

# ***Overview and Discussion of Federal Regulations on Services to Business***

**U.S. Department of Education  
Office of Special Education and Rehabilitative Services  
Rehabilitation Services Administration**

# Overview – WIOA's Emphasis on Employer Engagement

## *Title I of the Workforce Innovation and Opportunity Act (WIOA):*

- Reinforces that businesses are best able to inform the workforce development system on how to better align programmatic services with industry needs, thereby increasing the potential for all job-seekers, including those with disabilities, to achieve competitive integrated employment.
- Places a premium on industry or sector partnerships and proven strategies, including apprenticeships and work-based learning experiences, to deliver high-quality worker training.

# Overview – WIOA's Emphasis on Employer Engagement (cont.)

- Strengthens and improves existing Career Pathways for all job-seekers and workers.
- Emphasizes the importance of meeting employers' needs by incorporating them into the performance accountability measures applicable to all core programs of the workforce development system, including the VR program.

# Overview – Rehabilitation Act’s Emphasis on Employer Engagement

***Title I of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by title IV of WIOA:***

- Emphasizes the importance of fostering working relationships between the VR agencies and business, thereby enabling the development of:
  - Work-based learning opportunities for students and youth with disabilities; and
  - Employment opportunities in the community for individuals with disabilities, including those with the most significant disabilities.



# Overview – Rehabilitation Act's Emphasis on Employer Engagement (cont.)

- Expands the scope of services that VR agencies may provide to employers for the benefit of assisting individuals with disabilities to achieve competitive integrated employment.
- Through these relationships with business, VR agencies are able to provide the services necessary to assist individuals with disabilities to gain the requisite skills and training, thereby promoting careers that match employers' needs in the local area.



# Overview – Planning for Building Relationships with Employers

- Section 101(a)(11) of the Rehabilitation Act requires the VR services portion of the Unified or Combined State Plan include assurances about cooperation, collaboration, and coordination efforts between the VR agencies and other entities, including employers.
- State planning requirements related to building relationships with employers focus on two different aspects of the relationship, namely the cooperative efforts between:
  - The workforce development system – of which the VR agency is a part – and employers (section 101(a)(11)(A) of the Rehabilitation Act); and
  - VR agencies and employers directly (section 101(a)(11)(E) of the Rehabilitation Act).

# State Planning Requirements – with Components of the Workforce Development System

- VR agencies must enter into cooperative agreements with other components of the workforce development system (section 101(a)(11)(A) of the Rehabilitation Act).
- The agreements must, among other things, establish cooperative efforts with employers to:
  - Facilitate job placement; and
  - Carry out any other activities that the VR agencies and employers determine to be appropriate (section 101(a)(11)(A)(iv)).



# State Planning Requirements – with Employers

- VR agencies must describe, in the VR services portion of the Unified or Combined State Plan, how they will work with employers to identify competitive integrated employment and career exploration opportunities (section 101(a)(11)(E) of the Rehabilitation Act).
- The description must describe how these efforts will facilitate the provision of:
  - VR services; and
  - Pre-employment transition services and transition services for students and youth with disabilities, as applicable.

# Business Membership on the SRC

- Of the 15 minimum members that compose the State Rehabilitation Council (SRC), four must be representatives of business, industry, and labor (section 105(b)(1)(A)(iv) of the Rehabilitation Act and 34 CFR 361.17(b)(1)(vi)).
- As a result, business, industry, and labor constitute more than a quarter of the SRC's minimum membership requirements.
- Such representation highlights the importance of employers' perspectives in fulfilling the SRC's functions and guiding the VR agency as it serves individuals with disabilities.
- These representatives provide the opportunity to develop relationships with new employers or model existing positive relationships with employers, thereby providing a valuable resource to the VR agencies when satisfying the State Plan requirements related to coordination efforts with employers.

# Overview – Legal Authority to Serve Employers under the VR Program

- Training and Services to Employers
  - Section 109 of the Rehabilitation Act
  - 34 CFR 361.32
- Services to Groups
  - Section 103(b) of the Rehabilitation Act
  - 34 CFR 361.49
- Administrative Costs
  - Section 7(1) of the Rehabilitation Act
  - 34 CFR 361.5(c)(2)

# Overview – Legal Authority to Serve Employers under the VR Program (cont.)

- Final regulations implementing amendments to the Rehabilitation Act made by WIOA:
  - Published at 81 FR 55629 (Aug. 19, 2016);
  - Took effect September 19, 2016 – 30 days after publication; and
  - Found at:  
<https://www.federalregister.gov/documents/2016/08/19/2016-15980/state-vocational-rehabilitation-services-program-state-supported-employment-services-program>

# Training and Services to Employers

- VR agencies may expend VR funds to educate and provide services to employers who:
  - Have hired individuals with disabilities; or
  - Are interested in hiring individuals with disabilities (section 109 of the Rehabilitation Act).
- VR agencies may use Federal VR grant funds and non-Federal funds used for match and maintenance of effort (MOE) purposes to pay for these expenditures.

