

## Waterman, Robert - WHD

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**From:** Audrey Gaio-Johnston <ajohnston@socinc.org>  
**Sent:** Thursday, October 01, 2015 1:40 PM  
**To:** WHDPRAComments  
**Subject:** Control Number 1235-0001 14c comment

Thank you for the opportunity to comment on the proposed revisions to the Section 14(c) certificate application form.

When reviewing the new certificate application form I do not see any immediate concern with the information that is being requested. However, my primary concern regarding changes with Section 14 (c) is in reference to the letter sent to Certificate Holders regarding the initiative to either eliminate or reduce the use of subminimum wages or phase out work centers. You state "...significant substantive revisions are necessary for the Division to more effectively and efficiently fulfill its statutory directive to oversee and enforce Section 14 (c) certificate program." Are these changes designed purely to eliminate community rehabilitation programs from eligibility? We strive to complete the required 226 and WH-226A forms to hold a certificate accurately and fairly for our consumers, however, there is often a lack of guidance. To ensure that the application form is properly completed I would encourage the Department of Labor to consider providing clear, written guidelines as well as examples of acceptable submissions as part of the new application process to eliminate error based on individual interpretation. When questions do arise, there is no reference to written documentation for guidance or direction.

As a strong supporter of integrated community employment, we have seen significant progress in employment for individuals with disabilities through the Americans with Disabilities Act and Olmstead v. L.C.; Executive Order 13658. However, society has not fully embraced the drive. At this time, I feel it is far too soon to know what success The Workforce Innovation and Opportunity Act (WIOA) will bring as it does not go into effect until July 22, 2016. Although, several concerns regarding WIOA do arise and include the following:

A significant level of funding is processed through the Divisional of Vocational Rehabilitation (DVR) to ensure high school students are trained, employed and supported in integrated community employment. Supported Employment Program (SEP) follow-up time will be from 18-24 months for traditional supported employment and up to 4 years for youth with the most significant disabilities. Once 4-6 years of support is completed, individuals will enter into the family care system which does not have the financial ability to support individuals at the same level that has allowed them to be successful under DVR. Today, under family care, we are required to outline our plan to phase out job coaching prior to an individual entering into DVR's Supported Employment Program. On an average we receive 2-3 hours a month to maintain an individual's employment once they leave DVR services. Until you have a system that can potentially sustain up to 100% job coaching, especially for individuals with significant disabilities, the 4-6 years that DVR has invested will be lost upon entering into the family care system.

Congress enacted Section 14 (c) because it wanted individuals with the most significant disabilities who could not meet productivity standards to have an improved quality of life and enjoy the economic benefits of work (wages commensurate with their productivity) as well as the intangible benefits of work (respect, dignity, self-worth, self-esteem). While WIOA will be successful for many, with numerous benefits, a population will still exist who will not qualify, are not capable, or do not have an interest in integrated employment. This does not diminish their desire to be productive and receive the same satisfaction that others do from work. Everyone grows and develops at their own pace and often this growth is measured in years not months. If they are not ready for employment in their twenties we often see them ready in their thirties. Eliminating 14(c) removes the environment for learning and developing work skills for

future success. For hundreds of thousands of individuals with the most significant disabilities, phasing out and eliminating skilled-based wages authorized by Section 14 (c) will result in the following:

- The denial of work opportunities and the denial of a pay check.
- Staying at home or entering day habilitation center.
- The denial of the intangible benefits of work, e.g., feeling of dignity, self-esteem, and a sense of accomplishment and pride.

There is a strong emphasis on "Person Centered Planning," however this cannot happen if we eliminate the opportunities. With statements implying "everyone" will seek or obtain the same goal of integrated community employment, it removes the individuality and uniqueness of individuals. We do not all fit into the same box. For the most significantly disabled individuals we need to maintain "choice" and provide a full array of services to choose from that will best fit each individual's personal needs, abilities, and desires.

Thank you for your time and attention.

Sincerely,

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