

U.S. Rep. Grothman: Workplace choice for individuals with disabilities

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(Washington, D.C.) – Congressman Glenn Grothman (WI-06) has introduced two bills that will significantly increase career opportunities for individuals with disabilities. The [Workplace Choice and Flexibility for Individuals with Disabilities Act](#) and the [Restoration of Employment Choice for Adults with Disabilities Act](#). These bills are endorsed by A-Team USA, a grassroots organization that advocates for individuals with disabilities.

*“With these two pieces of legislation, individuals with disabilities will once again be able to go to their state vocational rehabilitation agency and be referred to a job or vocational training opportunity that fits their needs,” **said Grothman.** “Yael Kerzan is a young woman from my district who was helped by this referral program before Congress changed the rules. She is concerned that others like her won’t be able to enjoy the opportunities and experiences she has had since she was referred through her vocational rehabilitation agency in Portage 18 years ago. It has been invaluable for young people like Yael to have the choice and flexibility to work in a fulfilling job that provides them with the dignity they deserve as vital members of our communities.*

“These obstacles faced by individuals with disabilities were brought to my attention by Yael and other disability advocate organizations, which is what led me to introduce these bills. After many meetings with these groups and tours of CRPs in Wisconsin’s 6th District, it is obvious to see that individuals with disabilities want and deserve to have every employment option made available to them, and the right to choose which best fits their needs.”

“As a longtime member of the A-Team USA, I am grateful for the efforts that Rep. Grothman is making to correct adverse effects from certain provisions of the Workforce Innovation and Opportunity Act. My son has greatly benefitted from his participation in work center based prevocational services. Rep. Grothman’s bills will correct problems in current law and enable individuals with intellectual and developmental disabilities, like my son, to have the choice of where they want to work,” **said Rick Wilson, A-Team USA.**

In 2014, Congress amended the *Rehabilitation Act of 1973* via the *Workforce Innovation and Opportunity Act* (WIOA) to provide employment support to individuals with disabilities in entering competitive integrated employment (CIE), a term used to define employment that is integrated with the non-disabled workforce. The Department of Education subsequently regulated on CIE and issued sub-regulatory guidance that caused confusion for many state vocational rehabilitation agencies about when it is appropriate to refer individuals with disabilities to AbilityOne jobs and jobs under similar state set-aside contracts (state-use) for the purposes of meeting a CIE job. Many of these agencies have since adopted a blanket denial approach that deprives individuals with disabilities from being referred to valuable employment opportunities at Community Rehabilitation Providers (CRPs). [Click here](#) for a list of the more than 60 CRPs in Wisconsin, eight of which are in Grothman’s district.

Grothman’s [Workplace Choice and Flexibility for Individuals with Disabilities Act](#) will correct certain misguided regulatory and sub-regulatory guidance that significantly narrowed Congress’s definition of CIE and effectively reduced employment and vocational training opportunities for individuals with disabilities. CIE should include AbilityOne and state-use jobs, as well as work that involves social and interpersonal interactions with colleagues, vendors, customers, superiors, or other individuals that the employee may encounter during the work day.

When amending the *Rehabilitation Act* in 2014, Congress also made it so adults under 24 with a disability cannot accept a job under a 14(c) certificate until they have tried and failed to work elsewhere, effectively telling them where they can and cannot work. Grothman’s [Restoration of Employment Choice for Adults with Disabilities Act](#) will fix the provision of the *Rehabilitation Act* that strips young adults with disabilities of their right to choose where they work.

The [Restoration of Employment Choice for Adults with Disabilities Act](#) also fixes an unintended consequence with the annual counseling requirement under a provision

within the *Rehabilitation Act*. Under this provision, CRPs may not pay an individual under a 14(c) certificate unless that individual has received annual career counseling from their state VR agency. However, nothing in the provision protects employers and workers with disabilities if the state is unable or unwilling to provide the counseling. During the height of the pandemic last year, many CRPs, including in Wisconsin, were unable to provide that counseling to their employees before the annual deadline. The [*Restoration of Employment Choice for Adults with Disabilities Act*](#) ensures that CRPs may continue to employ and pay their employees under a 14(c) certificate even if their state does not provide the required counseling.

FAQ about CRPs

Q: Don't individuals with disabilities deserve enough money to live?

A: Yes. However, individuals who work at CRPs under 14(c) certificates have access to benefits like Supplemental Security Income (SSI) and Medicaid.

Q: Why do these individuals work at a CRP if they don't need the money?

A: For anyone, having a steady job and earning a paycheck is a point of pride. These individuals deserve the dignity that comes from feeling productive and contributing to society. It is also important for these individuals to establish strong friendships outside of their family. There was a time when these individuals did not socialize much outside of their family. At CRPs, they establish friendships both with individuals similar to themselves as well as the management staff that can last for years.

Q: Why don't these individuals get a job outside of the CRP?

A: Many do! CRPs are set up to assist individuals with disabilities in their work and teach them valuable skills, including how to operate in the workplace. Many people work for a CRP for a period of time, then use those skills to get a job elsewhere. Most people who do gain employment elsewhere, however, work much less than the 40 hours per week they may want. It's also true that people who do find jobs in the community can have their jobs terminated, and then it is important for them to have a fallback option, so many retain their job at the CRP in addition to working part-time for another employer.

Q: Shouldn't individuals with disabilities be paid \$15/hour instead of the CRP's profits going toward making the executives richer?

A: CRPs are most often non-profit and money they do make is reinvested back into the company to assist the employees. I have been told separately and on more than one occasion by different CRPs in Wisconsin's Sixth District that if government regulations require CRPs to pay \$15/hour, they would likely be forced to lay-off all employees and close their doors permanently.

Q: Why would it be bad if CRPs closed permanently?

A: The individuals who work there would lose their job and many would be relegated to adult daycare. Employees of CRPs all over the Sixth District have told me that while it's nice to have a paycheck and some spending money, their favorite part about having a job is that they get to be with their friends at work. This support system is not available to them with other employers, which is why many have more than one job.