
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1199 Session of
2015

INTRODUCED BY MENSCH, WILEY, VULAKOVICH, VOGEL, MCGARRIGLE,
GREENLEAF, RAFFERTY, COSTA, DINNIMAN, YUDICHAK, BARTOLOTTA,
SCARNATI, SMUCKER AND HAYWOOD, APRIL 22, 2016

REFERRED TO LABOR AND INDUSTRY, APRIL 22, 2016

AN ACT

1 Providing for competitive employment in an integrated setting in
2 State, county and local agencies for individuals with
3 disabilities; establishing the Employment First Program, the
4 Employment First State Coordinating Council and the
5 Employment First Commission and providing for their powers
6 and duties; and conferring powers and imposing duties on the
7 Governor and the Office of the Governor.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known as and may be cited as the
12 Pennsylvania Employment First Act.

13 Section 2. Declaration of policy.

14 The General Assembly finds and declares as follows:

15 (1) It is the purpose of this act to ensure that
16 individuals with disabilities be given the opportunity to
17 achieve economic independence through jobs that pay regular
18 wages in typical community settings.

19 (2) The current work force participation rate for
20 individuals with disabilities is 20%.

1 (3) All individuals are presumed competent and able and
2 should be afforded the opportunity to work.

3 (4) Significant changes have occurred and are continuing
4 to evolve with advances in effective support strategies and
5 technology.

6 (5) Each year throughout this Commonwealth, thousands of
7 high school students with disabilities who use 504 plans or
8 qualify under the Americans with Disabilities Act of 1990
9 (Public Law 101-336, 104 Stat. 327) graduate from special
10 education programs and are ready and able to work at
11 competitive wages in private and public sector jobs.

12 (6) The Commonwealth can realize a return on its
13 significant investment in young adults with disabilities who
14 have benefited from a free and appropriate public education
15 and other State services by adopting policies that further
16 the goal of competitive employment in an integrated setting
17 for individuals with disabilities.

18 (7) Hundreds of thousands of job openings are listed
19 every day, reflecting the challenges faced by employers in
20 finding and keeping a dedicated work force, challenges that
21 could be resolved, in part, through the hiring of individuals
22 with disabilities.

23 (8) Recognition and furtherance of the benefits of
24 meaningful work applies to all working individuals, including
25 the opportunity for competitive employment in an integrated
26 setting for individuals with disabilities.

27 Section 3. Definitions.

28 The following words and phrases when used in this act shall
29 have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Competitive employment." Work in the labor market:

2 (1) that is performed on a full-time or part-time basis
3 in an integrated setting; and

4 (2) for which an individual is compensated at or above
5 the minimum wage and not less than the customary wage and
6 level of benefits paid by the employer for the same or
7 similar work performed by individuals who do not have
8 disabilities.

9 "Commission." The Employment First Oversight Commission
10 established under section 6.

11 "Council." The Employment First State Coordinating Council
12 established under section 5.

13 "Disability." Either of the following:

14 (1) A documented physical or mental impairment that
15 substantially limits one or more major life activities of an
16 individual.

17 (2) A documented impairment as defined by the Americans
18 with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.
19 327), including veterans' service-connected disabilities.

20 "Integrated setting." With respect to employment, a setting
21 in which individuals with disabilities work with individuals
22 without disabilities, other than those individuals who are
23 providing services to the individuals with disabilities, to the
24 same extent that individuals without disabilities in comparable
25 positions interact with other individuals.

26 "Program." The Employment First Program established under
27 section 4.

28 Section 4. Employment First Program.

29 (a) Establishment.--The Employment First Program is
30 established. The program shall require practicable:

1 (1) competitive employment in an integrated setting for
2 all working age adults and youths with disabilities,
3 regardless of the severity of the disability and the
4 assistance required; and

5 (2) employment services and opportunities to be offered
6 for all individuals receiving publicly funded services,
7 regardless of whether they live in their own home or in a
8 residential setting and without regard to the type of service
9 funding.

10 (b) Implementation.--State, county and local agencies that
11 provide services and support to individuals with disabilities of
12 working age shall comply with the requirements of the program
13 and ensure that the requirements of the program are effectively
14 implemented in agency programs and services to the extent
15 practicable.

16 (c) Collaboration.--State, county and local agencies that
17 provide services and support to individuals with disabilities
18 shall coordinate efforts and collaborate within and among such
19 agencies to ensure that State programs, policies, procedures and
20 funding support competitive employment in an integrated setting
21 for individuals with disabilities of working age.

