

**Medicaid Infrastructure Grant Subcommittee Report**  
March 19, 2010 Council on Workforce Investment

The Medicaid Infrastructure Grant Subcommittee met on February 4, 2010.

**Recommendation to the CWI on the Workforce Investment Act's Reauthorization:**

**The Subcommittee supports the proposed disability-related additions and revisions in the House of Representatives reauthorization bill for improved service delivery for people with disabilities. The Subcommittee's specific recommendations are detailed in Attachment A.** The Subcommittee received a summary of the disability related additions to the House of Representatives reauthorization as well as highlights of the current discussions with representatives from the Employment and Training Administration, Office of Disability and Employment Policy. The Subcommittee requests that these recommendations be included in any communications from the CWI Chair or the Department of Workforce Development to Wisconsin's legislative delegation, national workforce organizations, or for other educational purposes.

Other highlights of the meeting included:

- ✓ Wisconsin Department of Health Services received \$ 13 million for 2010's Medicaid Infrastructure Grant (MIG) that will enable the continuation of a majority of the 80-plus Pathways to Independence initiatives targeted to maximize employment for people with disabilities (particularly those who are in the long-term managed care system) and increase inclusive workplaces.
- ✓ WorkSource Wisconsin efforts on informing employers about resources to enhance their employment of people with disabilities. Web-based and in-person seminars are provided. The 2010 webinar series topics include: Pre-employment testing; Is it performance, or is it disability?; Human resource issues in a difficult economy; Re-integrating military veterans in the workplace. The national MIG Media Campaign, Think Beyond the Label, kicked-off and is a CWI agenda item <http://www.thinkbeyondthelabel.com/>
- ✓ To optimize community-based, integrated and competitive employment for persons with disabilities, there were discussions on consumer informed choice of employment outcomes, issues on workplace personal assistance, and draft definitions on "vocational futures planning" and "supported employment" within the Family Care Services system.
- ✓ Paths to Employment Resource Center implementation was detailed. It will provide hardware and software throughout the state as a cost-effective system to improve integrated employment outcomes. The mission is to provide education, resources, research, and technical assistance to promote choice; increase integrated employment options; and expand opportunities for persons with disabilities to earn income and fully participate in community life.

The next meeting is scheduled for May 6, 2010.

**Attachment A  
Recommendations from the CWI MIG Subcommittee  
on the Workforce Investment Act Reauthorization  
Report for the March 19, 2010 CWI Meeting**

**Specific Disability-Related Key Provisions of the House of Representatives Bill Title I  
The Subcommittee supports the revisions and provides additional comments:**

**Additions to the current Workforce Investment Act Title I**

Requires the director who administers the vocational rehabilitation program to be a member of the State Council [*WI Governor's Council on Workforce Investment*]

Requires the State Council in their functions to assist the Governor: "development and review of statewide policies affecting the integrated provision of services through the one-stop delivery system... including... strategies for technology improvements to facilitate access to services provided through the one-stop delivery system in remote areas and for individuals with disabilities, which may be utilized throughout the State; identification and dissemination of information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies, including for hard-to-serve populations."

The State Plan required to be submitted every two [*was five*] years must address:

"a description of the procedures that will be taken by the State to assure coordination of and avoid duplication among" ... programs authorized under title II of the Social Security Act (related to Federal old-age, survivors, and disability insurance benefits), title XVI relating to supplemental security income, title XIX relating to block grants to States for social services, programs authorized under title VII of the Rehabilitation Act, and programs carried out by State agencies relating to mental retardation and developmental disabilities" and

"how the State will serve the employment and training needs of...low income individuals (including recipients of public assistance), individuals with limited English proficiency, homeless individuals, individuals training for nontraditional employment, and other individuals with multiple barriers to employment (including older individuals)" and

\* "how the State will serve the employment and training needs of individuals with disabilities, consistent with section 188 and Executive Order 12317 (42U.S.C. 12131 relating to community-based alternatives for individuals with disabilities) including the provision of outreach, intake, assessments, and service delivery, the development of performance measures...the training of staff, and other aspects of accessibility to program services, consistent with sections 504 and 508 of the Rehabilitation Act of 1973."

The above provision \* is also a requirement for the local area plans [*Wisconsin's 11 Workforce Development Areas/Boards*]

**Braided/blended funding should be required at the State level among the one-stop mandatory and suggested partner programs with memoranda of understanding as is required at the local level of mandatory one-stop partners in order to improve cross-program service delivery and non-duplication of funds.**

Additional one-stop partners may include "employment and training programs administered by the Social Security Administration, including the Ticket to Work program," and "programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental health, mental retardation, and developmental disabilities, State Medicaid agencies, State Independent Living Councils, and Independent Living Centers" [*The Governor has the authority to mandate additional partners as Governor Thompson did with the W-2 program*]

"Costs of the infrastructure" that all one-stop partners will be required to participate in funding is specifically defined as "the non-personnel costs that are necessary for the general operation of a one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, and equipment (including adaptive technology for individuals with disabilities)."

