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In This Issue

- [WIOA Offers Expanded Opportunities for Youth and Adults with Disabilities](#)
- [WIOA Establishes Advisory Committee to Improve Employment Options and Outcomes for People with Disabilities](#)
- [Rising to the Occasion: ADA, Olmstead and State Efforts](#)
- [KT Consortium Meets on Promotion of Section 503](#)
- [LEAD Center Shares Workforce Flexibility and Return to Work Strategies](#)
- [Monthly Webinar Series Wrap-Up](#)
- [LEAD Center Presents at the 11th Annual Moebius Syndrome Conference](#)
- [CIL-AJC Community of Practice Continues to Build Momentum](#)
- [LEAD Center Staff Travel to Chicago for NAWDP Youth Summit](#)
- [ADA Live! BlogTalk Radio to Feature LEAD Center on October 1 Broadcast](#)
- [LEAD PEOPLE Bridget Brown, Executive Director - National Association of Workforce Development Professionals](#)
- [LEAD PARTNERS Families and Work Institute](#)

WIOA Offers Expanded Opportunities for Youth and Adults with Disabilities

On July 22, 2014, President Obama signed into law the Workforce Innovation and Opportunity Act (WIOA). WIOA modernizes and improves existing federal workforce development programs, helps workers attain skills for 21st century jobs, provides supports to people with disabilities to enter and remain in competitive, integrated job settings, and fosters the modern workforce that evolving American businesses rely on to compete. WIOA repeals and supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act and the Rehabilitation Act of 1973. The new Act will not take effect until July 1, 2015, except the amendments to the Rehabilitation Act, which took effect on the date of enactment (July 22).

WIOA maintains a primary focus on assisting job seekers and workers with and without

disabilities to succeed in the labor market and match employers with skilled workers who may benefit from education, skills training, employment, and support services. The cornerstone of the public workforce investment systems remains the American Job Center (AJC) system at a community level.

WIOA includes several key provisions that enhance access and service to jobseekers with disabilities. Highlights of these provisions include:

- Increased physical and programmatic accessibility to employment and training services through American Job Centers (AJCs);
- A set aside of at least 15% funding to provide pre-employment transition services to youth with disabilities;
- Creation of the Advisory Committee on Increasing Competitive, Integrated Opportunities for Individuals with Disabilities;
- Clarification that competitive, integrated employment includes self-employment, supported employment, and customized employment strategies;
- Creation of a single set of common measures for adults across all core programs and a similar set of common measures across all youth serving programs; and
- Recommendation to states to include financial education and other financial capability strategies as part of provision of services.

Another key provision of the new law is the requirement that states must create a **Unified Plan**, including Title I Adult Programs, Dislocated Worker and Youth Programs, Wagner-Peyser Employment Services, and Title I of the Rehabilitation Act programs. The Unified Plan must disclose how a state will comply with Section 188 provisions to protect customers with disabilities against discrimination and provide equal access to all WIOA programs and services. Every three years, all One-Stop Centers (American Job Centers) must assess their physical and program accessibility and continue to improve service delivery to meet the needs of job seekers with disabilities.

The new law also reaffirms the eligibility of youth with disabilities for youth workforce investment activities including supporting financial literacy, which is defined as “the ability to manage spending, credit and debt and the ability to understand, evaluate and compare financial products, services and opportunities.”

Finally, the new law places an increased emphasis on career services and career pathways to work with businesses to determine the job skills training needed to fill demand for occupations in growth industries. WIOA requires improved coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including activities carried out by State Independent Living Councils and agencies serving individuals with intellectual and developmental disabilities.

The Department of Labor [WIOA Resource Page](#) offers additional information on the new law and

provides updates on implementation. Visit www.leadcenter.org to receive analyses and updates on the impact of WIOA on the employment of people with disabilities.

[Back to Top](#)

WIOA Establishes Advisory Committee to Improve Employment Options and Outcomes for People with Disabilities

The Workforce Innovation and Opportunity Act (WIOA) calls for the U.S. Department of Labor to create for the first time an Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.

The Committee, which is expected to begin deliberations by the end of this year, has a mandate to focus on two major issues. They are:

- Ways to increase employment opportunities for individuals with intellectual and developmental disabilities or other individuals with significant disabilities in competitive, integrated employment; and
- The future of the certificate program under Section 14c of the Fair Labor Standards Act, which allows individuals with disabilities to be paid subminimum wage based upon productivity levels, and improving oversight of the certificate program.