22 (d) Policies.--State, county and local agencies shall review
23 their respective policies relating to payment of service
24 providers to align payment policies with the requirements of the
25 program. State, county and local agencies shall ensure that
26 providers of service coordination, case management and
27 authorization services funded through the State Medicaid
28 program, including home and community-based waiver programs,
29 receive financial incentives that support the placement and
30 continued employment of individuals with disabilities in

1 competitive employment in an integrated setting.

2 (e) Staff.--State, county and local agencies shall implement
3 the requirements of the program with trained and certified staff
4 that meet the competencies of national standards, including
5 certification as a Certified Employment Support Professional or
6 membership in the Association of Community Rehabilitation
7 Educators.

8 (f) Assessment.--State, county and local agencies shall
9 develop clear outcome expectations for employment that include
10 annual baseline employment data and specific percentage goals
11 for individuals gaining competitive employment in integrated
12 settings. On an annual basis, each agency shall complete an
13 assessment of its progress toward meeting these goals and ensure
14 that the information is publicly available and posted on its
15 publicly accessible Internet website.

16 (g) Progress.--State agencies are authorized to share
17 general, nonindividualized data and information across systems
18 in an effort to track progress toward full implementation of the
19 the requirements of the program. State agencies are encouraged
20 to adopt measurable goals and objectives to promote the
21 assessment of progress under this subsection.

22 (h) State agency compliance.--The following shall apply:

23 (1) State agencies shall make an effort to employ
24 individuals with disabilities in no less than 7% of the
25 overall State work force.

26 (2) No State agency shall be required to give preference
27 in hiring to individuals with disabilities.

28 (3) The State Civil Service Commission shall review and
29 consider changes in its policies and procedures in order to
30 support progress towards the initial goal established under

1 this subsection.

2 (i) Initial plan.--No later than one year after the
3 effective date of this subsection, the Office of the Governor
4 shall develop an initial three-year plan for the program for
5 submission to the General Assembly. The plan shall identify the
6 specific policies and implementation dates for State agency
7 compliance with this act.

8 (j) Annual report.--The assessment information compiled by
9 each State, county and local agency under subsections (f) and
10 (g) and any other information deemed necessary shall be sent to
11 the Governor's Office of Policy and Planning no later than
12 August 1 of each year for consideration and inclusion in an
13 annual report by the Office of the Governor to the General
14 Assembly that documents continued and improved State, county and
15 local agency compliance with this act. The report shall be
16 submitted to the General Assembly no later than November 30 of
17 each year.

18 Section 5. Employment First State Coordinating Council.

19 (a) Establishment--The Governor shall establish the
20 Employment First State Coordinating Council, which shall be
21 chaired by a senior official in the Governor's Office of Policy
22 and Planning. The Governor shall appoint the members of the
23 council, which shall consist of the officials provided under
24 subsection (b).

25 (b) Composition.--The council shall consist of the following
26 officials, who may not delegate their duties to other officials,
27 except for good cause:

28 (1) A Deputy Secretary in the Governor's Office of
29 Policy and Planning.

30 (2) The Executive Deputy Secretary of the Department of

1 Education.

2 (3) The Deputy Secretary for Elementary and Secondary
3 Education in the Department of Education.

4 (4) The Director of the Bureau of Special Education in
5 the Department of Education.

6 (5) The Executive Deputy Secretary of the Department of
7 Human Services.

8 (6) The Deputy Secretary of the Office of Developmental
9 Programs in the Department of Human Services.

10 (7) The Deputy Secretary of the Office of Mental Health
11 and Substance Abuse Services in the Department of Human
12 Services.

13 (8) The Deputy Secretary of the Office of Long-Term
14 Living in the Department of Human Services.

15 (9) The Executive Deputy Secretary of the Department of
16 Labor and Industry.

17 (10) The Deputy Secretary for Workforce Development of
18 the Department of Labor and Industry.

19 (11) The Executive Director of the Office of Vocational
20 Rehabilitation of the Department of Labor and Industry.

21 (c) Powers and duties.--The council shall have the following
22 powers and duties:

23 (1) Conduct:

24 (i) a detailed review of existing regulations,
25 policies and procedures relating to the goal of
26 competitive employment in an integrated setting for high
27 school graduates with disabilities; and

28 (ii) a review and alignment of service definitions,
29 policies and payment structures within and across State
30 agencies.