**In addition to the House bill requiring one-stop partner contributions for the purpose of assisting in paying the costs of the infrastructure of certified one-stop centers, dedicated funding is necessary for one-stop partners to systemically address the barriers that are identified through the use of Section 188 compliance reviews.**

**Fully-funded Benefits Specialist and a Work Incentives Specialist should be required for each certified one-stop. These specialists would greatly improve the ability of individuals with disabilities to determine what is available that will aid in successful training and employment outcomes, as well as analyze the "disincentives" of employment related to long-term care and social service supports.**

A new required local services activity for youth and out-of-school youth: "activities leading to the attainment of a secondary school diploma, General Educational Development credential, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities.)"

The Governor's WIA discretionary funds may be used for: "developing strategies for effectively serving hard-to-serve populations and for integrating programs and services among one-stop partners"... and "facilitating access through the use of technology."

A more specific local services activity for adults: "comprehensive and specialized assessment of the skill levels and service needs"... "which may include...in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals."

Discretionary local activity: "customer support to navigate among multiple services and activities for special participant populations that face multiple barriers to employment, including individuals with disabilities."

The definition for "special participant population that faces multiple barriers to employment" is changed to "Individuals with disabilities."

**The above provisions that will enhance services to persons with disabilities must also re-emphasize "packaging" the necessary services and additional resources to help the individual with a disability achieve their employment outcomes. Job Center staff need to be consistent in providing multi-program enrollment/braided funding, and arrange for the one-stop partners' and community agencies' services when the individual needs that support for their employment outcomes. This is in keeping with WIA that allows for supportive services (e.g. transportation, child care, etc.). This also reinforces the required provision in the one-stop partner memoranda of understanding on methods for referring individuals between the one-stop operators and partners.**

**The multi-program enrollment will also better serve individuals who are currently on waiting lists for training within the vocational rehabilitation program, and visa versa, individuals who need additional assistance with employment barriers through vocational rehabilitation. Individuals with disabilities need to be served through the broader workforce system reflecting the intent of WIA's "universal access" for services.**

**Reauthorization should further reinforce early intervention and demand-side employment models. For youth in particular, dovetailing the transition services and implementing employment goals from elements in individual's education plans would reduce duplication, create easier access for assistance, and advance self-sufficiency in the community.**

## Current WIA Title I language that remains

Definition of "individual with a disability" means an individual with any disability as defined in the Americans with Disabilities Act.

**This definition has seemed to work well when there are sufficient funds to meet participant need. It provides WIA services for persons with disabilities who are unemployed, or underemployed, but not necessarily in other social service programs.**

**However, when the Workforce Development Board determines that there are "insufficient funds" and the WIA "priority of service" provision is in play, it is recommended that the definition of disability to use is in the Social Security Act and associated regulations in 20 CFR. That is, disability is a medically determinable impairment that results in an inability to perform substantial and sustained work. This definition is used by SSA for their disability programs under Titles II (SSDI), XVI (SSI) and XIX (Medicaid). This would place priority of services for people with the severest disabilities among the other WIA priority populations.**

Definition of income for an individual with a disability in the regulations: "May an individual with a disability whose family does not meet income eligibility criteria under the Act be eligible for priority as a low-income adult? Yes, even if the family of an individual does not meet the income eligibility criteria, the individual with a disability is to be considered a low-income individual if the individual's own income" does not exceed the poverty line for a 6-month period, or, meets the income eligibility criteria for cash payments under Federal, State or local public assistance programs. This same definition also applies to eligibility for youth services."

Definition of eligible youth for services includes "an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment."

Definition of "self-sufficiency" that is included in a set of criteria in order to provide WIA funds for adult intensive and training services has the clause: "The special needs of individuals with disabilities or other barriers to employment should be taken into account when setting criteria to determine self-sufficiency."

## Private Sector Employers

**The House bill reduces from current law the employer match/contributions for companies with less than 250 employees in on-the-job training and customized training. Additional incentives need to be included for private sector employers to be active partners in training and mentoring. Employers and their managers need to be encouraged and compensated for the time from their typical work duties to mentor individuals who need real life career exploration activities. For example, individuals need to better understand what a job really entails, what could be accommodated, etcetera, before selecting a training path. These mentoring activities would ideally take place before any formalized work experience placement.**

## Disability Navigator

The federal Disability Program Navigator Initiative in 2003 helped to expand the capacity of the workforce system to better serve customers with disabilities. The Navigators serve as a resource to the workforce investment community, including employers, to bring together blended/braided resources around the customers' training and employment needs. This is the last grant year in Wisconsin to support the Navigators in the Job Centers although additional federal funds are anticipated to be available on a competitive basis.

**Require a fully-funded Disability Navigator in each certified one-stop center. Based on the past activities, the Navigators successfully contributed to the delivery of improved services for people with disabilities across the one-stop system. For example, the Disability Navigators in Wisconsin helped Job Center staff and partners find and secure the resources and services necessary to achieve the person's training and employment goals (as discussed previously). In addition, the Navigator Program at the federal level needs to continue with dedicated funding.**

General disability-related provisions that remain

The Act has nondiscrimination language along with regulations that provide a general definition of "reasonable accommodation" for individuals with disabilities. In essence, such accommodations are "modifications or adjustments," made on a case-by-case basis, "that enable a qualified individual with a disability... to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities." The Job Centers must be universally accessible to individuals with disabilities, including physical, programmatic, and communications accessibility.