

CHAPTER 28

(SB 104)

AN ACT relating to the Employment First Council.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

The General Assembly finds and declares that it is the policy of the Commonwealth of Kentucky that competitive integrated employment shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

- (1) *For the purposes of Sections 1 to 4 of this Act, "competitive integrated employment" means work that is performed on a full-time or part-time basis for which an individual is:*
 - (a) *Earning compensation 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;*
 - (b) *Receiving the same level of benefits provided to other employees without disabilities in similar positions;*
 - (c) *Working at a location where the employee interacts with other individuals without disabilities; and*
 - (d) *Receiving opportunities for advancement when appropriate similar to other employees without disabilities in similar positions.*
- (2) *The Employment First Council is hereby established within the Office of Vocational Rehabilitation as an advisory council to the executive and legislative branches of government on matters pertaining to increasing meaningful opportunities for competitive integrated employment for citizens with a disability seeking employment, regardless of their level of disability.*
- (3) *The Employment First Council shall be composed of twenty-eight (28) members. Members of the council shall be appointed by the Governor in a manner that is geographically and culturally representative of the population of the Commonwealth and shall include:*
 - (a) *One (1) representative from the Office of Vocational Rehabilitation;*
 - (b) *One (1) representative from the Kentucky Workforce Innovation Board;*
 - (c) *One (1) representative from the Department of Education;*
 - (d) *One (1) representative from the office of Career and Technical Education;*
 - (e) *One (1) representative from the Department for Medicaid Services;*
 - (f) *One (1) representative from the Department for Behavioral Health, Developmental and Intellectual Disabilities;*
 - (g) *One (1) representative from the Commonwealth Council on Developmental Disabilities;*
 - (h) *One (1) representative from Kentucky Protection and Advocacy;*
 - (i) *One (1) representative from the Department for Income Support, Disability Determination Services;*
 - (j) *One (1) representative from the Division of Behavioral Health;*
 - (k) *One (1) representative from the Kentucky Autism Training Center;*
 - (l) *One (1) representative from the Department for Behavioral Health, Developmental and Intellectual Disabilities, Office of Autism;*
 - (m) *One (1) representative from the University of Kentucky Human Development Institute;*
 - (n) *Two (2) representatives from a state vocational rehabilitation provider agency;*

- (o) *One (1) representative from Statewide Council for Vocational Rehabilitation;*
 - (p) *One (1) representative from the Kentucky Chamber of Commerce;*
 - (q) *One (1) representative from the Council of State Governments;*
 - (r) *Four (4) representatives each having at least one (1) of the following qualifications:*
 - 1. *A physical or mental impairment that substantially limits one (1) or more major life activity;*
 - 2. *A history or record of such an impairment; or*
 - 3. *A person who is perceived by others as having such an impairment;*
 - (s) *Two (2) representatives who have an immediate family member with a disability; and*
 - (t) *Four (4) representatives of business, industry, and labor.*
- (4) *After the initial appointments, members of the Employment First Council shall serve terms of three (3) years. Members shall be eligible to succeed themselves and shall serve until their successor is appointed.*
 - (5) *Members of the Employment First Council shall not be paid for their service as council members, and shall not be reimbursed for any expenses involved in attending council meetings.*
 - (6) *The Employment First Council shall elect a chair, a vice chair, and a legislative liaison from its council members who shall serve in those capacities until replaced. The legislative liaison shall communicate with the legislative and executive branch about the council's progress and ensure that the work of the council is separate and distinct from the work of the Statewide Council for Vocational Rehabilitation.*
 - (7) *A majority of council members shall constitute a quorum for the purposes of conducting business. The council shall be subject to the provisions of the Kentucky Open Records Act, as set forth in KRS 61.870 to 61.884.*
 - (8) *The Employment First Council shall meet quarterly, upon the call of the chair, or at the request of the secretary of the Education and Workforce Development Cabinet. The council shall receive assistance in carrying out its administrative functions from the Department of Workforce Development and shall be attached to the Education and Workforce Development Cabinet for administrative purposes.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

The Employment First Council shall:

- (1) *Identify state policies that create disincentives for the employment of people with disabilities and develop recommendations to address and eliminate those disincentives;*
- (2) *Develop training and resources for families, self-advocates, public and private providers, and employers on the benefits of competitive integrated employment of workers with a disability;*
- (3) *Recommend the development and implementation of policies and effective practices for providers of supported employment services that increase employment opportunities for workers with a disability;*
- (4) *Utilize appropriate metrics to assess progress of efforts to increase the competitive integrated employment of workers with a disability; and*
- (5) *Submit an annual report by December 1 to the Legislative Research Commission, the secretary of the Education and Workforce Development Cabinet, and the Governor summarizing its findings and recommendations.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

Nothing in Sections 1 to 4 of this Act shall be construed to require any employer to give preference to hiring persons with disabilities nor shall anything be construed to mandate that those program participants having no desire to become employed be forced to do so.