# Training and Services to Employers (cont.)

- Under this authority, VR agencies may:
  - Provide training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the Americans with Disabilities Act of 1990 (ADA) and other employment-related laws;

# Training and Services to Employers (cont.)

- Work with employers to:
  - Provide opportunities for work-based learning experiences (including internships, short-term employment, apprenticeships, and fellowships), and opportunities for pre-employment transition services;
  - Recruit qualified applicants who are individuals with disabilities;
  - Train employees who are individuals with disabilities; and
  - Promote awareness of disability-related obstacles to continued employment.



# Training and Services to Employers (cont.)

- Provide consultations, technical assistance, and support to employers on workplace accommodations, assistive technology, and facilities and workplace access through collaboration with community partners and employers, across States and nationally, to enable the employers to recruit, job match, hire, and retain qualified individuals with disabilities who are VR applicants or consumers; and
- Assist employers with utilizing available financial support for hiring or accommodating individuals with disabilities.

# Preamble Guidance on Training and Services to Employers

## *Workplace Accommodations*

- Section 109(1) of the Rehabilitation Act:
  - Permits VR agencies to provide training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the ADA and other employment-related laws; and
  - Does not relieve employers of their requirements to provide reasonable accommodations that may be required under the ADA or other employment-related laws.

# Preamble Guidance on Training and Services to Employers (cont.)

- The Department did not include language in the final regulations to describe specific accommodations that are incumbent upon employers to provide because that does not fall under its purview or within the scope and authority of these regulations.
- The responsibility of employers to provide workplace accommodations is within the jurisdiction of the Equal Employment Opportunity Commission, which is charged with the enforcement of title I of the ADA.

# Preamble Guidance on Training and Services to Employers (cont.)

## *Registered Apprenticeships*

- Use of the term “apprenticeships”, as an example of a work-based learning experience, does not include Registered Apprenticeships because:
  - Registered Apprenticeships, according to Department of Labor regulations, are likely to result in a job; whereas
  - Apprenticeships, as described in title I of the Rehabilitation Act, are designed to provide individuals with disabilities, including students with disabilities, with work-based learning and career exploration opportunities.



# Preamble Guidance on Training and Services to Employers (cont.)

## *Establishment of “Statewide/Regional/Local Employer Advisory Councils”*

- Although section 109 of the Rehabilitation Act does not require VR agencies to engage in this type of activity, there is nothing in the Rehabilitation Act or its implementing regulations to prohibit such activities.



# Overview – Services to Groups

- VR agencies may provide the following VR services to employers for the benefit of groups of individuals with disabilities:
  - Technical assistance to businesses that are seeking to employ individuals with disabilities (section 103(b)(5) of the Rehabilitation Act and 34 CFR 361.49(a)(4)); and
  - The establishment, development, or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998 to promote access to assistive technology for individuals with disabilities and employers (section 103(b)(8) of the Rehabilitation Act and 34 CFR 361.49(a)(8)).



# Services to Groups – Technical Assistance to Employers

- VR agencies may provide technical assistance to all businesses interested in hiring individuals with disabilities (section 103(b)(5) of the Rehabilitation Act and 34 CFR 361.49(a)(4)).
- This particular provision is broader than what existed under the Workforce Investment Act of 1998 (WIA).
- Under WIA, this provision permitted VR agencies to provide technical assistance and support services only to those businesses that were not subject to title I of the ADA.

# Services to Groups – Assistive Technology-Related Services to Employers

- VR agencies may expend VR funds for the establishment, development, or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998 to promote access to assistive technology for individuals with disabilities and employers (section 103(b)(8) of the Rehabilitation Act and 34 CFR 361.49(a)(8)).
- The authority to provide this service is for the benefit of groups of individuals with disabilities – not to meet individual needs of any one person.

# Services to Groups – Assistive Technology-Related Services to Employers (cont.)

- The purpose of this provision is to “promote access” to assistive technology for individuals with disabilities – not to provide the actual assistive technology devices.
- If an individual with a disability needs an assistive technology device to obtain, maintain, or regain employment, the VR agency must work with the employer to determine the appropriate entity to pay for the device. If the VR agency pays for the device, it must do so in accordance with the individual’s approved IPE.

