



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1641

PRINTERS NO. 2734

PRIME SPONSOR: Cutler

COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
Commonwealth Funds	See "Fiscal Impact"	See "Fiscal Impact"

SUMMARY: Creates the Employment First Act. This legislation would take effect in 60 days.

ANALYSIS: The legislation would create a freestanding act to establish the policy of Employment First within State agencies.

Employment First Policy: This legislation establishes the policy of Employment First. This policy indicates that entities subject to the act will promote, where practicable:

- Competitive integrated employment for all individuals with a disability eligible to work under federal or state law; and
- Employment services and opportunities to be offered for all individuals receiving publically funded services.

State, county and other entities that provide services and support to disabled individuals must comply with the requirements of the policy and ensure that the requirements are effectively implemented in agency programs and services to the extent practicable. Coordination of these agencies is required to support competitive employment for individuals with disabilities.

The agencies will review their policies and align payment of service providers to the requirements of Employment First to ensure that providers receive financial incentives that support employment of disabled individuals in a competitive setting. Agencies shall provide the designation of employment champions to providers of services who demonstrate commitment to Employment First, who shall be provided increased technical assistance to further support employment services. The agencies will also utilize trained and certified staff to implement the policy. Each agency will develop clear outcome expectations for employment, complete annual assessments, and ensure that the information is posted on its website.

State agencies are authorized to share general, nonindividualized data across systems to track progress toward full implementation of the policy requirements. The following apply to state agency compliance:

- State agencies will make an effort to employ individuals with disabilities in no less than 7% of the overall state workforce.
- No state agency is required to give preference in hiring disabled individuals.
- The Civil Service Commission will review and consider changes in its policies to support progress toward the 7% goal.

Within one year of the effective date, the Office of the Governor will develop an initial 3-year plan for the policy for submission to the General Assembly. The assessment information compiled by state, county and other entities (and any other information deemed necessary) must be sent to the Governor's Office of Policy and Planning by October 1 each year for consideration in an annual report. The Office of the Governor will submit an annual report, which documents continued and improved compliance with the act, by January 30 each year.

Governor's Cabinet for People with Disabilities: The Governor will establish the Governor's Cabinet for People with Disabilities. The cabinet will consist of the following officials (who cannot delegate their duties except for good cause):

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

The council's powers and duties include:

- Conducting a detailed review of existing regulations, policies and procedures related to the goal of competitive employment for disabled individuals.
- Conducting a review and alignment of service definitions, policies and payment structures across state agencies.

- Developing recommendations (to the Governor and the Secretaries of Education, Human Services, Labor and Industry, Administration and General Services) for changes necessary to ensure implementation of the policy.
- Developing recommendations (to the same individuals listed above) for the consistent collection of data and enforceable sharing of data
- Developing recommendations to the Governor for any legislative changes necessary to support and implement the act.

The council will ensure that agreements among local entities of state agencies are developed to ensure appropriate collaboration among agencies at regional and local levels.

The council will meet quarterly and is responsible for coordinating the development of policies to implement the act by all state agencies providing services to individuals with disabilities.

Employment First Oversight Commission: The Employment First Oversight Commission is established, and will consist of the following members (who serve for a 3 year term), at least 51% of whom must have disabilities:

- 4 members, who are disabled individuals not employed by the Commonwealth, who are knowledgeable about the employment of individuals with disabilities. One member is appointed by each of the following:
 - Senate President Pro Tempore
 - Senate Minority Leader
 - House Speaker
 - House Minority Leader
- The following appointed by the Governor
 - 2 individuals with disabilities.
 - 2 parents or family members of individuals with disabilities.
 - 2 individuals who have successful experience providing services and support to high school students and graduates with disabilities leading to competitive employment.
 - 1 representative of the Disability Rights PA
 - 1 representative of the PA Rehabilitation Council
 - 1 representative of the PA Statewide Independent Living Council
 - 1 representative of the PA Client Assistance Program
 - 1 representative of a state association of organizations that provides competitive integrated employment services, among other services, in the community for individuals with disabilities
 - 1 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

The Governor will designate one member of the commission to organize the first meeting, at which the commission will select a chair and other officers. The commission will meet at least 4 times per year, at the call of the chair, and quorum will consist of a majority of members. Members will be reimbursed for normal and customary travel expenses for attendance at commission meetings.

The commission will establish measurable goals and objectives for the implementation of the act, and it will track the progress of public agencies in implementing the act. State agencies are required to fully cooperate with and provide data to assist the commission in carrying out its duties.

The commission will issue an annual report October 1 of each year, which will detail the progress made on the goals and objectives governing the implementation of the act, and will include recommendations to the Governor and General Assembly for effective policies and strategies needed to support implementation of the act.

The Office of the Governor will ensure reasonable staff and support are made available to the commission. The Office shall also ensure that administrative costs, including money for travel expenses 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. The commission can seek the attendance of members of the cabinet at commission meetings to assist the commission in carrying out its responsibilities.

Training and Outreach: All state agencies providing services to individuals with disabilities will establish outreach and training to provide information about the policy and opportunities for participation to:

- Individuals with disabilities and their families
- Providers of employment services for individuals with disabilities
- Education, vocation rehabilitation and human service officials responsible for services to individuals with disabilities

Applicability: The act will not be interpreted to supersede or preempt federal or state law, and does not create a prohibition of existing employment options and opportunities for persons with disabilities or of the informed choices of individuals with a disability made through a person-centered planning process.

FISCAL IMPACT: This legislation would have a minimal fiscal impact on Commonwealth funds as members of the commission would be reimbursed for normal and customary travel expenses for attendance at commission meetings. The remainder of the legislation is not likely to have any adverse fiscal impact on Commonwealth funds.

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Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.