AN ACT

Providing for competitive integrated employment in State, county and local agencies and entities; and County agencies and any entity providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability; establishing Employment First, the Governor's Cabinet for People with Disabilities and the Employment First Oversight Commission and providing for their powers and duties; and conferring powers and imposing duties on the Governor and the Office of the Governor.

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

Section 1. Short title.

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

Section 2. Findings and declarations.

The General Assembly finds and declares as follows:

(1) It is the purpose of this act to ensure that
individuals with a disability be given the opportunity to achieve economic independence through jobs that pay competitive wages in community integrated settings.

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

(3) Pennsylvanians with a disability are valued members of society, and all members of society deserve to have the opportunity to work.

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

(5) Each year throughout this Commonwealth, thousands of high school students with a disability who use plans developed in accordance with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) or qualify under the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) graduate from special education programs and are ready and able to work at competitive wages in private sector and public sector jobs.

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

(7) Hundreds of thousands of job openings are listed every day, reflecting the challenges faced by employers in finding and keeping a dedicated work force, which could be resolved, in part, through the hiring of individuals with a disability.
 Recognition and furtherance of the benefits of meaningful work applies to all working individuals, including the opportunity for competitive integrated employment for individuals with a disability.

Section 3. Definitions.

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

"Cabinet." The Governor's Cabinet for People with Disabilities established under section 5.


"Competitive integrated employment." As defined in section 7 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 705(5)).

"Disability." As defined in governing statutes and regulations of each State agency.

"Employment First." 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.

"State agency." Any office, department, authority, board, multistate agency or commission of the executive branch, an independent agency or a State-affiliated entity. The term includes:

(1) The Governor's Office.
(2) The Office of Attorney General.
(3) The Department of the Auditor General.
(4) The Treasury Department.
An organization established by the Constitution of Pennsylvania, a statute or an executive order which performs or is intended to perform an essential government function.

Section 4. Employment First.

(a) Policy.--It shall be the policy of the Commonwealth that competitive employment in integrated settings shall be the preferred outcome for all working age adults and youth with disabilities, regardless of severity of disability and assistance required, AND WORK-BASED LEARNING EXPERIENCES FOR ALL YOUTH WITH A DISABILITY IN COLLABORATION WITH THE DEPARTMENT OF LABOR AND INDUSTRY. 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.

(b) Implementation.--State, county and local agencies and any entity providing publicly funded education, training, employment and related services, and long-term services and support for individuals with a disability that provide services and support to individuals with a disability who are eligible to work under Federal or State law shall comply with the requirements of Employment First and ensure that the requirements of Employment First are effectively implemented in agency programs and services to the extent practicable.

(c) Collaboration.--State, county and local agencies and any entity providing publicly funded education, training, employment and related services, and long-term services and support for individuals with a disability who are eligible to work under Federal or State law shall comply with the requirements of Employment First and ensure that the requirements of Employment First are effectively implemented in agency programs and services to the extent practicable.
PENNSYLVANIANS with a disability that provide services and support to individuals with a disability shall coordinate efforts and collaborate to ensure that State programs, policies, procedures and funding support competitive integrated employment for individuals with a disability who are eligible to work under Federal or State law.

(d) Policies.--

(1) State, county and local agencies AND COUNTY AGENCIES AND ENTITIES PROVIDING PUBLICLY FUNDED EDUCATION, TRAINING, EMPLOYMENT AND RELATED SERVICES AND LONG-TERM SERVICES AND SUPPORTS FOR WORKING-AGE PENNSYLVANIANS WITH A DISABILITY shall review their respective policies relating to payment of service providers, INCLUDING SUPPORTS COORDINATORS, to align payment policies with the requirements of Employment First. State, county and local agencies AND ANY ENTITY PROVIDING publicly funded education, training, employment and related services, and long-term services and support for individuals with a disability shall ensure 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 FINANCIAL INCENTIVES, WHEN ALLOWABLE UNDER FEDERAL FUNDING RULES FOR EMPLOYMENT SERVICES, SHALL BE GRANTED TO PROVIDERS WHO support the placement and continued employment of individuals with disabilities in competitive employment in AN INTEGRATED SETTING. A DISABILITY IN COMPETITIVE INTEGRATED EMPLOYMENT.

