



NCCDD
North Carolina Council on
Developmental Disabilities



**CENTER for
INTEGRATIVE
HEALTH**

Competitive Integrated Employment Resources and Tools

Competitive Integrated Employment Definitions

Federal Definition: The federal Workforce Innovation and Opportunity Act (WIOA) defines competitive integrated employment (CIE) as work that is performed on a full-time or part-time basis for which an individual is:

- Compensated at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience;
- Receiving the same level of benefits provided to other employees without disabilities in similar positions;
- At a location where the employee interacts with other individuals without disabilities; and
- Presented opportunities for advancement similar to other employees without disabilities in similar positions.

State Definition: North Carolina Department of Health and Human Services, through Inclusion Works, defines Competitive Integrated Employment as:

- Working in the community alongside other employees without disabilities.
- Earning at least minimum wage.
- Getting the same workplace benefits and opportunities as other employees doing the same job

Statewide Resources (underline indicates link)

Governor's Office:

- [Employment First](#)
- [North Carolina Department of Health and Human Services \(NC DHHS\):](#)
 - [Inclusion Works](#)
 - [Competitive Integrated Employment Strategic Plan](#) (currently being updated)
 - [Subminimum Wage To Competitive Integrated Employment \(SWTCIE\)](#)
- [i2i Center](#)
 - [CIE: Valuing all Perspectives, Part 1 resources](#)

National Resources

- Federal legislation that encourages States to move toward Competitive Integrated Employment, Workforce Innovation and Opportunity Act
- Federal regulations related to Workforce Innovation and Opportunity Act
- Office of Disability Employment Policy
- Workforce Innovation Technical Assistance Center, WINTAC, offers a clearinghouse of Competitive Integrated Employment resources.
- US Department of Education Framework for Community Engagement – Pathway to CIE
- National Core Indicators – Intellectual/Developmental Disabilities, a national effort to measure and improve the performance of public developmental disabilities agencies.

Glossary of Terms and Acronyms Related to Competitive Integrated Employment

1915(i) services = North Carolina is transitioning from 1915(b)(c) services to 1915(i) services, and this provides an opportunity for more individuals with I/DD to be served across the state. The 1915i services are a part of the Medicaid entitlement and are consistently offered across all areas of the State to individuals with I/DD who are Medicaid eligible and may or may not be on the Innovations waiver. The services include:

- Supported Employment: provides initial job development and training.
- Community Living and Supports: focuses on skill practice/acquisition and provides supervision/assistance for activities. This service is available for members with an I/DD or TBI.
- Individual and Transitional Supports: supports in acquiring, retaining and improving self-help, social and adapting skills to reside successfully in the community. This service is available for some members with a serious emotional disturbance (SED), SMI or severe SUD.
- Respite: provides periodic or scheduled support and relief to the primary caregiver(s) from the responsibility and stress of caring for beneficiaries. This service is available for some members with I/DD, SED, severe SUD, and TBI.
- Community Transition: provides funds for adult members moving from an institutional setting into their own private residence. This service is available for members with an I/DD, serious mental illness (SMI), severe substance use disorder (SUD), or TBI.

[Federal policy guidance](#) on 1915i service options for States

[NC DHHS Fact Sheet](#) on the Transition to 1915i services

[DRNC Question and Answer](#) on 1915i services

ADVP = Adult Developmental Vocational Program: A state-funded service definition and also a facility-based license for a program which, according to state regulations, provide organized developmental and vocational activities for adults with developmental disabilities to prepare the individual to live and work as independently as possible. Additional information can be found on the DHHS website in the [state's service definitions](#) and the regulations for [licensure](#).

Retain ADVPs, Session Law 2023-115

CIE = Competitive Integrated Employment (see above for definitions)

Employment First = NC Governor established this in 2019. The NC Office of State Human Resources (OSHR) is charged with ensuring that people with disabilities have equal opportunity to succeed in the state government workplace and that hiring managers are aware of and complying with Employment First as a process for recruiting and retaining qualified individuals for state employment.

HCBS = Home and Community-Based Services: provide opportunities for Medicaid beneficiaries to receive services in their own home or community rather than institutions or other isolated settings. These programs serve a variety of targeted populations such as people with I/DD, physical disabilities, and/or mental illness.

Inclusion Works: a NC DHHS Initiative to promote Competitive Integrated Employment (CIE) for individuals with Intellectual or Developmental Disabilities (I/DD).

Innovations Waiver: A Federally approved 1915 C Medicaid Home and Community-Based Services Waiver (HCBS Waiver) designed to meet the needs of Individuals with Intellectual or Development Disabilities (I/DD) who prefer to get long-term care services and supports in their home or community, rather than in an institutional setting.

I/DD = Intellectual or Developmental Disability

DRNC = Disability Rights North Carolina: a private, non-profit legal advocacy agency that fights for the rights of people with disabilities in North Carolina. Cases **involve discrimination, abuse and other rights violations and are at no cost to** North Carolinians with disabilities. DRNC is the Protection & Advocacy organization for North Carolina.

