

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1641 Session of  
2017

---

INTRODUCED BY CUTLER, D. MILLER, NEILSON, ORTITAY, DEAN, KINSEY,  
READSHAW, WATSON, PICKETT, FEE, O'NEILL, SCHLOSSBERG, MURT,  
CALTAGIRONE, BARRAR, MILLARD, A. HARRIS, D. COSTA, B. MILLER,  
WARD, GROVE, FRANKEL, McNEILL, THOMAS, PHILLIPS-HILL,  
FREEMAN, SOLOMON, DEASY, ROZZI, MUSTIO, RAVENSTAHL,  
DONATUCCI, KLUNK, PASHINSKI, MATZIE, MCGINNIS AND FARRY,  
JUNE 29, 2017

---

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 29, 2017

---

AN ACT

1 Providing for competitive integrated employment in State, county  
2 and local agencies and entities; establishing Employment  
3 First, the Governor's Cabinet for People with Disabilities  
4 and the Employment First Oversight Commission and providing  
5 for their powers and duties; and conferring powers and  
6 imposing duties on the Governor and the Office of the  
7 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 and may be cited as the Employment  
12 First Act.

13 Section 2. Findings and declarations.

14 The General Assembly finds and declares as follows:

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

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

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

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

9           (5) Each year throughout this Commonwealth, thousands of  
10 high school students with a disability who use plans  
11 developed in accordance with section 504 of the  
12 Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. §  
13 794) or qualify under the Americans with Disabilities Act of  
14 1990 (Public Law 101-336, 104 Stat. 327) graduate from  
15 special education programs and are ready and able to work at  
16 competitive wages in private sector and public sector jobs.

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

23           (7) Hundreds of thousands of job openings are listed  
24 every day, reflecting the challenges faced by employers in  
25 finding and keeping a dedicated work force, which could be  
26 resolved, in part, through the hiring of individuals with a  
27 disability.

28           (8) Recognition and furtherance of the benefits of  
29 meaningful work applies to all working individuals, including  
30 the opportunity for competitive integrated employment for

1 individuals with a disability.

2 Section 3. Definitions.

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

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

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

10 "Competitive integrated employment." As defined in section 7  
11 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C.  
12 § 705(5)).

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

15 "Employment First." The policy of State agencies which  
16 provides that competitive integrated employment is the first  
17 consideration and preferred outcome of publicly funded  
18 education, training, employment and related services, and long-  
19 term services and support for individuals with a disability.

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

24 (1) The Governor's Office.

25 (2) The Office of Attorney General.

26 (3) The Department of the Auditor General.

27 (4) The Treasury Department.

28 (5) An organization established by the Constitution of  
29 Pennsylvania, a statute or an executive order which performs  
30 or is intended to perform an essential government function.

1 Section 4. Employment First.

2 (a) Policy.--It shall be the policy of the Commonwealth that  
3 competitive employment in integrated settings shall be the  
4 preferred outcome for all working age adults and youth with  
5 disabilities, regardless of severity of disability and  
6 assistance required. Employment services and opportunities must  
7 be offered to all individuals receiving publicly funded  
8 services, regardless of whether they live in their own home or  
9 in a residential setting.

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

19 (c) Collaboration.--State, county and local agencies and any  
20 entity providing publicly funded education, training, employment  
21 and related services, and long-term services and support for  
22 individuals with a disability that provide services and support  
23 to individuals with a disability shall coordinate efforts and  
24 collaborate to ensure that State programs, policies, procedures  
25 and funding support competitive integrated employment for  
26 individuals with a disability who are eligible to work under  
27 Federal or State law.

28 (d) Policies.--

29 (1) State, county and local agencies shall review their  
30 respective policies relating to payment of service providers

1 to align payment policies with the requirements of Employment  
2 First. State, county and local agencies and any entity  
3 providing publicly funded education, training, employment and  
4 related services, and long-term services and support for  
5 individuals with a disability shall ensure that providers of  
6 service coordination, case management and authorization  
7 services funded through the State Medicaid program, including  
8 home and community-based waiver programs, receive financial  
9 incentives that support the placement and continued  
10 employment of individuals with disabilities in competitive  
11 employment in an integrated setting.

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

25 (e) Staff.--State, county and local agencies and any entity  
26 providing publicly funded education, training, employment and  
27 related services, and long-term services and support for  
28 individuals with a disability shall implement the requirements  
29 of Employment First with trained and certified staff that are in  
30 compliance with governing statutes and regulations of each State

1 agency.

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

13 (g) Progress.--State agencies are authorized to share  
14 general, nonindividualized data and information across systems  
15 in an effort to track implementation of Employment First. State  
16 agencies are encouraged to adopt measurable goals and objectives  
17 to promote the assessment of progress under this subsection.

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

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

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

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

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

29 (5) The State Civil Service Commission shall review and  
30 consider changes in its policies and procedures in order to

1 support progress towards the initial goal established under  
2 this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 Pennsylvania Housing Finance Agency.

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

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

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

11 (1) To conduct:

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

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

19 (2) To develop:

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

26 (ii) recommendations to the Governor, the Secretary  
27 of Education, the Secretary of Human Services, the  
28 Secretary of Labor and Industry, the Secretary of  
29 Administration and the Secretary of General Services for  
30 the consistent collection of data and the enforceable

1 sharing of data;  
2 (iii) recommendations to the Governor for  
3 legislative changes necessary to support and implement  
4 this act.

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

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

13 Section 6. Employment First Oversight Commission.

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

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

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

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

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

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

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

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

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

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

12          (6) A representative of the Pennsylvania Rehabilitation  
13 Council, appointed by the Governor.

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

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

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

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

1 the commission.

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

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

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

27 Section 7. Training and outreach.

28 All State agencies providing services to individuals with a  
29 disability who are eligible to work under Federal and State law  
30 shall establish systems of outreach and training that provide

1 information to the following individuals about Employment First  
2 and available opportunities for participation in competitive  
3 integrated employment:

4 (1) Individuals with a disability and their families.

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

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

10 Section 8. Applicability.

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

22 Section 9. Effective date.

23 This act shall take effect in 60 days.