

WIOA and Lead agency webinar question and answers

What if DTH youth are earning more than the Fed Min Wage through piece rate at a place that has a 14c, but they would not earn the 9.50 state min wage?

Answer: As long as the person is earning above the federal minimum wage (\$7.25), they are not required to participate in the WIOA informed choice process. However, the youth cannot fall below earnings of \$7.25 per hour without having completed the WIOA youth process.

Are there any examples on how to provide services for those graduating so parents can keep working?

Answer: Families have been successful coordinating services during the day when their dependent family member works part time. Families have combined services like day training and habilitation, independent life skill, personal supports and PCA services for support when their dependent family member is not working. If the new graduate is not working, she or he can also access any waiver services that are an assessed need. If she or he has not completed the WIOA youth process, she or he cannot earn a subminimum wage as a component of her or his day or employment services.

Are there any resources or suggestions for competitive employment in rural areas in which DT&H is often the only available work opportunities. Or in small communities in which many employers have negative perceptions?

Answer: Sometimes smaller or more rural areas have an advantage over larger cities when it comes to people with disabilities finding and keeping jobs. This is because of the relationships and tight networks that are often found in smaller communities that can lead to employment. However, we are aware of the limited provider capacity to support employment. Although the state is working at increasing provider capacity, we know it doesn't happen overnight and continues to be a challenge.

The discovery tool can be used for these rural areas to work with independent and small businesses.

This was an excellent suggestion from one of the webinar participants. The discovery process is a component of customized employment and is a unique way to learn about a person and what her or his skills and interests are relating to work. You can find more information here: [Office of Disability Employment Policy: Customized Employment](#)

Has VRS or DHS done any work on enlisting the support of employers? or maybe the understanding that Employers have about WIOA and our challenge to obtain employment for folks.

Answer: VRS employs Placement Coordinators who are strategically placed on VRS Teams that provide Job Development and Retention Services for VRS clients. These Placement Coordinators engage with Employers on a daily and weekly basis and make the case for the benefits of hiring individuals with disabilities. Minnesota also has many Community Rehabilitation Providers throughout the state that engage with employers in this same manner. What has not yet occurred, but will in the coming months and years is developing capacity within the VR community relating to Customized Employment. While there are some similarities to "traditional" placement, there are also key differences including how Placement Professionals engage with business.

Also, the more people with disabilities work, the more people with disabilities will work. As people, communities and businesses begin to see people with disabilities working more and more often, it will help change the expectations and culture regarding people with disabilities and their value in the workplace.

What if you have an adult who did the first initial meeting for the WIOA, and does not want to change anything in their work. Some individuals do not want change and do not like to have more meetings than they already have.

We understand that this process may be confusing or frustrating for some people. The CILs staff are advocates that will meet the person where they are during the Career Counseling Information & Referral process. If an individual wants to continue to earn subminimum wages the CIL will let them know that is fine, they just need to talk about other options available to them in case they ever change their minds and want a competitive, integrated job. The CIL staff will also explain to them that they will come back in a year (or in 6 months if they are in their first year of earning subminimum wages) to talk to the person about if she or he is still happy or if they would like a change. The reason that the Career Counseling Information & Referral process is repeated on a regular basis is to make sure that employment is viewed as an option throughout a person's life, not just at one time.

Do the 8 CILs serve ALL counties in MN? In reviewing the map on the Minnesota Association of Centers for Independent Living (MACIL) website, I see that there are roughly 11 counties that are not highlighted as assigned to one of the 8 CILs. In these counties, how is it determined which CIL will be serving them?

Answer: The 8 CILs do serve ALL counties in MN. The map on the Minnesota Association of Centers for Independent Living (MACIL) website is not reflective of the WIOA Section 511 work. All 87 counties are covered by the 8 CILs for the purposes of WIOA Section 511. If you have questions about an "unserved" county, please contact Brad Westerlund at brad.westerlund@state.mn.us

Is the requirement of meeting annually 1:1 with clients met when CILS groups are having one large group presentations about WIAO? Or are clients expected to schedule a time to meet 1:1 after this meeting?

Answer: No. We understand that some individuals, parents and/or guardians are asking to hold the 1:1 session immediately following the large group presentation. The CIL staff are doing their best to accommodate those requests.

Referring to slide #22 - who deems "Unsuccessful"? eg. "Apply for VRS and be determined ineligible or found eligible but unsuccessful* in competitive integrated employment and their VRS case was closed, and..."