(2) State agencies shall provide the designation of employment champions, consistent with the designation utilized by the Department of Human Services, to providers of
service coordination, case management and authorization services funded through the State Medicaid program, including home and community-based waiver programs, who demonstrate commitment to Employment First and successfully support the placement and continued employment of individuals with a disability in competitive integrated employment. Employment champions shall be provided increased technical assistance to further support employment services. A complete list of employment champions shall be made available on the State agencies' websites.

(e) Staff.--State, county and local AND COUNTY agencies and any entity ENTITIES providing publicly funded education, training, employment and related services, and long-term services and support for individuals WORKING-AGE PENNSYLVANIANS with a disability shall implement the requirements of Employment First with trained and certified staff that are in compliance with governing statutes and regulations of each State agency.

(f) Assessment.--State, county and local AND COUNTY agencies and any entity ENTITIES providing publicly funded education, training, employment and related services, and long-term services and support for individuals with a disability shall develop clear outcome expectations for employment that include annual baseline employment data and specific percentage goals for individuals with a disability gaining competitive integrated employment. Each agency shall complete an assessment of its progress toward meeting these goals annually and ensure that the information is publicly available and posted on its publicly accessible Internet website.

(g) Progress.--State agencies are authorized to share general, nonindividualized data and information across systems.

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in an effort to track implementation of Employment First. State agencies are encouraged to adopt measurable goals and objectives to promote the assessment of progress under this subsection.

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

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

(2) State agencies shall review on a biannual basis, the adequacy of hiring, placement and advancement practices with respect to individuals with a disability.

(3) No State agency shall be required to give preference in hiring to individuals with a disability.

(4) The Office of Administration shall develop a framework for individuals to self-report a disability.

(5) The State Civil Service Commission shall review and consider changes in its policies and procedures in order to support progress towards the initial goal established under this subsection.

(i) Initial plan.--No later than one year after the effective date of this subsection, the Office of the Governor shall develop an initial three-year plan based upon information provided by the State agencies for implementing Employment First for submission to the General Assembly. The plan shall identify the specific policies and implementation dates for State agency compliance with this act.

(j) Annual report.--The assessment information compiled by each State, county and local AND COUNTY agency and any entity providing publicly funded education, training, employment and related services, and long-term services and support for individuals WORKING-AGE PENNSYLVANIANS with a disability under 20170HB1641PN2734
subsections (f) and (g) and any other information deemed necessary shall be sent to the Governor's Office of Policy and Planning no later than October 1 of each year for consideration and inclusion in an annual report by the Office of the Governor to the General Assembly that documents continued and improved State agency compliance with this act. The report shall be submitted to the General Assembly no later than January 30 of each year.

Section 5. The Governor's Cabinet for People with Disabilities.

(a) Establishment.--The Governor shall establish the Governor's Cabinet for People with Disabilities. The Governor shall appoint the members of the cabinet.

(b) Composition.--The cabinet shall consist of the following members, who may not delegate their duties to other members, except for good cause:

(1) Secretary of Human Services or a designee who shall be an employee of the Department of Human Services.

(2) Secretary of Labor and Industry or a designee who shall be an employee of the Department of Labor and Industry.

(3) Secretary of Health or a designee who shall be an employee of the Department of Health.

(4) Secretary of Education or a designee who shall be an employee of the Department of Education.

(5) Secretary of Transportation or a designee who shall be an employee of the Department of Transportation.

(6) Secretary of the Budget or a designee who shall be an employee of Office of the Budget.

(7) Secretary of Aging or a designee who shall be an employee of the Department of Aging.

(8) Secretary of Military and Veterans Affairs or a
designee who shall be an employee of the Department of Military and Veterans Affairs.

(9) Secretary of State or a designee who shall be an employee of the Department of State.

(10) Secretary of Policy and Planning or a designee who shall be an employee of the Office of Policy and Planning.

(11) Secretary of Community and Economic Development or a designee who shall be an employee of the Department of Community and Economic Development.

(12) Executive Director of the Pennsylvania Human Relations Commission or a designee who shall be an employee of the Pennsylvania Human Relations Commission.

