



— Senate Committee on Labor and Industry —

Senator Kim L. Ward
Chairman

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Senate Bill 21 Printer's No. 1053

Prime Sponsor: Mensch
Committee: Labor and Industry

SYNOPSIS:

Establishes the Employment First Act.

SUMMARY:

Section 3 – Definitions

Defines “competitive integrated employment” as it is defined in Section 7 of the Rehabilitation Act of 1973, as amended. In short, the Rehabilitation Act defines “competitive integrated employment” as full-time or part-time work, in integrated settings, with opportunity for advancement, compensated at minimum wage or above and not less than the rate paid to other employees in similar occupations.

Defines “disability” as defined in governing statutes and regulations of each state agency.

Defines “Employment First” as the policy of state agencies which provides that competitive integrated employment is the first consideration and preferred outcome of publicly funded education, training, employment and related services, and long-term services and support for individuals with a disability.

Section 4 – Employment First

Establishes Employment First as the policy of the commonwealth. Provides that employment services and opportunities must be offered to all individuals receiving publicly funded services, regardless of whether they live in their own home or in a residential setting.

Requires state, county and local agencies providing publicly funded education, training, employment and long-term services and supports to comply with the requirements of Employment First and ensure they are effectively implemented.

Requires state, county and local agencies providing publicly funded education, training, employment and long-term services and supports to coordinate efforts to support competitive integrated employment outcomes.

Requires state, county and local agencies to review policies relating to payment of service providers to align payment policies with the requirements of Employment First.

Requires that providers of service coordination, case management and authorization services funded through the state Medicaid program, including home and community-based waiver programs, receive financial incentives that support the placement and continued employment of individuals with disabilities in competitive integrated employment.

Requires state agencies to designate employment champions, as utilized by the Department of Human Services (DHS) to providers funded through the state Medicaid program, including home and community-based waiver programs, who demonstrate commitment to Employment First and successfully support the placement of individuals in competitive integrated employment.

Requires state, county and local agencies to implement the requirements of Employment First utilizing trained and certified staff in compliance with governing statutes and regulations of each state agency.

Requires state, county and local agencies to develop clear outcome expectations for employment to include annual baseline employment data and specific percentage goals for individuals with disabilities to obtain competitive integrated employment.

Permits state agencies to share aggregate data to track implementation of Employment First.

Requires state agencies to make an effort to employ individuals with disabilities in no less than 7 percent of the overall state workforce and review, on a biannual basis, the adequacy of hiring, placement and advancement practices with respect to individuals with disabilities.

Provides that no state agency shall be required to give preference in hiring to individuals with disabilities.

Requires the Office of Administration to develop a framework for individuals to self-report a disability.

Requires the State Civil Service Commission to review and consider changes in its policies and procedures to support the goals of the Act.

Requires the Office of the Governor to submit a three-year plan to implement Employment First.

Requires the Office of the Governor to submit an annual report, including information collected from state, county and local agencies, by January 30 of each year.

Section 5 – Governor’s Cabinet for People with Disabilities

Establishes the Governor’s Cabinet for People with Disabilities in statute. The Cabinet currently exists as the result of an Executive Order. The cabinet includes the following individuals or a designee:

- Secretary of Human Services
- Secretary of Labor and Industry
- Secretary of Health
- Secretary of Education
- Secretary of Transportation
- Secretary of the Budget
- Secretary of Aging
- Secretary of Military and Veterans Affairs
- Secretary of State
- Secretary of Policy and Planning
- Secretary of Community and Economic Development
- Executive Director of the Pennsylvania Human Relations Commission
- Executive Director of the Pennsylvania State Civil Service Commission
- Executive Director of the Pennsylvania Housing Finance Agency
- Executive Director of the Pennsylvania Developmental Disabilities Council
- Executive Director of the Pennsylvania Council on the Arts

The Cabinet is tasked with:

- Conducting a review of existing regulations, policies and procedures related to the goal of competitive integrated employment for individuals with disabilities.
- Reviewing and aligning service definitions, policies and payment structures.
- Developing recommendations for changes in legislation, regulations, policies and procedures.
- Developing recommendations for the consistent collection of data and the sharing of data.

Section 6 – Employment First Oversight Commission

Establishes a 14 member commission, of which at least 51 percent must have a disability. The commission shall establish measurable goals and objectives and shall track public agency progress in implementing the act. The commission is comprised of:

- Four members, not employed by the commonwealth, who are individuals with a disability or are knowledgeable about employment of individuals with disabilities, appointed by:
 - The President pro tempore of the Senate
 - The Minority Leader of the Senate
 - The Speaker of the House
 - The Minority Leader of the House

- Ten members, appointed by the Governor, as follows:
 - Two individuals with a disability
 - Two parents or family members of individuals with a disability
 - Two individuals who have successful experience providing services and support to high school students and recent graduates with disabilities
 - A representative of Disability Rights Pennsylvania
 - A representative of the Pennsylvania Rehabilitation Council
 - A representative of the Pennsylvania Statewide Independent Living Council
 - A representative of a state association of accredited employment providers.

Section 7 – Training and Outreach

Requires state agencies serving individuals with disabilities to establish systems of outreach and training that provide information about Employment First for individuals with disabilities and their families, providers of employment services and education, vocational rehabilitation and human service officials.

Section 8 – Applicability

Clarifies that nothing in the Act shall be interpreted to:

- Supersede federal or state law.
- Change, supersede, preempt or otherwise redefine the term “age of majority” as it applies to individuals who qualify under the Individuals with Disabilities Education Act.
- Prohibit existing employment options and opportunities or the informed choices of individuals with disabilities made through a person-centered planning process.

Effective Date: 60 days

BILL HISTORY:

Introduced 6-29-17

Prepared by: Kratz 11/6/2017