

Special Employment Act of 2019

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This chapter may be cited as the "Individuals with Disabilities Special Employment Act".

(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving employment results for adults with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities. We have Special Education and Special Olympics to assist all age levels and ability levels of individuals with disabilities. This Act will allow us to provide Special Employment services for adults with disabilities, at all levels of abilities.

(2) Since the signing of the Workforce Innovation and Opportunity Act (WIOA), on July 22, 2014, many individuals with disabilities have been misplaced or left without services. The employment needs and desires of millions of adults with disabilities are not being fully met because—

- ▶ (A) the adults are not allowed to choose where they work, the adult, their guardian, or family member have no say in where they work;
- ▶ (B) the adults are excluded from Special Employment and are being forced to work in Community Integrated Employment;
- ▶ (C) the adults are being told if they cannot make it in Community Integrated Employment, they are not qualified to receive services in a Special Employment environment;
- ▶ (D) the adults are being forced into working in environments that are not accepting and can be hostile; and
- ▶ (E) a lack understanding that not all individuals with disabilities are the same and that all jobs, no matter what level of support is provided, can be rewarding and provide a sense of pride.

(3) Since the enactment and implementation of the Rehabilitation Act of 1973, this has been successful in ensuring adults with disabilities have better access to

employment and employment services, improving the overall employment results for adults with disabilities.

(4) However, the implementation of WIOA has impeded the outcomes of employment for adults with severe disabilities, Sheltered Workshops or Special Employment, was a successful outcome for the most severely disabled, but since WIOA it is being taken away.

(5) The Rehabilitation Act of 1973 was successful:

Through these efforts, individuals with disabilities, including those with the most significant disabilities have more employment opportunities, HOWEVER, if an individual chooses to pursue employment in a non-integrated setting, he or she may still do so with assistance from OTHER PROGRAMS.

VR agencies must refer individuals with disabilities to appropriate programs and service providers best suited to address the specific rehabilitation, independent living and employment needs of an individual with a disability, who makes an INFORMED CHOICE NOT TO pursue an employment outcome under the VR program.

Under 34CFR 361.37(b) VR program MUST inform the individuals that if they initially choose not to pursue an employment outcome as defined, they can seek services from the VR agency at a later date if, at that time, they choose to pursue an employment outcome.

NON INTEGRATED EMPLOYMENT remains a VIABLE, interim option for purposes of preparing participants in the VR program for employment in integrated settings, and CONTINUES TO be LONG TERM EMPLOYMENT OPTION through sources other than the VR program for those individuals who prefer to work in these employment settings. For these reasons, providers of non-integrated employment have served and will continue to serve as a source of employment for individuals with significant disabilities. Because VR agencies have been unable to assist individuals with disabilities to obtain sheltered employment through the VR program since October 2001, the vast majority of individuals

have accessed sheltered employment through other sources or on their own initiative. Therefore 361.5©(9) will not affect the availability of sheltered employment for individuals who choose this form of employment, or for whom it is a legitimate and necessary option.

(6) While States and local employment agencies are primarily responsible for providing employment services for all adults with disabilities, it is in the national interest that the Federal Government have a supporting role in assisting State and local efforts to employ adults with disabilities in community integrated employment and/or Special Employment in order to improve results for such adults and to ensure equal protection of the law.

(7) A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal employment opportunity for all individuals.

Purposes

The purposes of this chapter are as follows—

- ▶ (1) (A) to ensure that all adults with disabilities have available to them an appropriate choice of employment, whether community integrated employment or Special Employment, that emphasizes and relates services designed to meet their unique individual needs and provides them the opportunity to work where they choose;
- (B) to ensure that the rights of adults with disabilities are protected; and
- (C) to assist States, localities, employment service agencies, and Federal agencies to provide for the employment of ALL adults with disabilities;
- ▶ (2) to assist States in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of employment for adults with disabilities that meets their desires, needs and choices;
- ▶ (3) to ensure that the State and Local entities understand the needs of the most severely disabled adults and that Special Employment is a viable and accepted place of employment: and
- ▶ (4) to assess, and ensure the effectiveness of, efforts to employ adults with disabilities.