



## **Arc Guide to Workforce Innovation and Opportunity Act (WIOA) for Individuals Under Age 25**

### **Background on the Workforce Innovation and Opportunity Act (WIOA)**

The Workforce Innovation and Opportunity Act (WIOA) is a federal law that was passed in 2014. WIOA is a large, comprehensive law that addresses numerous workforce programs across the country. The intent of the law is to help all job seekers access employment, education, training, and support services.

### **Impact on People with Disabilities**

Some parts of WIOA impact individuals with disabilities. One goal of WIOA is to ensure that all people with disabilities have the support they need to seek competitive, integrated employment. Competitive, integrated employment means a job in which a person makes at least minimum wage and works alongside people without disabilities.

The following are two parts of WIOA that concern people with disabilities:

#### *Pre-Employment Transition Services*

Vocational Rehabilitation Services (VRS)\* must collaborate with schools to provide Pre-Employment Transition Services (Pre-ETS) for all students with disabilities in need of such services as determined by the individual's Individual Education Program (IEP) team. The target population for this provision is students from grade 9 through age 21 who are receiving special education services. Pre-ETS are provided based on need, so a student is not mandated to receive activities that are not necessary for that student.

For those deemed in need of these services, Pre-ETS are designed to help students with disabilities begin to identify career interests. There are five required Pre-ETS activities:

- Job exploration and counseling
- Work-based learning experiences
- Postsecondary education counseling
- Workplace readiness training
- Instruction in self-advocacy



### *Section 511: Limitations on the Use of Subminimum Wage*

New requirements of WIOA went into effect on July 22, 2016, that place limitations on the use of subminimum wage. Subminimum wage jobs are jobs that pay less than the federal minimum wage. Often, though not always, jobs at center-based day programs pay subminimum wages. Some community-based group employment, such as work crews or enclaves, also falls into this category.

Those age 24 and under who are planning to enter subminimum wage employment:

- Can still choose to be employed at subminimum wage, but prior to beginning a subminimum wage job the person must:
  - Complete Pre-ETS while still eligible for special education services, AND
  - Apply for VRS and be determined ineligible, or found eligible but unsuccessful in competitive, integrated employment, AND
  - Receive career counseling, information, and referral to other resources that could assist in securing competitive, integrated employment, and their VRS case has been closed
- May refuse to apply for VRS; however, refusing to participate in the required activities will make the person ineligible for subminimum wage employment

Those age 24 and under who started working in subminimum wage employment prior to July 22, 2016:

- Must receive career counseling and information and referral services (also called the informed choice process) every 6 months during the first year of subminimum wage employment, then annually thereafter
- May refuse to participate in career counseling and information and referral services, but refusing to participate will make the person ineligible for subminimum wage employment

### **What does all of this mean for me?**

All individuals with disabilities must make an informed choice about the type of employment they wish to seek. An informed choice means the person has had the opportunity to explore and understand all of her/his options, ways to overcome barriers to those options, and the potential risks and benefits of those options.



Students should connect with the VRS counselor assigned to their school in order to begin the Pre-ETS activities. If you are not sure who the VRS counselor is, ask a teacher. Those who are already employed at subminimum wage should receive information from their service provider about connecting with the Metropolitan Center for Independent Living (MCIL) to begin career counseling services. MCIL has been contracted by VRS to perform the career counseling and information and referral services in the Twin Cities metro area.

*\*See the Arc Guide to Vocational Rehabilitation Services for more information on VRS*

**For further information or advocacy services, contact The Arc Minnesota at 952-920-0855 or toll-free at 833.450.1494 or visit [www.arcminnesota.org](http://www.arcminnesota.org).** (Please note: *This document is not legal advice, and should not be construed as such. Thus, no information herein should replace the sound advice of an attorney.*)

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