

FEDERAL LAW &
ITS APPLICATION IN COLORADO

COMPETITIVE INTEGRATED EMPLOYMENT



COLORADO

**Department of
Labor and Employment**

Division of Vocational Rehabilitation



WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)

- Spirit of the Law
 - Individuals with disabilities, including those with the most significant disabilities, are capable of achieving high quality competitive integrated employment when provided the necessary services and support (34 CFR 361, Preamble)
- WIOA - Purpose
 - Empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society;
 - Maximize opportunities for individuals, including individuals with significant disabilities, for competitive integrated employment



COMPETITIVE INTEGRATED EMPLOYMENT

Competitive Earnings

- At least minimum wage
- Not less than customary rate paid by employer for same or similar work performed by individuals without disabilities with similar training, experience, and skills
- Benefits commensurate to those offered to individuals without disabilities in similar positions

Integrated Setting

- Competitive Labor Market
 - Typically found in the community
- Interaction within the work unit with individuals without disabilities
 - Interaction with supervisors or others supporting the individuals are insufficient

Opportunities for Advancement

- Opportunities to the same extent as individuals without disabilities in similar positions



ALIGNED ACTIVITIES

- Customized Employment
 - Tailored to meet unique strengths, needs, interests, and informed choice
 - Negotiate job tasks & improve overall production of workplace
- Limitations on the Use of Subminimum Wage
 - Meaningful opportunity to prepare for, obtain, maintain, advance in, or regain CIE
- Employment First Legislation
 - CIE is work paid directly by employers at minimum or prevailing wage; occurs in typical work setting; opportunity to interact continuously with coworkers without disabilities
- HCBS Final Settings Rule
 - Real and meaningful opportunities
 - Successful outcome of prevocational services is CIE



EVALUATION OF CIE

- Change to definition impacted existing services
 - Initial evaluation to determine CIE
 - Concern evaluation process was unclear and no formal process for re-evaluation
- Revised tool with support from Alliance Employment Committee
 - Revision effective June 2017
 - DVR staff trained
 - Process to request re-evaluation communicated to all worksites initially determined non-CIE
- Key Revisions
 - Typically found in the community
 - Evaluation of integrated work unit, particularly related to employment created through contracts



CASE STUDY DISCUSSION



A CONTINUUM OF SUPPORT?

Prevocational
Services:
Work
Adjustment
Training,
Volunteer
Work

Small Group
or Enclave
with Supports
in Community
at
Subminimum
wage

Small Group
or Enclave
with Supports
in Community
at
Competitive
Wage

**Supported
CIE**

**Supported
CIE:**
Individualized
Community
Placement



“

COMPETITIVE INTEGRATED EMPLOYMENT WORKS –
FOR INDIVIDUALS, FOR EMPLOYERS, AND FOR
SOCIETY. MODELS HAVE SHOWN REPEATEDLY THAT
PEOPLE PREVIOUSLY CONSIDERED ‘UNEMPLOYABLE’
CAN WORK, CAN BE PRODUCTIVE, AND CAN ACHIEVE
INDEPENDENCE.”

— *Thomas E. Perez, Former Secretary, USDOL*

”



Jennifer Scilacci, M.Ed.

Manager, Work Supports & Employer Engagement

jennifer.scilacci@state.co.us

Augusta Klimek, M.A., CRC
Policy & State Plan Specialist

augusta.Klimek@state.co.us