The Committee will have representatives approved by the Secretary of Labor to include:

- Assistant Secretary for the Office of Disability Employment Policy (ODEP), Employment and Training Administration (ETA) and Wage and Hour Division of Labor.
- Representatives of the Administration on Intellectual and Developmental Disabilities (AIDD), Centers for Medicaid and Medicare Services (CMS), Social Security Administration and Rehabilitation Service Administration (RSA).
- Private sector representatives on behalf of self-advocates, employment service providers, advocacy groups, researchers, national employer organizations, and employer community, and others with expertise on “increasing opportunities for competitive, integrated employment for individuals with disabilities.

The work of the Committee is to be completed with the development of a final report within two years. Updates on the Committee’s progress can be found at ODEP’s [Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities](#) page.

If you are interested in being nominated for the committee, please review the [Federal Register Notice](#) and submit the requested information by October 14, 2014.

[Back to Top](#)

Rising to the Occasion: ADA, Olmstead and State Efforts

In recognition of the landmark *Olmstead v. L.C.* decision affecting the civil rights of people with

disabilities, which celebrated its 15th anniversary on June 22, 2014, the U.S. Department of Labor's Office of Disability Employment Policy, in coordination with the LEAD Center, presented an exciting webinar, "[Rising to the Occasion: ADA, Olmstead and State Efforts to Promote Integrated Employment of Individuals with Significant Disabilities](#)," to reflect on the past, present and future of integrated employment for youth and adults with the most significant disabilities under the *Olmstead* decision. In 1999, the U.S. Supreme Court rendered this landmark decision, requiring states to eliminate the segregation of people with disabilities and ensure that they receive services in the most integrated setting appropriate to their needs. This groundbreaking decision not only helped the original plaintiffs in Georgia, but paved the way for thousands of people with disabilities to leave institutions and live in the community. The application of the *Olmstead* integration mandate goes far beyond residential services emphasizing community-based and independent living, extending to employment and other non-residential long-term supports and services as well. The [recent settlement](#) between the [U.S. Department of Justice and the state of Rhode Island](#) established a ten-year remedy plan for addressing a violation of the Americans with Disabilities Act (ADA) and *Olmstead* with regards to the systematic segregation of people with disabilities through the state's overreliance on sheltered workshops and facility-based day programs.

An exciting mix of panelists reflected upon the impact of the *Olmstead* decision in terms of employment for youth and adults with disabilities, as well as the ways the recent Rhode Island settlement continues to shape services. Panelists for the webinar included **Eve Hill**, Senior Counselor to the Assistant Attorney General, Civil Rights Division of the U.S. Department of Justice (USDOJ); **Andrew McQuaide**, Acting State Coordinator for the State of Rhode Island's implementation of the USDOJ Interim Settlement Agreement; **Michelle Brophy**, Director of Policy Implementation, State of Rhode Island Department of Behavioral Healthcare, Development Disabilities and Hospitals; **Jennifer Mathis**, Deputy Legal Director/Director of Programs, Bazelon Center for Mental Health Law; and **Lisa Mills**, Subject Matter Expert, LEAD Center.

In the weeks following the *Olmstead* anniversary, the LEAD Center also featured a 3-part blog series "*Olmstead* 15 Years Later: A Behind-the-Scenes Account from *Olmstead* Pioneer Jonathan Zimring," in which [Michael Morris](#), LEAD Center Public Policy Co-Chair, interviewed Zimring, an Atlanta, Ga.-based civil rights and education attorney for people with disabilities and their families. Zimring served as the court-appointed guardian (guardian ad litem) to represent the interests of the two women in the case. He was one of the pioneers in bringing to court this landmark case that became a major milestone in the disability civil rights movement.

- [Part One](#) of the blog series shares an insider's view on the history of the case, the people involved and how and why it was brought to trial.
- [Part Two](#) of the blog series explores the impact of the *Olmstead* decision on the two women who brought the case and on people with disabilities nationwide.

Part three of the blog series highlights the legacy of *Olmstead* and what still needs to be done to fulfill its promise.

