

On behalf of a successful community program and the individuals who it serves, I write to express my concern and apprehension regarding the potential negative outcomes as a result of the Workforce Innovation Opportunities Act (WIOA) for Americans who have disabilities. As the Advisory Committee studies ways to increase Integrated Employment for Individuals with Disabilities created by this Act, there should be an understanding and acknowledgement of those individuals who could be collateral damage.

In the state of Arkansas, where we are located, our state licensing and funding entities are scrambling to interpret and anticipate the changes that might be required to comply with the act. As these far reaching decisions are being made, it appears that enacting the WIOA has become more important than discovering its effect on the lives of the persons it is intended to benefit.

Please allow me to address my concerns:

- **Choice** - The right to choose has become the mantra, our rally cry, as we've advocated for persons with disabilities. Professionals and programs have worked the past two decades to open doors and broaden the range of choices and tremendous progress has occurred. I struggle to believe that the intent of WIOA is to eliminate options but in fact, that appears to be its result.

Many exceptional programs that provide training and facility based employment will no longer receive the support and funding needed to be viable; removing an alternative from the menu of choices. We wholeheartedly support increasing opportunities such as supported and integrated community employment, but not at the expense of those who prefer facility based options. Why must there be one or the other when there are persons who can and do benefit from all these options?

- **Support Structure** – Persons with disabilities require varying and unique levels of support to ensure personal success. To my knowledge, this has not been addressed in the application of WIOA leaving a gaping, costly hole that cannot be ignored.

People currently receiving training and employment services in a facility based environment have access to agency transportation to the work site, supervision, and assistance as needed. At our program this can add up to 8 – 9 hours of service per day, Monday through Friday. How can this amount of support be provided through the WIOA model? If an individual works the average 15-hour supported employment work week, who will provide the other 25 – 30 hours per week of needed support? In Arkansas, applicants for Home and Community Based Medicaid Waiver Services have been on waiting lists for years; not a likely solution to the dilemma. How

will these individuals get to and from their job once the supports are removed? How much more difficult are the answers to these questions for persons who live in rural areas?

- **Unemployment** – Current data indicates that the average unemployment rate is 5.5% contrasted to the average unemployment rate of 17.6% for persons with disabilities. If programs that currently provide employment options for the disabled population are eliminated, imagine how an already elevated unemployment rate would increase. Even if a large number of individuals pursued the supported employment option, it takes a great deal of time and resources to develop jobs; recruit, hire, and train job coaches; and coordinate services. In the meantime, those people wanting to work are left with nothing to do but wait, a.k.a. unemployment.
- **One size does not fit all** – We hold fast to a philosophy that promotes individuality. We honor the uniqueness of the people we serve and make every effort to customize and adapt our program and job opportunities to fit the needs of the individuals performing them. To broaden the scope of this philosophy, we believe a wide array of employment options should be available. A successful opportunity for one person might be a disastrous experience for another. Consequently, people need to engage in the employment setting that best suits their personal needs. Further, funding should be available to support the option, selected by the *individual*, which best fits their needs.

Following that vein, all programs providing facility based training and employment are not created equal; some are excellent and well respected, others poorly operated with minimal benefits to those associated with it. Each should be judged on its own merit. The shadow of inadequate programs should not fall upon those, like ours, that are doing great things and helping people develop purposeful lives.

- **Integration into the “community”** – Much “to do” is being made about integrating people with disabilities into the community through employment. This concept has its merit but with realistic limitations. First you must define community: a group of individuals who share something in common. As human beings we each have the right to define who we choose as “community”. We prefer to work and play with others with whom we share commonality. With that in mind, why is it considered wrong when people with disabilities act upon their desire to surround themselves with others who have disabilities; with peers who can relate to their own life experiences? It should only be considered wrong if there are not other alternatives. It is our belief that it takes many smaller communal groups working together to make a strong universal community.

It is my understanding you will also be making recommendations regarding the use of the certificate program carried out under Section 14(c).

- **Section 14(c) FLSA** – 14(c) provides a fair compensation method for those whose production capabilities would preclude them from competitive employment opportunities. It is both fair to the individual and fair to the employer. I would however, make one comment regarding wording in the certificate. The statement “An individual whose earning or productive capacity is impaired” is an ambiguous one and needs further definition. But 14(c) is essential to ensure that individuals with significant disabilities remain employed.

In closing, it is our hope that consideration will be given to the impact WIOA will have not just on those individuals who will benefit, but also the impact on those who won't benefit. Adding and enhancing opportunities is good for people with disabilities, but it should not mandate elimination of other options.