities. As set forth in Section 188 of the Act, the law is clear and unambiguous in requiring the services of the One-Stop Career Centers to be available to job seekers with disabilities on terms of equality with all other persons. Many ongoing problems have been identified in achieving full physical, communications and program-accessibility of the One-Stop Career Centers. Despite the provisions in Section 188 of WIA, which contains accessibility and anti-discrimination requirements for the One-Stop Career Centers and other entities operating under the Act, evidence continues to indicate that more action is needed to reduce and eliminate barriers to physical and/or programmatic access of the Centers for individuals with disabilities.

## **ISSUE 5: Data collection requirements**

### **Recommendation:**

**Congress should change the data collection requirements related to all job seekers who register for services at the One-Stops in order to collect information on the receipt of Social Security (SSI and/or SSDI) benefits and to require a disaggregation of data reporting on employment and wage outcomes to provide a much needed, accurate picture on the number of individuals with significant disabilities served by One-Stops and the Workforce Investment system.**

### **Summary of Concern:**

While SSA has been involved with special DOL projects targeting consumers with disabilities, such as the Disability Program Navigator initiative and the Work Incentive Grants, there has been little involvement in the regular WIA-funded core services (including outreach, job search and placement assistance, and labor market information) or intensive services (including comprehensive vocational skill and/or interest assessments, development of individual employment plans, and career counseling and career planning provided through the One-Stop Career Centers).

The challenge from the WIA standard adult services is that eligibility is narrowly defined and determined. Only individuals who meet the criteria for groups such as dislocated workers or recipients of public assistance such as Temporary Assistance for Needy Families (TANF) generally qualify. In addition, agencies that provide the WIA-funded adult services are held to rigorous DOL performance standards relating to number of placements, length of employment retention, number of hours worked, and wages earned. These performance standards inadvertently create a disincentive to enroll people with disabilities, since they are perceived to be less successful (or more costly in terms of intensity of staff support) to achieve required employment outcomes. SSA beneficiaries would have access to another valuable source of employment preparation, training, and job placement services if DOL offered WIA providers additional performance credit for serving persons with disabilities.

## **ISSUE 6: One-Stop Career Center status as an Employment Network**

### **Recommendation:**

**Congress should mandate presumptive eligibility and automatic status for One-Stops as Employment Networks (ENs) and authorize parity with VR agencies in terms of receipt of milestone payments under the Ticket to Work program from ticketholders who assign their ticket to the One-Stop.**

### **Summary of Concern:**

The public workforce system currently does not receive parity for services provided that are equivalent to the VR reimbursement system. A significant percent of persons with disabilities may prefer to receive services from a generic system, such as the One-Stop Career Center system, rather than a disability-specific system, such as VR. Providing

the public workforce system parity with VR for cost-reimbursement under SSA's Ticket to Work program would facilitate its registration and active involvement in the Ticket process. This would result in the One-Stop Career Centers receiving reimbursement for SSI and SSDI beneficiaries they are already serving, provide an additional revenue stream for the One-Stops to expand their services to persons with disabilities and increase the number of persons receiving SSA disability benefits returning to work. Beneficiaries would have access to a greater choice of providers if SSA granted the same reimbursement mechanism to One-Stop agencies that it currently reserves for the state VR agencies. This also may encourage One-Stop Career Centers to take a more active role in providing employment services and supports to individuals with disabilities.

## **ISSUE 7: Asset building strategies**

### **Recommendation:**

**Congress should require states to annually report on the status of their collaboration with the Department of the Treasury (IRS, FDIC) to offer free tax preparation assistance and financial education to all low-income job seekers with and without disabilities and document activities to make such services and supports fully accessible.**

### **Summary of Concern:**

There are several asset building strategies that low-income job seekers with and without disabilities can use to improve their economic status. However, currently there is a lack of collaborative efforts at the community level to ensure that these individuals are taking advantage of the various tax credits and asset building opportunities available.

The Earned Income Tax Credit (EITC), for example, is an asset building strategy and represents the second largest federal expenditure among programs targeted to low income individuals. However, studies by the IRS show that up to 25 percent of qualified workers do not claim this credit. The IRS has been expanding its outreach to low-income workers with disabilities to educate and inform eligible individuals about the benefits of the EITC and free tax preparation assistance and services. The Federal Deposit Insurance Corporation (FDIC) created the Money Smart Curriculum to help youth and adults outside the financial mainstream enhance their money skills and create positive banking relationships. Money Smart is available free of charge and can be modified to fit the needs of any population. This versatility makes it an ideal curriculum to offer in One-Stop Career Centers. More education and increased public awareness are needed about these and other asset building strategies. The public workforce investment system is in a unique position to help build economic self-sufficiency for its customers with low incomes.

*The National Council on Disability wishes to express its appreciation to Michael Morris and Dr. Peter Blanck (The Blanck Group, LLC) for their assistance in developing this brief.*