➔Section 5. KRS 12.020 is amended to read as follows:

Departments, program cabinets and their departments, and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or statutorily authorized executive order; except in the case of

the Personnel Board and where the attached department or administrative body is headed by a constitutionally elected officer, the attachment shall be solely for the purpose of dissemination of information and coordination of activities and shall not include any authority over the functions, personnel, funds, equipment, facilities, or records of the department or administrative body.

I. Cabinet for General Government - Departments headed by elected officers:

- (1) The Governor.
- (2) Lieutenant Governor.
- (3) Department of State.
 - (a) Secretary of State.
 - (b) Board of Elections.
 - (c) Registry of Election Finance.
- (4) Department of Law.
 - (a) Attorney General.
- (5) Department of the Treasury.
 - (a) Treasurer.
- (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
- (7) Auditor of Public Accounts.

II. Program cabinets headed by appointed officers:

- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Information Technology.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.

- (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 - 1. Information Technology Services Division.
 - (o) Office of Financial Management Services.
 - 1. Division of Financial Management.
 - (p) Grants Management Division.
- (2) Education and Workforce Development Cabinet:
- (a) Office of the Secretary.
 - 1. Governor's Scholars Program.
 - 2. Governor's School for Entrepreneurs Program.
 - 3. Office of the Kentucky Workforce Innovation Board.
 - 4. Foundation for Adult Education.
 - 5. Early Childhood Advisory Council.
 - (b) Office of Legal and Legislative Services.
 - 1. Client Assistance Program.
 - (c) Office of Communication.
 - (d) Office of Administrative Services.
 - 1. Division of Human Resources.
 - 2. Division of Operations and Support Services.
 - 3. Division of Fiscal Management.
 - (e) Office of Technology Services.
 - (f) Office of Educational Programs.
 - (g) Office of the Kentucky Center for Statistics.
 - (h) Board of the Kentucky Center for Statistics.
 - (i) Board of Directors for the Center for School Safety.
 - (j) Department of Education.
 - 1. Kentucky Board of Education.
 - 2. Kentucky Technical Education Personnel Board.
 - 3. Education Professional Standards Board.
 - (k) Department for Libraries and Archives.
 - (l) Department of Workforce Investment.

1. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.*
2. Office of Unemployment Insurance.
3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
4. Career Development Office.
5. Office of Adult Education.
6. Unemployment Insurance Commission.
7. Kentucky Apprenticeship Council.
8. Division of Technical Assistance.
- (m) Foundation for Workforce Development.
- (n) Kentucky Workforce Investment Board.
- (o) Kentucky Commission on the Deaf and Hard of Hearing.
- (p) Kentucky Educational Television.
- (q) Kentucky Environmental Education Council.
- (3) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.

7. Division of Compliance Assistance.
- (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
- (d) Office of Energy Policy.
 1. Division of Energy Assistance.
- (e) Office of Administrative Services.
 1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (4) Public Protection Cabinet.
 - (a) Office of the Secretary.
 1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 3. Office of Administrative Hearings.
 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
 - (b) Office of Claims and Appeals.
 1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
 - (c) Kentucky Boxing and Wrestling Commission.
 - (d) Kentucky Horse Racing Commission.
 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.

- b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
- (e) Department of Alcoholic Beverage Control.
- 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
- (f) Department of Charitable Gaming.
- 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
- (g) Department of Financial Institutions.
- 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
- 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.
- (i) Department of Insurance.
- 1. Division of Health and Life Insurance and Managed Care.
 - 2. Division of Property and Casualty Insurance.
 - 3. Division of Administrative Services.
 - 4. Division of Financial Standards and Examination.
 - 5. Division of Licensing.
 - 6. Division of Insurance Fraud Investigation.
 - 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
- 1. Real Estate Authority.
- (5) Labor Cabinet.
- (a) Office of the Secretary.
- 1. Office of General Counsel.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - 2. Office of Administrative Services.
 - a. Division of Human Resources Management.

