## Presiding: Andres Aguirre, State Director, Washington General

## Presenting: Kimberley Peck, State Director, Minnesota General

## Tuesday, November 11

## Fall 2014 Conference – Miami FL

# Policy Objectives of Section 458

## Reduces the “tracking” of transition aged youth into sheltered workshop settings

## Supports the Employment First agenda

## Ensures the informed choice process includes consideration of and experience with competitive integrated employment via access to VR

## Consistent with DOJ’s enforcement of Olmstead Decision

# Specifics of Section 458

## Prohibits entities holding 14c special wage certificates from paying less than the Federal minimum wage ($7.25/ hr) to any individual with a disability age 24 or younger, unless:

#### IWD has applied for VR services and determined ineligible; or

#### IWD eligible for VR with IPE and has worked toward employment outcome for reasonable amount of time without success; and

#### IWD’s VR case is closed and they have received career counseling and I & R regarding other resources offering competitive employment services and supports

# Specifics of Section 458, cont.

## Local or state educational agencies cannot contract with entities holding a subminimum wage certificate for the purpose of operating a program to employ IWD younger than age 24 at wages below minimum wage

# Specifics of Section 458, cont.

## Entities cannot continue to employ IWD, regardless of age, at subminimum wage unless DSU provides career counseling and I & R that facilitates independent decision making and informed choice

#### Every 6 months for first year of employment, then annually thereafter

# Specifics of Section 458, cont.

## DSU and State educational agency must develop process that documents completion of informed choice actions

## DSU must provide documentation to IWD; employing entity must review and maintain copies

## DSU or DOL required to audit employing entity’s documentation

# Effective Date forSection 458

## July 22, 2016

#### 2 years after enactment of the Workforce Innovation and Opportunity Act

# Issues and opportunities to consider

## Relationship to pre-employment transition services (Section 422, aka 113)

## Resource implications

## Underscores importance of interagency cooperation

### State educational agency

### State Medicaid agency

# Issues and opportunities to consider, cont.

## Transforming provider business models

## Future of 14c special wage certification?