[Back to Top](#)

KT Consortium Meets on Promotion of Section 503

The Section 503 final regulations offer new opportunities for federally funded employment-related training and technical assistance (TA) centers to educate, promote, and connect stakeholders to employment resources. On July 15th, the LEAD Center took such an opportunity during the annual meeting of the Knowledge Translation Consortium (KT Consortium), comprised of 20 federally-funded TA Centers and 5 federal offices, by focusing on **“The Role of Knowledge Translation in Improving Employment Outcomes - A Look at Section 503 Final Regulations.”**

Guest presenters Dylan Orr, JD, Chief of Staff of the Office of Disability Employment Policy, U.S. Department of Labor and Naomi Levin, Branch Chief for Regulatory, Legislative and Policy Development for the Division of Policy and Program Development, Office of Federal Contract Compliance Programs provided an overview of the final rule on Section 503 of the Rehabilitation Act of 1973.

The final rule on Section 503 went into effect in March 2014 and seeks to strengthen affirmative action provisions and regulations and to aid federal contractors and subcontractors in their efforts to recruit, hire and improve job opportunities for qualified individuals with disabilities. Highlights of the Section 503 Final Rule include:

- Federal contractors must set a 7 percent “utilization goal” requiring them to have 7 percent of each job group in the contractor’s workforce represent individuals with disabilities (or 7 percent of the entire workforce if fewer than 100 employees).
- The definition of “disability” is updated to align with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).
- Federal contractors must document and annually update several quantitative comparisons for the number of people with disabilities who apply for jobs and the number hired.
- Federal contractors and subcontractors must invite applicants to self-identify as a person with a disability under the ADAAA at pre and post-offer phases of the application process.
- Specific language must be used when incorporating the equal opportunity clause into a subcontract by reference.
- Contractors must permit Office of Federal Contract Compliance Programs (OFCCP) on-site or off-site access to documents for compliance and focused reviews

Kathleen M. Murphy, PhD, Project Director for the Disability Research to Practice Program, SEDL, launched a discussion about current and planned activities to share Section 503 information and resources with their stakeholders. Consortium members discussed additional information, tools

and resources needed as well as opportunities for cross-center collaboration to meet knowledge translation outcomes on 503 and other similar initiatives and issues.

The KT Consortium is the first-of-its-kind partnership to bring together federally-funded employment-related training and technical assistance centers with separate but complementary missions to identify and execute cross-center training and collaboration.

[Learn more about the KT Consortium and the TA centers that participate.](#)

[Back to Top](#)

LEAD Center Shares Workforce Flexibility and Return to Work Strategies

LEAD Center Project Director Rebecca Salon and Project Coordinator Brittany Taylor presented on the SEDL Center on Knowledge Translation for Employment Research's (KTER Center) 2nd Annual State of the Science Virtual Conference on September 17th. Salon and Taylor shared results from the LEAD Center's employment-focused research including:

- An in-depth look inside an exemplary American corporation to identify best practices in employee retention and return to work;
- A partnership with the Families and Work Institute (FWI), who just completed their 2014 National Study of Employers and is set to launch their National Study of the Changing Workforce;
- The results of the Employer Best Practices on Mature Workers and Workplace Flexibility survey, conducted in partnership with the U.S. Business Leadership Network (USBLN), focusing on recruitment and retention-related efforts with mature workers; and
- Information about the creation of a Knowledge Translation Consortium, which brings together federally-funded training and technical assistance centers, each with their own unique mission addressing different aspects of employment, career readiness and development, transition and accessibility for youth and adults with disabilities.

The State of the Science Conference addressed employment research for people with disabilities, and the best ways to get research results into use. The KTER Center is funded by the National Institute on Disability and Rehabilitation Research (NIDRR) within the U.S. Department of Education. Grantees of NIDRR and RSA were invited to participate.

[Back to Top](#)

Monthly Webinar Series Wrap-Up

The Fiscal Year (FY) 2014 LEAD Center Webinar Series concluded in September. The webinar series offers opportunities for attendees to interface with thought leaders and subject matter experts about important issues affecting the disability community. Produced in three mini-series – Promoting Economic Advancement, Promoting Employment and Promoting Leadership, LEAD Center webinars are presented on the last Wednesday of every month from 3:00 - 4:30 p.m.

(EDT).

The Promoting Employment mini-series launched on July 30th with an advanced training on customized employment strategies by Griffin Hammis Associates. Given its inclusion in the recently passed Workforce Innovation and Opportunity Act (WIOA), this timely webinar provided important information on customization from the perspective of employers. In August, the LEAD Center webinar focused on workplace flexibility best practices, featuring an overview of Families and Work Institute's 2014 National Study of Employers by Ken Matos, Ph.D., Senior Director of Employment Research and Practice at the Family and Work Institute. LEAD Center Project Director Rebecca Salon discussed the results of a survey conducted in partnership with the U.S. Business Leadership Network, as well as an overview of a LEAD Center study on a large, successful U.S. corporation that documented effective retention and return-to-work policies and practices. The September webinar wrapped up the Promoting Employment mini-series on September 24th, sharing the findings and tools from the LEAD Center CIL-AJC Community of Practice.