# Administrative Costs – Technical Assistance to Employers

- Section 7(1) of the Rehabilitation Act and 34 CFR 361.5(c)(2) defines “administrative costs” as including, among other things, the expenditures incurred in providing technical assistance and support services to businesses and industries, except for those services provided in accordance with section 103(b)(5) and 34 CFR 361.49(a)(4)).
- With the amendments made by WIOA to section 103(b)(5) of the Rehabilitation Act, VR agencies no longer need to rely on this provision to provide technical assistance to employers because section 103(b)(5) and 34 CFR 361.49(a)(4) now permit VR agencies to provide technical assistance to all businesses (See earlier slide related to Services to Groups – Technical Assistance to Employers).

# **Administrative Costs – Technical Assistance to Employers (cont.)**

- However, VR agencies may still use this authority to provide support services to employers because WIOA eliminated the authority to provide such services to businesses under section 103(b)(5). Therefore, such expenditure could constitute a permissive administrative cost.

# Order of Selection (OOS) Exemption – Benefit to Employers

- VR agencies may elect to serve eligible individuals, regardless of whether these individuals are receiving VR services under the OOS, who require specific services or equipment to maintain their employment (section 101(a)(5)(D) of the Rehabilitation Act and 34 CFR 361.36(a)(2)(v)).
- While this authority does not constitute a service to employers, per se, it benefits employers by promoting employee retention.

# RSA's Business Roundtables

- In FY 2016, RSA began the process of working with employers at the Federal level through a series of Business Roundtable discussions.
- RSA hosted employers from the following sectors:
  - Federal Contracting
  - Healthcare
  - Banking/Finance
  - Information Technology

# RSA's Business Roundtables (cont.)

- RSA encourages State VR agencies to implement similar events and begin by the dialogue by welcoming employers from their States or regions to their offices.
- RSA also encourages State VR agencies to meet employer needs by continuing to work with human resource firms and other organizations that focus on workplace diversity and talent acquisition.

# VR Agency Coordination with Employers – State Plan Description (g)

- Description (g) of VR services portion of the Unified or Combined State Plan, formerly known as Attachment 4.8(b)(5), details how the VR agency “will work with employers to identify competitive integrated employment and career exploration opportunities in order to facilitate the provision of VR services and transition services, including pre-employment transition services, for students and youth with disabilities.”

# **VR Agency Coordination with Employers – State Plan Description (g) (cont.)**

- The following examples are provided for the user's convenience. The inclusion of these examples is not intended to reflect their importance, nor is it intended to endorse any views expressed, or products or services offered. The opinions expressed in any of these examples do not necessarily reflect the positions or policies of the U.S. Department of Education (Department), and the Department does not control or guarantee the accuracy, relevance, timeliness, or completeness of any outside information included in these examples.

# Examples of VR Agency Coordination with Employers – California-Combined

## *Utilizing Labor Market Information (LMI)*

As a component of its Business Engagement priority, California DOR established a goal of providing field guidance to its districts on how to use current local and regional LMI during the consumer planning and placement process. To achieve this goal, the VR agency will:

- Host quarterly statewide (or regional) calls addressing different sectors (e.g. finance, transportation, and healthcare) with businesses and VR staff;
- Lead discussions about career pathway options within those businesses to educate VR staff;

# **Examples of VR Agency Coordination with Employers – California-Combined (cont.)**

- Recruit business partners to participate in the calls; and
- Partner with the California Employment Development Department, local Workforce Development Boards, America's Job Center of California, and the Chambers of Commerce and economic development agencies to provide LMI and identify areas for competitive integrated employment.

# Examples of VR Agency Coordination with Employers – Illinois-Combined

## *Partnering with Workforce Agencies to Align with Regional Employment Sectors*

- The VR agency is participating in the regional planning process in partnership with Illinois' local workforce boards. Within each of Illinois' ten economic development regions (EDRs), extensive data analysis has been conducted to identify employment sectors that are most likely to account for job growth and expansion in the next five years. The employers in these key expansion sectors will be those that the VR agencies and other programs target for the highest level of business engagement, including discussions around establishment of work-based learning experiences.

# Examples of VR Agency Coordination with Employers – Ohio-Combined

## *Optimizing On-the-Job Training*

- The VR agency plans to reintroduce one-the-job training (OJT), as a service to eligible individuals, to facilitate increased skill gains and wages. This will allow the VR agency to work with employers to hire individuals with disabilities into more skilled and higher paying positions within their businesses.

# Examples of VR Agency Coordination with Employers – Ohio-Combined (cont.)

- The VR agency plans to align its OJT policy and procedures with WIOA title I-funded OJT services, as much as possible, by using the same forms, training plan templates, agreements, and invoice template. Aligning VR's OJT services with those services funded under title I will make it easier for the employers who are accustomed to title I-funded OJT to also work with VR consumers on VR-funded OJT. This also supports better alignment across workforce programs.