(13) Executive Director of the Pennsylvania State Civil Service Commission or a designee who shall be an employee of the Pennsylvania State Civil Service Commission.

(14) Executive Director of the Pennsylvania Housing Finance Agency or a designee who shall be an employee of the Pennsylvania Housing Finance Agency.

(15) Executive Director of the Pennsylvania Developmental Disabilities Council or a designee who shall be an employee of the Pennsylvania Developmental Disabilities Council.

(16) Executive Director of the Pennsylvania Council on the Arts or a designee who shall be an employee of the Pennsylvania Council on the Arts.

(c) Powers and duties.--The cabinet shall have the following powers and duties:

(1) To conduct:

   (i) a detailed review of existing regulations, policies and procedures relating to the goal of
competitive integrated employment for individuals with a
disability; and

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

(2) To develop:

(i) recommendations to the Governor, the Secretary
of Education, the Secretary of Human Services, the
Secretary of Labor and Industry, the Secretary of
Administration and the Secretary of General Services for
changes in regulations, policies and procedures necessary
to ensure implementation of Employment First;

(ii) recommendations to the Governor, the Secretary
of Education, the Secretary of Human Services, the
Secretary of Labor and Industry, the Secretary of
Administration and the Secretary of General Services for
the consistent collection of data and the enforceable
sharing of data;

(iii) recommendations to the Governor for
 legislative changes necessary to support and implement
this act.

(d) Collaboration.--The cabinet shall encourage the
development and adoption of agreements among local entities of
the State agencies to promote collaboration among agencies at
regional and local levels across this Commonwealth.

(e) Meetings.--The cabinet shall meet quarterly and shall be
responsible for coordinating the development of policies
designed to implement this act by each State agency providing
services to an individual with a disability.

Section 6. Employment First Oversight Commission.

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(a) Establishment and composition.--An independent Employment First Oversight Commission is established. The commission shall consist of the following members, at least 51% of whom must have disabilities, who shall serve for a three-year term:

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

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

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

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

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

(2) Two individuals with a disability, appointed by the Governor.

(3) Two parents or family members of individuals with a disability, appointed by the Governor.

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

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

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

(8) A representative of a State association of accredited employment providers, appointed by the Governor.

(8) A REPRESENTATIVE OF THE PENNSYLVANIA CLIENT ASSISTANCE PROGRAM, APPOINTED BY THE GOVERNOR.

(9) A REPRESENTATIVE OF A STATE ASSOCIATION OF ORGANIZATIONS THAT PROVIDES COMPETITIVE INTEGRATED EMPLOYMENT SERVICES, AMONG OTHER SERVICES, IN THE COMMUNITY FOR INDIVIDUALS WITH DISABILITIES, APPOINTED BY THE GOVERNOR.

(10) A REPRESENTATIVE OF AN ORGANIZATION THAT PARTNERS WITH PRIVATE BUSINESSES OR STATE AGENCIES, OR BOTH, TO DELIVER SERVICES THAT CREATE COMPETITIVE EMPLOYMENT OPPORTUNITIES IN THE COMMUNITY FOR INDIVIDUALS WITH DISABILITIES, APPOINTED BY THE GOVERNOR.

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

(c) Reimbursement.--Each member of the commission shall be reimbursed normal and customary travel expenses in accordance with Commonwealth travel policies for attendance at meetings of the commission.

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

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

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

Section 7. Training and outreach.

All State agencies providing services to individuals with a disability who are eligible to work under Federal and State law shall establish systems of outreach and training that provide information to the following individuals about Employment First and available opportunities for participation in competitive
integrated employment:

(1) Individuals with a disability and their families.

(2) Providers of employment services for individuals with a disability.

(3) Education, vocational rehabilitation and human service officials responsible for services to individuals with a disability.

Section 8. Applicability.

Nothing under this act shall be interpreted to supersede or preempt Federal or State law. Nothing in this act shall be construed to change, supersede, preempt or otherwise redefine the term "age of majority" as it applies to individuals who qualify under the provisions of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) pursuant to 22 Pa. Code § 11.12 (relating to school age). This act is not intended to create and does not create a prohibition of existing employment options and opportunities or of the informed choices of individuals with a disability made through a person-centered planning process.

Section 9. Effective date.

This act shall take effect in 60 days.