NC APSE = North Carolina Association of People Supporting Employment:

Employment First Position Paper and Webpage

(NC) DHHS = North Carolina Department of Health and Human Services

(NC) DHB = North Carolina Division of Health Benefits (which is also referred to as NC Medicaid): Oversees the Medicaid program for North Carolina

NC Medicaid = North Carolina Division of Health Benefits

(NC) DMHDDSUS = North Carolina Division of Mental Health, Developmental Disabilities and Substance Use Services

(NC) DVRS = North Carolina Division of Rehabilitation Services (recently changed to Division of Employment and Independence for People with Disabilities)

NC DD Council = North Carolina Council on Developmental Disabilities: The governor-appointed Council represents and partners with agencies, service providers and other organizations across the State that provide people with I/DD, their families and caregivers access to services and resources needed live in the community of their choice.

(US) ODEP = Office of Disability Employment Policy: Federal agency under the US Department of Labor that promotes policies and coordinates with employers and all levels of government to increase workplace success for people with disabilities.

Olmstead Court Decision: A 1999 United States Supreme Court decision was based on the Americans with Disabilities Act. The Supreme Court held that people with disabilities have a qualified right to receive state funded supports and services in the community rather than institutions when the following three-part test is met:

1. The person's treatment professionals determine that community supports are appropriate.
2. The person does not object to living in the community; and
3. The provision of services in the community would be a reasonable accommodation when balanced with other similarly situated individuals with disabilities.

Disability Integration Project at the Atlanta Legal Aid Society, Inc. Olmstead website

US Department of Justice Questions and Answers to the Application of Olmstead to Employment

Olmstead North Carolina State Plan: NC DHHS published its Olmstead Plan, designed to assist people with disabilities who receive or are eligible for publicly funded services to reside in and experience the full benefit of being part of day-to-day life in communities alongside those without disabilities.

NC DHHS Olmstead Webpage

Protection and Advocacy System: The federal Protection and Advocacy of Individual Rights program is designed to support a system in each State to protect the legal and human rights of eligible individuals with disabilities. (Authority: Section 509(a) of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 794e\(a\)](#))

Samantha R. Court Case: North Carolina was found to be in violation of the Persons with Disabilities Protection Act. This meant that people with disabilities in North Carolina were being unnecessarily institutionalized, or were at risk for being institutionalized, due to a lack of community-based options. The judge in this court case [issued an order](#) to the state of North Carolina to develop and implement a plan that would:

- Reduce the reliance on institutional settings, including state facilities and ICF-I/DDs.
- Eliminate the Innovations waiver waiting list over a period of ten years by reallocating funds, seeking additional funding, and developing alternative services.
- Address the direct support professional workforce crisis through credentialing and increased pay.
- The plan would not require anyone to leave a setting they are currently in if they prefer to stay. Individuals must be offered community-based alternatives to institutional settings.

In February 2023, the judge issued a stay in the order while the NC DHHS appeal moves forward.

Section 14(c) Certificate: Section 14(c) of the federal Fair Labor Standards Act authorizes employers, after receiving a certificate from the federal Wage and Hour Division, to pay subminimum wages - wages less than the Federal minimum wage - to workers who have disabilities for the work being performed. *Note: Organizations may have a 14(c) certificate and not use it, e.g. may pay at minimum wage level.*

[Fact Sheet #39: The Employment of Workers with Disabilities at Subminimum Wages, 2008](#)

[US Department of Labor list of 31 North Carolina entities with a 14\(c\) certificate \(put NC in the State search box\)](#), November 2023

SWTCIE = Subminimum Wage to Competitive Integrated Employment, a \$13.8 million grant that the North Carolina Division of Vocational Rehabilitation Services received. The primary goal of the grant is to support 300 individuals currently engaged in or contemplating subminimum wage employment as they prepare for, engage in and sustain competitive integrated employment as part of a meaningful week. The grant began in 2022 and extends to 2027. Pilots in Raleigh, Rocky Mount and Siler City began on October 1, 2023. A [Stakeholder Engagement Advisory Group](#) has been working with NC DVRS to plan for the grant.

[US Rehabilitation Services Administration SWTCIE Program Description](#)

Work Together North Carolina: Their goal is to help individuals find the community supports they need to transition and thrive as adults. This might include finding a job or a place to volunteer, postsecondary education, housing, social and recreational

opportunities, and more. They recently received a \$4 million, three-year contract with NC DHHS to support choice and inclusion for people with I/DD in the workforce.

WIOA = Workforce Innovation and Opportunity Act

- [8/3/22 federal memo on CIE](#)
- Most recent federal legislation supporting CIE: [Workforce Innovation and Opportunity Act](#)
- [Federal regulations related to Workforce Innovation and Opportunity Act](#)

I2i Center for integrative Health [i2i Center for Integrative Health - Public Behavioral health](#)

[Transition to Competitive Integrated Employment: Valuing All Perspectives - i2i Center for Integrative Health](#)