# Examples of VR Agency Coordination with Employers – New Jersey-General and Blind

## *Connecting with Business via Talent Networks*

- Implementing a sector strategy approach, the VR agencies have connected with New Jersey's nine Talent Networks in the following key industries: Advanced Manufacturing, Financial Services, Healthcare, Life Sciences, Retail, Hospitality/Tourism, Technology, and Transportation, and Logistics/Distribution. Talent Networks consist of industry experts, led by colleges, universities, and business organizations and they partner with employers, educational institutions, and workforce organizations while providing assistance to students and job-seekers. Talent Networks focus on:
  - Developing industry intelligence; and
  - Developing high-quality, employer-driven partnerships.

# Examples of VR Agency Coordination with Employers – New York-General

## *Recognizing Businesses during National Disability Employment Awareness Month (NDEAM)*

- Each year the VR agency recognizes outstanding businesses during NDEAM. This nationwide campaign raises awareness about disability employment issues and celebrates the contributions of America's workers with disabilities, past and present, and the businesses that hire them.

# Examples of VR Agency Coordination with Employers – Georgia-Combined

## *Employer Engagement Panel Discussions*

- The goals of the Employer Engagement Panel Discussions are to:
  - Engage the business community by specifically targeting industry segments and allowing them to provide GVRA with their industry perspectives including strengths, weaknesses, opportunities and threats;
  - Provide a forum to clarify and explain the purpose and aims of the VR program and agency; and
  - Collaborate with other State agencies to support VR consumers in obtaining long-term and meaningful employment.

# Examples of VR Agency Coordination with Employers – Georgia-Combined (cont.)

- Georgia's Industry Segments (sectors) with sample employer relationships:
  - Retail/Commercial: Belk, Regions, JHOSS
  - Manufacturing/Logistics: JB Hunt, G&K Services, Yamaha Motor Manufacturing, Hyundai PowerTech, UPS, Mando, CSX, International Paper
  - Federal/Military: Delta, Manpower, Colsa Corp
  - Hospitality: Coca-Cola, Kroger
  - Hospital/Medical: Grady, Tanner Health Systems
  - Communication/Technology: SunTrust, Equifax, Rollins, Technicians USA

# Examples of VR Agency Coordination with Employers – Nebraska-General

## *Incorporating Rapid Engagement Strategies*

- The VR agency recently extended its emphasis on job-driven initiatives with the implementation of a “Meet You Where You Are” model. This model focuses on rapid engagement (Progressive Employment) with the aim of engaging individuals in an element of work as quickly as possible. VR staff are actively involved in recruiting individuals to participate and connecting businesses with the VR agency on rapid engagement activities.

# Job-Driven Vocational Rehabilitation Technical Assistance Center (JD-VRTAC)

<http://www.explorevr.org/>

The screenshot shows the homepage of the ExploreVR website. At the top, there is a navigation menu with links for HOME, PUBLICATIONS, WEBINARS, PROJECTS, TOOLKITS, and DATALAB. A search bar is located on the right side of the navigation bar. Below the navigation bar is a large banner with the text "ExploreVR" in a blue, sans-serif font. The letter "o" in "Explore" contains a yellow sunburst icon. Below the banner, there is a white box with a blue border containing the text "Welcome to ExploreVR!" and a paragraph describing the website's purpose. Below this is a blue banner with the text "Job-Driven Toolkits". Underneath the blue banner is a white box with a blue border containing a paragraph about the Job-Driven Toolkits. At the bottom of the page, there are three blue buttons with white text and icons: "BUSINESS ENGAGEMENT" with a briefcase icon, "EMPLOYER SUPPORTS" with a person icon, and a partially visible button on the left.

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## ExploreVR

Informing Research, Policy, and Practice

**Welcome to ExploreVR!**

ExploreVR offers vocational rehabilitation (VR) agencies easy and convenient access to a range of VR research, related data, and tools for planning, evaluation, and decision-making.

### Job-Driven Toolkits

The **Job-Driven Toolkits** provide resources on promising and emerging job-driven strategies from the field. The toolkits help embed and sustain job-driven VR practices that lead to improved employment outcomes for people with disabilities.

**BUSINESS ENGAGEMENT**   **EMPLOYER SUPPORTS**



# Job-Driven Vocational Rehabilitation Technical Assistance Center (JD-VRTAC) (cont.)

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# Questions

**Please refer questions to your RSA State Liaison**

**Thank You!**