LEAD Center webinars deliver valuable information for workforce development professionals, policy makers, employers and people with disabilities. Topics, information, and registration for upcoming webinars can be found on the LEAD Center website at www.leadcenter.org/webinars.

Did you miss a webinar, want to revisit a topic important to you or need to access training materials? The [LEAD Center Webinar Archive](#) provides easy-to-access completed webinars, including accessible PowerPoint slide presentations, transcripts and answers to post-webinar questions.

We look forward to you joining us for future webinars.

[Back to Top](#)

LEAD Center Presents at the 11th Annual Moebius Syndrome Conference

On July 19, LEAD Center Assistant Project Director Elizabeth Jennings provided information on employment services, discovery, and Social Security work incentives, along with national and local resources to individuals with Moebius Syndrome at the 11th Annual Moebius Syndrome Conference. Transition age youth, adults, family members and allies attended the LEAD Center's session, "[Defining Your Pathway to Employment](#)," to better equip attendees with the information needed to make informed decisions about future employment opportunities.

[Back to Top](#)

CIL-AJC Community of Practice Continues to Build Momentum

The LEAD Center Community of Practice (CoP) for Centers for Independent Living (CILs) and American Job Centers (AJCs) continues to provide ongoing peer-to-peer mentorship, training, and technical assistance. The CIL-AJC CoP meets monthly to improve collaboration and coordination

efforts between CILs and AJCs toward improved employment and economic advancement outcomes for people with disabilities. To add to the impressive work and capacity of the participating CILs and AJCs, a leader in the field of employment or economic advancement joins the calls each month to further build capacity. Previous presentations have included information and resources on:

- Disability Employment Initiative (DEI),
- Federal Deposit Insurance Corporation (FDIC),
- Consumer Financial Protection Bureau (CFPB), and
- Key changes to Section 503 of the Rehabilitation Act and the Vietnam Veterans Readjustment Assistance Act (VEVRAA)

At a time when a growing number of CILs are providing employment services to meet the needs of their customers and American Job Centers seek to streamline services to better serve job seekers with disabilities, the CIL-AJC CoP serves as a sustainable forum to build systemic capacity to improve employment opportunities and economic advancement for people with disabilities.

On July 31, at [NCIL's 2014 Annual Conference on Independent Living](#), the LEAD Center announced the upcoming release of a toolkit that complements and draws from lessons learned in the LEAD Center CIL Pilot and the CIL-AJC CoP. CILs and AJCs will be able to utilize this toolkit to deepen their understanding of each other's services and structure to improve the lives of job seekers with disabilities through employment. The checklists, guides and fact sheets in the toolkit leverage CILs' knowledge and skills on disability issues and community resources and AJCs' training and employment services to maximize the talents and skills of both partners and improve employment outcomes for job seekers with disabilities.

To learn more about the CoP and toolkit, please contact Elizabeth Jennings, LEAD Center Assistant Project Director, ejennings@ndi-inc.org.

[Back to Top](#)

[LEAD Center Staff Travel to Chicago for NAWDP Youth Summit](#)

Rebecca Salon and Elizabeth Jennings, the LEAD Center's Project Director and Assistant Project Director respectively, presented at the [National Association of Workforce Professionals \(NAWDP\) Youth Summit](#) in Chicago on September 22nd and 23rd.

More than 130 workforce professionals attended the LEAD Center's session entitled, "*Effective Assessment to Promote Job Matching and Retention.*" Job retention for youth continues to challenge workforce professionals, their partners and youth themselves. So much of job retention hinges on finding a position that matches a person's interests, preferences and skills with the needs of an employer. Salon and Jennings provided information on best practices, gleaned from work with people who face significant barriers to employment, which can be

further applied to all job seekers. Specifically, they discussed customized employment and the use of discovery as a universal approach to assessment and job development promoted by the U.S. Department of Labor and its [Office of Disability Employment Policy \(ODEP\)](#).

