



May 4, 2016

U.S. Senator Lamar Alexander
Chairman
Senate Committee on
Health, Education, Labor & Pensions (HELP)
United States Senate
SD-428 Dirksen Senate Office Building
Washington, DC 20510

U.S. Senator Patty Murray
Ranking Member
Senate Committee on
Health, Education, Labor & Pensions (HELP)
United States Senate
SD-428 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

As an advocacy network of national organizations representing persons with significant intellectual and developmental disabilities, we write to express our concerns with the actions that Source America has requested that Senators take on behalf of their organization in regards to influencing the regulatory process for the Workforce Innovation and Opportunity Act (WIOA).

The crux of our work is to promote major systemic reform of the nation's disability laws and programs so that people with significant disabilities can become employed, live independently in an inclusive community, and rise out of poverty. SourceAmerica has made a number of requests to Congress that prove problematic, are counter to the intent of WIOA and are in direct opposition to what CPSD advocates for on behalf of people with significant disabilities. We ask that you allow the regulatory process to continue without congressional intervention and to respect the thousands of public comments that have been received by the Departments of Education and Labor with respect to WIOA implementation. CPSD's rebuttal to SourceAmerica's misguided requests are as follows:

CPSD opposes any exception in WIOA regulations that would allow employees with disabilities to be segregated from other employees without disabilities

Placing individuals with the most significant disabilities in segregated work units is counter to Title IV of WIOA and proposed regulations that pertain specifically to this population and that have been developed, with bipartisan agreement, specifically to divert them from these settings. SourceAmerica's "ask" suggests that those with the most significant disabilities should be segregated by suggesting that the definition of competitive integrated employment (CIE) be changed to allow for the segregation of these individuals by omitting the phrase "work unit." CPSD would like to remind Members of Congress of [one of the primary] the intents of WIOA – which is to increase the employment opportunities for individuals with intellectual or developmental disabilities or other individuals with significant disabilities in competitive integrated employment. The regulations provide reasonable clarification of what is included in the WIOA and assures that work placements are not in violation of Olmstead by assuring that



employees are placed in the “most integrated setting.” In the case of WIOA, an *integrated setting* means that employment:

(ii) Is at a location—

(A) Typically found in the community; and

*(B) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular **work unit** and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and*

(iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

(Authority: Sections 7(5) and 12(c) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 705(5) and 709(c))

Under the law, there is no sub-definition of work unit; it is simply a referral to the fact that integration *must occur within the work unit as well as the workplace as a whole*. The segregation of individuals with disabilities has been shown to be detrimental to individuals with disabilities – it denies an adult with a disability the opportunity to make meaningful job choices. Almost all of the options within a sheltered workshop are unskilled, low-wage jobs with few, if any, benefits. The limited array of employment choices directly impacts an individual’s capacity to live a full, rich life as an active, tax-paying member of the community. When discussing the concept of choice as it applies to people with disabilities, the central conclusion should be that all people, even those with the most significant disabilities, have the right to enjoy the same choices and options as other people in society.

CPSD asserts that referrals to the AbilityOne Program and State Use Programs must not be considered as acceptable employment outcomes, as they do not represent competitive integrated employment.

The point of prohibiting Vocational Rehabilitation agencies from counting referrals to sheltered workshops as successful closures is to limit the use of these models, as they segregate the individuals that are served from the rest of the working population, limiting their exposure to the rest of society and their ability to develop skills that would enable them to obtain real jobs in typical job settings. Furthermore, individuals with the most significant disabilities are rarely employed on these contracts and are overwhelmingly placed in day habilitation programs. CPSD does not support any proposal that would expand or change the definition of “most significant disability.” Specifically, the law nor proposed regulation makes no direct reference to Ability One and therefore, the request for the exception --that other disability service providers would not receive – is inappropriate. Therefore, We ask Congress to uphold the intent of WIOA Title IV as agreed to in the legislation.



Given that Source America is the subject of a federal grand jury investigation “corruption and cronyism in what sources say could be the biggest fraud case ever in a U.S. government agency” (CNN), it would be wise to let the regulatory process unfold without undue influence from those whose interests are not always aligned with those who are served by the workforce system. Provided this, in combination with our rationale above, we ask that you allow the regulatory process to continue without your intervention and to respect the thousands of public comments that have been received by the Departments of Education and Labor with respect to the WIOA.

CPSD appreciates your continued support to help thousands of individuals with the most significant cognitive disabilities receive the training, support and transition services needed so they become employed in competitive, integrated employment. This is the path forward to ensure that people with intellectual disabilities can meaningfully participate in society, live in inclusive setting and gain the independence they desire.

Sincerely,

A handwritten signature in black ink that reads "Barb Trader". The signature is written in a cursive, flowing style.

Barb Trader
Chair, CPSD

cc: United States Senate