



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

November 24, 2008

**Recommendations for the Reauthorization of the Workforce Investment Act**

On behalf of the Consortium for Citizens with Disabilities (CCD) Employment and Training Task Force, we would like to thank you for this opportunity to provide comments on the reauthorization of the Workforce Investment Act. CCD is a coalition of national organizations working for public policies that ensure 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 focuses on issues related to the employment of people with disabilities.

According to the 2007 American Community Survey, the employment rate of working-age people with disabilities in the United States was 36.9%. Conversely, the employment rate for working-age people without disabilities was 79.7%. With millions of Americans with disabilities excluded from the labor market, this vast disparity is a national crisis and demands immediate attention whether our country faces a period of high unemployment and layoffs or an impending worker shortage. The 2007 ACS also indicates that the median earnings of working age people with disabilities who worked full-time/full-year was \$34,200 – a full \$6,500 less than their non-disabled counterparts. Thus, those individuals with disabilities who can find jobs are more likely to have less job experience and are more likely to earn lower incomes than individuals without disabilities and have fewer career options.

These statistics bear out the significance of this reauthorization process for people with disabilities. This process presents the opportunity to create a more accessible, welcoming and relevant system for all Americans seeking employment, especially people with disabilities. To that end we offer these comments regarding improvements to the Workforce Investment Act.

**Creating a Market Driven System**

A key principle in crafting a market driven system is recognizing the delicate balance between the supply market (job seekers) and demand market (employers). A truly market driven system would be designed to best facilitate the relationship between these two components. Such a system must be flexible enough to effectively support the rapidly changing manner in which work happens and the frequent job changing of today's worker.

In June 2008, the Bureau of Labor Statistics found that young baby-boomers held an average of nearly 11 jobs from the ages of 18 to 42. The Society for Human Resource Management reports that in general annual voluntary employee-turnover is 17% and for large employers

this rate is 25%. These statistics translate into hundreds of thousands of dollars spent by business on recruitment and training. The Employer Resource Council projects that more and more employees will forego the traditional employer/employee relationship in favor of contractual relationships negotiated through agents, a practice prevalent in today's software and computer industry. These findings indicate the deconstruction of the employer/employee loyalty found in the workplace just 20 years ago.

These changes clearly point to the need for a flexible system that works proactively with the business community as it seeks to reconstruct how work happens and the job seeker community as individuals move in and out of employment regularly and are seeking supports and resources for skill enhancement or refinement. The workforce development system should be designed to support both companies and workers as individuals move through their careers in a lattice model as opposed to a ladder, accommodating skill development at all phases of employment. The system should work closely with employers as they redefine how work happens and seek to build the connection between job seekers and employers in a customized fashion that takes into account the employer's work processes as well as the individual's skill sets, interests and abilities. Such a system would then be able to serve all job seekers, including individuals with disabilities, as it would actively seek that balance between both supply and demand market needs.

### **Creating a Stream-lined Decision Making System**

In applying fresh thinking to the governance and decision making systems within the workforce investment system, CCD strongly recommends the maintenance of individuals representing the disability community in any revision proposals. While stream-lining both the governance and decision making processes within WIA is an appropriate goal for this reauthorization, we caution against any final processes that forgo the interests of those most in need of services from this system in the interest of efficiency or consolidation of control. The danger here lies in a result where stream-lined processes focus only on mainstream needs while those not in the mainstream are forgotten or ignored. This reauthorization must ensure that individuals with disabilities are not only involved through input or advisory opportunities, but more importantly that they be in decision making and governance roles. Doing so will better enable the workforce investment system to respond proactively to addressing the employment crisis facing working-aged adults in our country.

### **Creating a System that Offers Easily Accessible, Quality Services**

*I told the (One-Stop Career Center) receptionist, "I'm looking for a job." Immediately she put out a paper that listed Internet job search sites. She said, "It's all done on the Internet. Do you have a friend who's got a computer or somewhere you can go and use their computer?" She didn't even offer to let me use the computers in the room. Half of them were empty. I told her, "I've got a computer in my home." She said, "Oh, you can go home and do it then." Then I asked her, "Do you want me fill out something or to start a file on me to get me into your system?" And she got angry. She said, "It's all done on the Internet – go home and do it." – Kansas One Stop customer with multiple sclerosis*

The purpose of the workforce investment system and its One-Stop Career Center structure is to provide all individuals, including those with disabilities, with a “one stop” process for obtaining employment. Yet, many individuals with disabilities are left out of the system due to the physical or programmatic inaccessibility of some One-Stops. The Government Accountability Office found high degrees of variance in implementation of access strategies in its 2004 examination of how the workforce investment system was meeting the needs of Americans with disabilities.<sup>1</sup> Research conducted for the Ticket to Work and Work Incentive Advisory Panel by the Urban Institute and Johns Hopkins University on services to people with disabilities under the Workforce Investment Act concluded that “there appears to be more of a problem with access to WIA programs for customers with disabilities than with the services once enrolled.”<sup>2</sup>

Under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, the One-Stop Career Centers created under the Workforce Investment Act are required to be both physically and programmatically accessible. Generic service providers, including One-Stop centers are responsible for serving individuals with disabilities under the same terms and conditions as they serve non-disabled individuals. Congressional intent, which is consistent with the ADA and Section 504, was and is, that programmatic access to individuals with disabilities at the One Stops -- those related to individuals with communicative, cognitive and sensory disabilities -- must include alternate formats (both Braille and large print), assistive technology, auxiliary aids and services, including interpreters and readers, and accessible software and related-communicative equipment. These accommodations, which are necessary to facilitate the participation of individuals with physical, mental, sensory and cognitive disabilities in educational programs, vocational training, and other types of employment services provided by generic service providers, are the responsibility the generic service provider.