In addition, Salon and Jennings discussed the value of conducting informational interviews with employers, which may lead to customized job descriptions that more closely align with the individual job seeker's skills and the employer's needs. The session also included a discussion of other universal design approaches that can make workforce system services at American Job Centers (AJC) more accessible and user-friendly for all, as is required under the recently passed Workforce Innovation and Opportunity Act. [View the slides from this presentation.](#)

Further, Salon and Jennings led a "thought leader" session for participants at the Youth Summit on "Strategies and Barriers to Successfully Serving Youth with Disabilities in the Workforce System," which the LEAD Center will use to guide future training and technical assistance in AJCs. The discussion was co-led by colleagues from the [National Collaborative on Workforce and Disability for Youth \(NCWD/Youth\)](#), who shared information about the many resources they provide to support employment outcomes for youth.

[Back to Top](#)

ADA Live! BlogTalk Radio to Feature LEAD Center on October 1 Broadcast

To kick off Disability Employment Month, the LEAD Center will be featured on the *ADA Live!* BlogTalk Radio broadcast on Wednesday, October 1 at 1:00 p.m. ET. Rebecca Salon, LEAD Center Project Director, and Elizabeth Jennings, Assistant Project Director, will discuss how the new Workforce Innovation and Opportunity Act promotes partnerships and the leveraging of resources to support the employment and retention of people with disabilities.

ADA Live! (WADA) is a free monthly radio show broadcast nationally on the Internet. Listeners can ask questions and learn about their rights and responsibilities under the Americans with Disabilities Act (ADA). Leaders in the field share their knowledge, experience and successful strategies that increase the participation of persons with disabilities in communities and businesses.

ADA Live! is produced by the [Southeast ADA Center](#), a member of the [ADA National Network](#) and a project of the [Burton Blatt Institute \(BBI\)](#) at Syracuse University. Visit the [ADA Live! website](#) to learn more and add the LEAD Center's broadcast on Wednesday, October 1 at 1:00 p.m. ET to your calendar.

[Back to Top](#)

LEAD PEOPLE Bridget Brown, Executive Director - National Association of Workforce Development Professionals



Bridget Brown joined the [National Association of Workforce Development Professionals \(NAWDP\)](#) as Executive Director in January 2008. In this position, Brown leads efforts to strengthen our nation’s workforce development system and improve the skills and effectiveness of workforce professionals across the country. As NAWDP Executive Director, Brown works with elected officials to ensure appropriate workforce policies and designs training programs to enhance the effectiveness of workforce professionals. Prior to joining NAWDP, Brown was the Executive Director of America’s Career Resource Network Association where her efforts focused on improving the quality and availability of labor and career information provided to schools, prisons, and workforce centers. Brown has also served as the director of Program Development for the National Skill Standards Board at the U.S. Department of Labor, was the project co-director of the Manufacturing Skill Standards Council and associate director of Government Relations for the American Vocational Association. Brown is a Certified Workforce Development Professional (CWDP), a Global Career Development Facilitator Instructor (CGDFI), and has over 25 years of policy experience in personnel certification, workforce development, career and technical education, and advocacy.

[Back to Top](#)

LEAD PARTNERS Families and Work Institute



The Families and Work Institute (FWI), a partner of the LEAD Center, is a nonprofit organization dedicated to providing research for living in today’s changing workplace, changing family and changing community. Since the Institute was founded in 1989, FWI’s work has tackled issues in three major areas: the workforce/workplace, youth and early childhood.

Families and Work Institute’s research takes on emerging issues before they crest and includes some of the most comprehensive research available on the U.S. workforce. The Institute’s work

has helped change the language of debates to move the discussion forward toward more effective and data-driven solutions, and to result in action. In addition, because the Institute conducts some of the only research studies of its kind, its studies are quoted in the media daily and are cited by decision makers in business, government and the public.

As a nonprofit, nonpartisan research organization that studies the changing workforce, family and community, FWI tackles issues that are broad and timely, affecting life on and off the job.

FWI's current projects focus on:

- the effective workplace;
- the impact of the current economy on employers and their policies;
- workplace and career flexibility;
- gender and generation in the workforce;
- the health of the American workforce;
- the low-wage workforce and upward mobility;
- individuals with disabilities in the workforce; and
- the aging workforce.

FWI, in collaboration with the LEAD Center will analyze soon to be released research from the National Study of the Changing Workforce, from a disability perspective. A comprehensive report on the findings will be made available through the LEAD Center in 2015.

Ultimately, the Institute's work benefits American employers and employees, their families, their communities and the institutions that support them. For more information, visit www.familiesandwork.org, like FWI on www.facebook.com/FWINews and follow them on Twitter [@FWINews](https://twitter.com/FWINews).

[Back to Top](#)

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