Answer: This would be the VRS Counselor

As a lead agency, would we still refer to vocational rehab after team meeting with CIL when the person has been identified as desiring supportive employment prior to using waiver dollars?

Answer: Whether or not a person should be referred to VRS for employment services following a CILS meeting will be based on each person's situation and support needs. A referral to VRS is not required if the person's needs are best served through waiver employment services not available through VRS. For

more information regarding waiver and VRS service authorization please see the SES Briefcase resource documents: [Supported employment services funding for adults](#) and [Supported employment services for youth in transition](#) found in the CBSM.

Can a person make minimum wage on one day and then go to a DTH and earn subminimum wage on another day?

Answer: Absolutely. Working competitively does not impact a person's ability to access other waiver services when not working, nor does it impact a person's ability to earn a subminimum wage. However, even if a person is working competitively part time, they must complete the WIOA process and requirements related to their age (under 25 or 25 and older) if she/he also earns a subminimum wage.

I just want to be clear- adults making sub-minimum wage who refuse the process will not be able to stay with their 14c employer? Would the 14c employer ever raise their wage to keep services?

Answer: If a person refuses the WIOA process, they can no longer earn subminimum wages. However, most 14c employers are day and employment **service providers** through waiver or county funding. A person can refuse the WIOA process and continue to receive services through her/his provider, they just cannot continue to earn a subminimum wage as a component of the service. A provider could increase the person's wage to minimum wages or above, or provide other day or employment services that do not involve paying the person subminimum wages and some providers are doing that.

If an individual is under guardianship, can CIL meet with the person without the guardian present?

Answer: There are cases where the guardian is not able to be present at the meeting with the individual, often due to the fact the guardian lives out of state or is unable to travel for the meeting. The Center for Independent Living (CIL) staff make every effort to have a conversation with the guardian to tell them about the WIOA 511 process. If they are not able to attend the meeting in person, CIL staff offer other ways to participate in the meeting such as by Skype or phone conferencing. Our strong preference is that the guardian attend this meeting with the individual, but it just is not always possible. In some cases, guardians have given permission for the CILs to go ahead and meet with individuals and have signed off on the forms.

What happens if the person is vocalizing that they would like community integrated competitive job, but there are safety barriers to this?

Answer: This situation really speaks to the importance of the meeting that is coordinated by the CIL staff that occurs following a YES response to the Career Counseling Information & Referral process. The support team which includes the parent, guardian, social worker/case manager, as well as the day/employment service provider know the person very well and can speak to the support needs of the person and considerations for competitive employment. The team will need to look at the person's goals, interests and skills as well as the risk associated, then explore what supports/options are available to help mitigate the risks and help the person attain her or his competitive integrated employment goal. Often with good team collaboration and creativity a solution can be developed. There are times where that isn't possible and alternative exploring and planning with the person will be required.

If a DT&H pays a person \$7.25/hour is it considered working competitively or does the person need to be more integrated in their work?

Answer: Here we need to distinguish between the Workforce Innovation & Opportunity Act (WIOA) and Minnesota's Olmstead Plan & HCBS regulations. With WIOA, the focus is people being paid less than the federal minimum wage. The Olmstead plan and the HCBS rule change focus on choice and integration. This webinar is focused on WIOA's Section 511 and therefore the emphasis is on those earning less than the federal minimum wage of 7.25 an hour and giving subminimum wage earners an opportunity to tell us on an annual basis about their interest in working in employment that pays the federal minimum wage or higher. The overall state goal remains that people who want to work in a competitive, integrated job have the opportunity and supports they need to achieve that goal.

Minnesota's minimum wage is set higher than the federal minimum Wage. How are providers able to only pay a federal minimum wage in Minnesota, and what consequences might they face if they only pay federal minimum wage if that situation presents itself.

Answer: For the purposes of WIOA, Section 511, the definition of subminimum wage is below the federal minimum wage. The federal Department of Labor Wage & Hour Division (WHD) set the bar at the federal minimum wage of 7.25 an hour. The federal Department of Labor is the enforcer of the 511 regulations, therefore there are no consequences for a 14c employer paying individuals the federal minimum wage.

According to DOL, it is now called Special Minimum Wage instead of Subminimum Wage. Will this language be changed in Vocational Rehab's language?