The Office of Disability Employment Policy (ODEP) completed a five year case study of One-Stop accessibility issues in 2005. While multiple barriers were identified, the project also highlighted numerous innovative solutions that some centers are doing to reach out to the disability community, several of which should inform this reauthorization effort.<sup>3</sup> Further, requirements should be added for all governance structures to actively monitor and assess Workforce Investment services and service sites for accessibility mandating the use of ODEP’s One-Stop Disability Access Checklist in the evaluation of each full service and satellite One-Stop Center. The reauthorization should provide structures for ongoing training to staff within One Stops about accessibility, and identify strategies for all groups within the One Stops to collaborate on this critical issue. Finally, DOL should be authorized to withhold operational funds from state and local workforce areas until all WIA service delivery points are determined to be fully accessible.

While some progress has been made to effect physical accessibility to individuals with disabilities at some of the One-Stops, many challenges remain. The message is simple: If

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<sup>1</sup> U. S. Government Accountability Office, *Workforce Investment Act: Labor Has Taken Several Actions to Facilitate Access to One-Stops for Persons with Disabilities but These Efforts May Not Be Sufficient*, Dec. 14, 2004, GAO-05-54

<sup>2</sup> Holcomb, P. & Barnow, B., *Serving People with Disabilities through the Workforce Investment Act’s One-Stop Career Centers*, TTWWIAP, November 2004

<sup>3</sup> [http://www.dol.gov/odep/categories/research/workforce\\_study.htm](http://www.dol.gov/odep/categories/research/workforce_study.htm)

individuals with disabilities cannot get through the door of the one-stop career centers (or are unable to have meaningful access to information and services once inside), they cannot and will not be served or secure employment. This reauthorization should strengthen the Workforce Investment Act's assurances of access for all job seekers, especially job seekers with disabilities.

### **Creating a System that Maximizes Use of Innovative Workforce and Economic Development Strategies**

The traditional labor-supply and employer-demand approaches to employment training and workforce development have not been successful in increasing the appallingly and chronically low labor force participation rate for people with disabilities. In addition to the barriers to employment shared by all who are not working, people with disabilities experience additional, well documented disability-unique barriers. These barriers include the lack of accessible, affordable housing, transportation workplace supports, as well as the myriad financial work disincentives in the public income assistance and medical programs that are crucial to the lives of people with disabilities.

As the Congress designs innovative workforce and economic development strategies for WIA, it should:

- Ensure that people with disabilities are included fully in the development of and targets for these strategies;
- Incorporate promising strategies from the disability field into the toolbox of the national employment policy; and,
- Employ a variety of universally-designed systems to ensure that people with disabilities are fully included.

Many individuals with disabilities may find success in employment through approaches that stem from the universal system's efforts to engage with industry sectors such as energy or advanced manufacturing, aid to entrepreneurs to grow and develop new companies, and support for incumbent worker training to avert layoffs, to advance the skills of the current workforce, and to increase productivity that are cited above. Ensuring that people with disabilities are included fully in the design and implementation of these strategies will allow access to them for use by these job seekers also.

However, many other people with disabilities, especially people with severe disabilities, must have assistance to remove their disability-unique barriers before any strategy can have a possibility of being effective. These strategies include supported employment, customized employment, blended funding, and work incentives planning.

Additionally, the employment system needs to provide for workforce intermediaries who understand the general needs of business, specific employers and their jobs, the skills and abilities of a job seeker, and how particular jobs can be adjusted to meet the needs of both. This requires a workforce intermediary who is in frequent conversation with employers and has grounding in employer's ways of doing business and a thorough understanding of the business community's needs.

One means of accomplishing this would be to actively incorporate community rehabilitation

providers into discussions linking workforce development and economic development, both in planning activities as well as inclusion in any resulting contracting opportunities. Community rehabilitation providers have a long history of working collaboratively with local business interests in developing targeted skill development initiatives as well as ensuring that potential workers are appropriately prepared to enter into locally determined employment opportunities.

A second means of accomplishing this has been the use of Business Advisory Councils by a variety of workforce development approaches found within the service array for people with disabilities, including supported employment models as well as Projects With Industry. Such councils provide guidance and counsel to program staff in the development of such services as skills training and job readiness services, and often provide mentoring, internships, and apprenticeships to program participants. Business Advisory Councils are true partnerships which have resulted in many people with significant barriers obtaining employment and employers being very satisfied with job ready employees and with needed supports from the agency. Further, Business Advisory Councils have also engaged in the formation of cost efficient and directly applicable training programs.