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- b. Division of Fiscal Management.
- c. Division of Professional Development and Organizational Management.
- d. Division of Information Technology and Support Services.
- 3. Office of Inspector General.
- (b) Department of Workplace Standards.
 - 1. Division of Occupational Safety and Health Compliance.
 - 2. Division of Occupational Safety and Health Education and Training.
 - 3. Division of Wages and Hours.
- (c) Department of Workers' Claims.
 - 1. Division of Workers' Compensation Funds.
 - 2. Office of Administrative Law Judges.
 - 3. Division of Claims Processing.
 - 4. Division of Security and Compliance.
 - 5. Division of Information Services.
 - 6. Division of Specialist and Medical Services.
 - 7. Workers' Compensation Board.
- (d) Workers' Compensation Funding Commission.
- (e) Occupational Safety and Health Standards Board.
- (f) State Labor Relations Board.
- (g) Employers' Mutual Insurance Authority.
- (h) Kentucky Occupational Safety and Health Review Commission.
- (i) Workers' Compensation Nominating Committee.
- (6) Transportation Cabinet:
 - (a) Department of Highways.
 - 1. Office of Project Development.
 - 2. Office of Project Delivery and Preservation.
 - 3. Office of Highway Safety.
 - 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 - 1. Office of Local Programs.
 - 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office for Civil Rights and Small Business Development.
 - 3. Office of Budget and Fiscal Management.
 - 4. Office of Inspector General.
 - 5. Secretary's Office of Safety.

- (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (7) Cabinet for Economic Development:
- (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business Development.
 - 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Incentive Administration Division.
 - f. Bluegrass State Skills Corporation.
 - 4. Office of Marketing and Public Affairs.
 - a. Communications Division.
 - b. Graphics Design Division.
 - 5. Office of Workforce, Community Development, and Research.
 - 6. Office of Entrepreneurship and Small Business Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (8) Cabinet for Health and Family Services:
- (a) Office of the Secretary.
 - 1. Office of the Ombudsman and Administrative Review.
 - 2. Office of Public Affairs.
 - 3. Office of Legal Services.
 - 4. Office of Inspector General.
 - 5. Office of Human Resource Management.
 - 6. Office of Finance and Budget.
 - 7. Office of Legislative and Regulatory Affairs.
 - 8. Office of Administrative Services.
 - 9. Office of Application Technology Services.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.

- (f) Department for Community Based Services.
 - (g) Department for Income Support.
 - (h) Department for Family Resource Centers and Volunteer Services.
 - (i) Office for Children with Special Health Care Needs.
 - (j) Office of Health Data and Analytics.
- (9) Finance and Administration Cabinet:
- (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
- (10) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Facilities Management.

5. Division of Facilities Maintenance.
 6. Division of Customer Services.
 7. Division of Recreation.
 8. Division of Golf Courses.
 9. Division of Food Services.
 10. Division of Rangers.
 11. Division of Resort Parks.
 12. Division of Recreational Parks and Historic Sites.
- (c) Department of Fish and Wildlife Resources.
1. Division of Law Enforcement.
 2. Division of Administrative Services.
 3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.

- (g) Office of Legal Affairs.
 - (h) Office of Human Resources.
 - (i) Office of Public Affairs and Constituent Services.
 - (j) Office of Arts and Cultural Heritage.
 - (k) Kentucky African-American Heritage Commission.
 - (l) Kentucky Foundation for the Arts.
 - (m) Kentucky Humanities Council.
 - (n) Kentucky Heritage Council.
 - (o) Kentucky Arts Council.
 - (p) Kentucky Historical Society.
 - 1. Division of Museums.
 - 2. Division of Oral History and Educational Outreach.
 - 3. Division of Research and Publications.
 - 4. Division of Administration.
 - (q) Kentucky Center for the Arts.
 - 1. Division of Governor's School for the Arts.
 - (r) Kentucky Artisans Center at Berea.
 - (s) Northern Kentucky Convention Center.
 - (t) Eastern Kentucky Exposition Center.
- (11) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- III. Other departments headed by appointed officers:
- (1) Council on Postsecondary Education.
 - (2) Department of Military Affairs.
 - (3) Department for Local Government.
 - (4) Kentucky Commission on Human Rights.
 - (5) Kentucky Commission on Women.
 - (6) Department of Veterans' Affairs.
 - (7) Kentucky Commission on Military Affairs.
 - (8) Office of Minority Empowerment.

- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

Signed by Governor March 24, 2022.