



Turning Disabilities into Capabilities Through Employment

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H.R. 5658 Will Sustain and Increase Employment Opportunities for People with Disabilities

Why H.R. 5658 is Necessary

According to the June 21, 2018 Bureau of Labor Statistics, U.S. Department of Labor report entitled, **Persons with a Disability: Labor Force Characteristics – 2017** (USDLE-18-1028), 18.7 percent of persons with a disability were employed. In contrast, the employment-population ratio for those without a disability was 65.7 percent. Unemployment rates for persons with a disability were higher than for persons without a disability across all educational attainment groups. Despite these sobering statistics that show the continued trend of an unemployment rate of persons with a disability being over twice that of those without a disability, existing regulations, policy, and guidance preclude the referral of quality jobs as Competitive Integrated Employment.

H.R. 5658, The Workplace Choice and Flexibility for Individuals with Disabilities Act will restore common sense to disability employment policy by restoring the definition of Competitive Integrated Employment to what Congress intended in the Workforce Innovation and Opportunity Act (WIOA), and the Rehabilitation Act of 1973, rather than the narrow definition drafted during the subsequent WIOA regulatory period. H.R. 5658 will eliminate an invalid presumption added during the regulatory period that jobs falling under the State Use Programs, and AbilityOne jobs, are not Competitive Integrated Employment. Without restoring the Congressional definition of Competitive Integrated Employment, many state vocational rehabilitation organizations are and will not refer citizens with disabilities to good jobs merely because those jobs are enabled and supported by state and federal law, i.e. the laws that established State Use Program and the AbilityOne Commission programs across the country.

Life without H.R. 5658

Unfortunately, studies show that the incidence of disability is increasing. Therefore, without H.R. 5658, the ever-increasing number of people with disabilities will have fewer options for employment. Through the existing State Use Programs available in over 20 states alone, in the last year these programs supported:

- The employment of 32,583 individuals with disabilities
- Who collectively earned \$178,208,929
- By working at 556 affirmative employers of citizens with a disability

The AbilityOne Commission programs additionally employ approximately 45,000 individuals with disabilities. Without H.R. 5658, unemployment rates will increase.

Potential Unsubstantiated Claims of Opponents

Our understanding of potential objections to the bill, and its larger context, fall into two general areas:

1. State Use and AbilityOne programs, and thus enterprises that affirmatively employ persons with disabilities, are uniformly and unilaterally “sheltered workshops” that:
 - are segregated; offering interaction only or predominantly with other disabled persons
 - are in institutional settings and not in the community
 - have poor working conditions
 - don’t look like any other businesses typically found in the community
 - pay less than minimum wage
 - offer no opportunity for career advancement
 - are only low-end jobs
 - exploit workers rather than value them as colleagues in a work enterprise

Response: While there may be a few “bad actors” that have exemplified some of these traits, SUPRA organizations are NOT sheltered workshops by these “definitions” and do not exhibit the range of characteristics described above. Additionally, H.R. 5658 will not diminish in any way either the Rehabilitation Act or WIOA from enforcing protections against such “bad actors.”

2. Any kind of fully integrated employment is superior and preferable to any kind of employment where there might be other persons with disabilities in the work setting.

Response: A person with a disability, or for that matter without a disability, should, to the fullest degree possible, be provided assistance in pursuing a job in as fully an integrated setting of her or his choosing. Implementation of the concept of choice was lost, and in fact removed, when federal regulation and guidance narrowed employment options by suggesting that:

- State Use Programs and AbilityOne Commission jobs are inferior solely because of their program definition, even though the jobs themselves may and indeed often times provide greater compensation, career advancement, and are in fact typically found in the community.
- Presuming by way of federal regulation that the choice of the citizen of where she/he wants to work is less important than the achievement of a narrowly defined and often inferior “fully integrated” job.

Request for Support

The Rehabilitation Act of 1973 supported the need for a choice of employment for citizens with a disability. Congress affirmed the importance of choice, in fact more choices, with the Workforce Innovation and Opportunity Act. Congress recognized that the landscape has changed and that existing and even more diversity for employment is needed to provide a choice for citizens with a disability to pursue and develop their careers. Federal regulations took some of those choices of employment away at a time when the incidence of citizens with a disability is rising and the unemployment rate for citizens with a disability is higher than any other demographic in the country.

H.R. 5658 is needed to reverse problematic federal regulations. To preserve congressional intent, please actively support H.R. 5658, The Workplace Choice and Flexibility for Individuals with Disabilities Act.