Employers need support quite often to employ people with disabilities and other barriers to employment. A first response has been to address this issue by providing monetary incentives. What employers, however, often express is the need for support in understanding the ways and means in which an individual can meet the requirements of a particular job, ways in which individuals with disabilities can contribute to the business bottom line through job redesign, or how to interact and supervise employees with disabilities. They appreciate when these issues have been determined and addressed prior to the interview. They appreciate having a ready and supportive resource which can be called upon to assist in resolving issues and accommodations after the individual has been working. Employers have stated that what they value most in hiring people with disabilities is a partner organization which can provide prompt assistance in pre-screening, accommodations, follow along, and post-placement issues.<sup>4</sup> This reauthorization presents the opportunity to emphasize the important role that workforce intermediaries should play in creating innovative workforce development and economic development strategies.

Finally, in today's competitive labor market demanding higher level and more diversified skills, it is vital to local communities and the national economy that the our nation's workforce development system strengthen its capacity to provide effective training and preparation for young people both with and without disabilities. Youth service practitioners, including intake workers, case managers, job developers, and independent living specialists, are often the first contact or "face" of the workforce development system for youth and must gain specific knowledge, skills, and abilities (KSAs) to work with this emerging workforce. There is currently no national system of professional development that identifies, builds, and certifies the KSAs of practitioners. Yet professional development has been linked to: professionalization of a field, increased job satisfaction, better youth programs, and improved youth outcomes. This reauthorization can serve to better enhance the workforce development system's capacity to accomplish its mission by incorporating professional development for workforce development professionals, including individuals working with youth, into WIA's structures.

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<sup>4</sup> RTI PWI Evaluation, December 2003, p 56

## Creating a Highly Accountable System

With the employment rate for people with disabilities lagging over 40 percentage points behind the non-disabled population, this reauthorization should make the employment of people with disabilities the Department of Labor's top priority. It should require a top priority on serving individuals with disabilities in all authorized programs and discretionary grantmaking activities within WIA. Such requirements would create measurable accountability within the WIA framework for actually serving individuals with disabilities.

CCD has maintained for over a decade that the current WIA performance measurement system is flawed. GAO research and testimony over the past several years indicates that the need for One-Stops to meet current performance measures is often the driving factor in deciding who receives WIA services.<sup>5</sup> The need to meet current performance measures creates a disincentive to provide services to harder-to-serve populations, including individuals with disabilities, due to anticipated higher financial service costs and extended service time frames. As a result, in order to meet current performance measurements, One-Stop staff members are reluctant to serve clients who may be less likely to find employment or experience an increase in earnings. Accordingly, some clients are denied services:

*“Some WIA, VR, and disability-related agency officials also expressed concerns that trying to meet performance standards could provide an incentive for One-Stops to automatically refer persons with disabilities to VR, only serve those with the least severe disabilities, or not serve them at all.”*<sup>6</sup>

A study conducted by the Nelson A. Rockefeller Institute of Government found actual evidence of creaming.

*“The study, consistent with previous studies of performance management for training programs, found evidence that local areas engaged in behavior to make their performance appear better than it actually was. This included ‘creaming,’ whereby preference in enrollment is given to customers most likely to improve their measured performance, and strategic behavior regarding the timing of program entries and exits. Officials of several states in the sample implemented their own distinctive practices.”*<sup>7</sup>

CCD believes that the effect of this flawed system significantly impacts the ability of individuals with disabilities to receive appropriate training and employment services.

An additional concern would relate to any proposed measure of efficiency. Such a measure could easily create additional disincentives to serving people with disabilities, many of whom require more costly services over a longer period of time. If performance measures are truly intended to rate performance accountability, it is important to ensure that we are measuring

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<sup>5</sup> GAO-05-54, GAO-03-884T

<sup>6</sup> Op. Cit., GAO-05-54, December 14, 2004

<sup>7</sup> Nelson A. Rockefeller Institute of Government, “The Workforce Investment Act in Eight States,” February 2005, pg X

the effectiveness of the services provided in light of the characteristics of the populations being served, and not simply the cost.

Therefore, CCD recommends that performance measures be tailored to acknowledge the differences in populations being served, recognizing and crediting provision of services to harder-to-serve populations.

## **Conclusion**

The CCD E&T Task Force believes in the dignity of work and its ability to empower individuals with disabilities to live, work, and recreate in their communities. We firmly believe that the nation's workforce development system is a key component in responding to the employment crisis facing our nation's working-aged citizenry with disabilities. We urge Congress to consider this reauthorization as an important opportunity to continue its historic commitment to advancing the full participation of people with disabilities in the American workforce as it considers the reauthorization of the Workforce Investment Act of 1998. We look forward to working with you in this process and welcome the opportunity to discuss these and other issues related to the employment of people with disabilities in the future.

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