Answer: DEED-VRS uses the term "subminimum wage" as called out in the federal final regulations. DEED-VRS is the responsible entity Designated State Unit (DSU) to ensure the Career Counseling Information & Referral process is completed at least annually for any sub minimum wage earner made known to us. DEED-VRS reports to the Rehabilitation Services Administration (RSA) which developed WIOA Regulations.

I know that older clients after 65 maybe interested in part-time employment, and while looking for employment they would need to consider how much they are able to earn while on S.S. so they are not deducted. Also are there resources for this age group?

Answer: Minnesota has excellent resources and information available regarding the impact of work on benefits and people are almost always better off working. You can find benefit and work information online at DB101.org and for more detailed information and to access a benefit specialist you can use the "Talk to an Expert" feature on the website or call the Disability Linkage Line on 1-866-333-2466. You can also find resources for people over 65 at the Senior Linkage Line on 1-800-333-2433. For the purposes of WIOA, Section 511, Career Counseling, Information, and Referral services apply to individuals earning subminimum wage who are 25 years old or older (or who are less than 25 years old, but were working in subminimum wage prior to July 22, 2016) including those over 65.

On the WIOA process chart on slide 44, what does the "Attend Info Session" refer to? Is it separate from the individual meeting with the CIL?

Answer: The CILs are providing "Information Sessions" for guardians/families, individuals, etc. to learn about what the WIOA, Section 511 requirements are and what they mean. This is a brand new process

for everyone, so we want to make sure people understand what the Career Counseling, Information, and Referral services mean. This is separate from the individual 1:1 meeting.

What role can ctic's play in WIOA? (county transition interagency committees)

Answer: CTICs are an excellent venue to support the planning and coordination of effective pre-employment transition services for youth served in the district/s. CTICs can also help make connections with local businesses and the community to highlight and grow the expectation that youth with disabilities will work as well as help develop job opportunities for youth.

I work mainly with those who would fall under the 25 & older. Would benefits/ supports for our clients be at risk? In a 'competitive' job, could they potentially earn more than is allowed for them to receive supportive services (ie: MA/waiver services)?

Answer: Minnesota has excellent resources and information available regarding the impact of work on benefits and people are almost always better off working. You can find benefit and work information online at DB101.org and for more detailed information and access to benefit specialists you can use the "Talk to an Expert" feature on the website or call the Disability Linkage Line on 1-866-333-2466. You can also find resources for people over 65 at the Senior Linkage Line on 1-800-333-2433.

The Career Counseling, Information, and Referral process is not meant to force anyone to do something they do not want to do. The goal is to provide career counseling, information and referral by holding a meaningful conversation about work using a person-centered approach which includes all options for seeking competitive integrated employment, methods to overcome barriers to competitive integrated employment and potential risks and benefits of competitive integrated employment

Do individuals 25 years or older requesting to enter sub-minimum wage setting for the first time need to go through this process and how would case managers or potential sub-minimum wage provider ensure this is completed before the individual starts work?

Answer: Anyone over the age of 25 can begin to earn a subminimum wage and does not need to do anything prior to starting. The person will need to go through the Career Counseling, Information, and Referral process at 6 months and then again 1 year after starting to earn a subminimum wage, then annually thereafter.

Are the ILS centers willing to work with the team (guardians, agencies, etc) to coordinate their meetings to coincide with a client's annual or semiannual meeting?

Answer: Yes, they are willing to work with the team to coordinate meeting within a reasonable amount of time. This could coincide with a client's annual or semi-annual meeting.

How do we find out which CIL will serve our county under 511? We are currently a county w/o CIL designation.

Answer: The MN Association of Centers for Independent Living (MACIL) has a map on the front page of their website that shows which counties the CILs serve throughout MN: <http://www.macil.org/>. For questions about specific counties, you can contact Brad Westerlund: brad.westerlund@state.mn.us

You stated that documentation should include comments made by the individual. If these comments are not present or if the individual was not present at the meeting will the documentation be acceptable?

Answer: Yes, it will be acceptable. If the individual makes comments, we just want to be sure that they are documented.

How is WIOA going to effect the ability of VRS to serve individuals that have historically been served by VRS?

Answer: That is indeed a good question. The mandates in WIOA which include ensuring the Career Counseling Information & Referral process is completed annually for the nearly 16,000 sub minimum wage workers as well as the Pre-Employment Transition Services (Pre-ETS) are unfunded federal mandates. VRS will continue to serve individuals with significant disabilities with three or more functional limitations at this time and monitors its very limited budget closely.