



## **Your Input is Imperative - AbilityOne Jobs are at Risk**

The Rehabilitation Services Administration (RSA) has published Frequently Asked Questions (FAQ): Integrated Location Criteria of the Definition of "Competitive Integrated Employment." This FAQ document addresses the criteria for an integrated employment location within the definition of "competitive integrated employment" in the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA).

The FAQ document includes the following guidance, putting jobs for people with disabilities provided through the AbilityOne program at risk:

*Employment settings that are "typically found in the community" are those in the competitive labor market (81 FR at 55642). Settings established by community rehabilitation programs specifically for the purpose of employing individuals with disabilities (e.g., sheltered workshops) do not constitute integrated settings because these settings are not typically found in the competitive labor market--the first of two criteria that must be satisfied if a VR agency is to determine that a work setting is an integrated location under 34 CFR §361.5(c)(9).*

*The Department has long considered several factors that generally would result in a business being considered "not typically found in the community," which include: (1) the funding of positions through Javits-Wagner-O'Day (JWOD) Act contracts or State purchase programs; (2) allowances under the Fair Labor Standards Act for compensatory subminimum wages; and (3) compliance with a mandated direct labor-hour ratio of persons with disabilities. It is the responsibility of the VR agency to take these factors into account when determining if a position in a particular work location is an integrated setting.*

[Click to view the Competitive Integrated Employment FAQs.](#)

This issue is now directly harming people with disabilities across the State of Michigan. Both state vocational rehabilitation agencies, Michigan Rehabilitation Services (MRS) and Bureau of Services for Blind Persons (BSBP), have been told by RSA that employment at a community rehabilitation organization, even for an AbilityOne job, cannot count as an employment outcome - meaning that VR counselors will no longer refer people with disabilities to these jobs.

This seems to be attempting to use the criteria of employment "typically found in the community" to exclude an entire class of employers, specifically the mission driven businesses referred to as community rehabilitation programs - rather than focusing on employment settings, which was the intent in both prior guidance and WIOA. MARO believes using the reason the business was formed - to serve and employ individuals with disabilities - rather than the employment setting, is not consistent with congressional intent.

Further, employment settings offered through AbilityOne contracts are not necessarily located within the facility of a community rehabilitation organization. These could be free-standing locations - like a call center supporting the federal government, or a wood products manufacturing facility, offering employment to people with and without disabilities. It could be on a military base or a Coast Guard Cutter - all these are actual examples of AbilityOne programs operating in Michigan.

MARO disagrees with RSA's interpretation, and urges affected members to take action. Links to a variety of tools you are invited to use in communicating with Congress on the adverse affects of this RSA guidance appear below.

[Letter from Todd Culver to RSA Commissioner Janet LaBreck, outlining MARO's concerns.](#)

[Template for letter from MARO members to their US Representative\(s\).](#)

[Click to locate your US Representative by zip code.](#)

If you have questions, or would like additional information on communications strategies with Congress and RSA / Department of Education, please do not hesitate to contact me.

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