1 (2) Develop:

2 (i) recommendations to the Governor, the Secretary
3 of Education, the Secretary of Human Services and the
4 Secretary of Labor and Industry for changes in
5 regulations, policies and procedures necessary to ensure
6 the robust implementation of the program; and

7 (ii) recommendations to the Governor for any
8 legislative changes necessary to support and implement
9 this act.

10 (d) Collaboration.--The council shall ensure that agreements
11 among local entities of the State agencies are developed and
12 adopted to ensure appropriate collaboration among agencies at
13 regional and local levels across this Commonwealth.

14 (e) Meetings.--The council shall meet quarterly and shall be
15 responsible for coordinating the development of policies
16 designed to implement this act by all State agencies providing
17 services to individuals with disabilities.

18 Section 6. Employment First Oversight Commission.

19 (a) Establishment and composition.--An independent
20 Employment First Oversight Commission is established. The
21 commission shall consist of the following members, who shall
22 serve for a three-year term:

23 (1) Four members, not under the employ of the
24 Commonwealth, who are individuals with a disability or
25 individuals who are knowledgeable about the employment of
26 individuals with a disability. The following shall apply:

27 (i) One shall be appointed by the President pro
28 tempore of the Senate.

29 (ii) One shall be appointed by the Minority Leader
30 of the Senate.

1 (iii) One shall be appointed by the Speaker of the
2 House of Representatives.

3 (iv) One shall be appointed by the Minority Leader
4 of the House of Representatives.

5 (2) Two individuals with disabilities, appointed by the
6 Governor.

7 (3) Two parents or family members of individuals with
8 disabilities, appointed by the Governor.

9 (4) Two individuals who have successful experience in
10 providing services and support to high school students and
11 recent graduates with disabilities leading to competitive
12 employment in an integrated setting, appointed by the
13 Governor.

14 (5) A representative of Disabilities Rights
15 Pennsylvania, appointed by the Governor.

16 (6) A representative of the Pennsylvania Rehabilitation
17 Council, appointed by the Governor.

18 (7) A representative of the Pennsylvania Statewide
19 Independent Living Council, appointed by the Governor.

20 (b) Meetings.--The Governor shall designate one member to
21 convene and organize the first meeting of the commission at
22 which the commission shall elect a chairperson and such other
23 officers as it deems necessary from among its members. The
24 commission shall meet at least four times each year or at the
25 call of the chairperson. A quorum shall consist of a majority of
26 the members of the commission. All actions of the commission
27 shall be taken only after approval by a majority vote of the
28 members present after a quorum is established during a lawful
29 meeting of the commission.

30 (c) Reimbursement.--Each member of the commission shall be

1 reimbursed normal and customary travel expenses in accordance
2 with Commonwealth travel policies for attendance at meetings of
3 the commission.

4 (d) Progress.--The commission shall establish measurable
5 goals and objectives governing the implementation of this act.
6 The commission shall track the measurable progress of public
7 agencies in implementing this act. All State agencies shall
8 fully cooperate with and provide data and information to assist
9 the commission in carrying out its duties.

10 (e) Annual report.--The commission shall issue an annual
11 report on October 1 of each year, detailing the progress made on
12 each of the measurable goals and objectives during the preceding
13 fiscal year. The annual report shall also include
14 recommendations to the Governor and the General Assembly for
15 effective strategies and policies needed to support the
16 implementation of this act.

17 (f) Support.--The Office of the Governor shall ensure that
18 reasonable staff and support are made available to the
19 commission to carry out its duties under this section. The
20 Office of the Governor shall also ensure that administrative
21 costs, including money for travel expenses authorized under
22 subsection (c) and money for the distribution of the annual
23 report and other related administrative costs, are made
24 available to enable the commission to carry out its duties under
25 this section. The commission may seek the attendance and
26 participation of members of the council in meetings of the
27 commission in order to assist the commission in carrying out its
28 responsibilities under this section.

29 Section 7. Training and outreach.

30 All State agencies providing services to individuals with

1 disabilities of working age shall establish systems of outreach
2 and training that provide information to the following
3 individuals about the program and available opportunities for
4 participation in competitive employment in an integrated
5 setting:

6 (1) Individuals with disabilities and their families.

7 (2) Providers of employment services for individuals
8 with disabilities.

9 (3) Education, vocational rehabilitation and human
10 service officials responsible for services to individuals
11 with disabilities.

12 Section 8. Effective date.

13 This act shall take effect in 60 days.