An Act To Provide Integrated Community-based Employment and Customized Employment for Persons with Disabilities

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Presented by President ALFOND of Cumberland.
Cosponsored by Representative VOLK of Scarborough and Senators: CUSHING of Penobscot, HASKELL of Cumberland, PATRICK of Oxford, Representatives: CRAFTS of Lisbon, FARNSWORTH of Portland, HERBIG of Belfast, PETERSON of Rumford, WILLETTE of Mapleton.
Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 26 MRSA c. 39 is enacted to read:

CHAPTER 39

EMPLOYMENT FIRST MAINE ACT

§3301. Short title

This chapter may be known and cited as "the Employment First Maine Act."

§3302. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Customized employment. "Customized employment" means employment acquired as a result of implementation of a flexible blend of strategies, services and supports designed to increase employment options for job seekers with complex needs through voluntary negotiation of the employment relationship with the employer.

2. Disability. "Disability" means a physical or mental disability as defined in Title 5, section 4553-A.

3. First and preferred service or support option. "First and preferred service or support option" means the first employment service option that is offered by a state agency, prior to the offer of other supports or services, including day services.

4. Integrated community-based employment. "Integrated community-based employment" means employment in the competitive labor market that is performed on a full-time or part-time basis in the general community or through self-employment and for which a person with a disability is compensated at or above the minimum wage but not less than the prevailing wage and level of benefits paid by the employer for the same or similar work performed by persons without disabilities.

5. State agency. "State agency" means the Department of Education, the Department of Health and Human Services or the Department of Labor.

§3303. State agencies; requirements

1. Employment as core component of services and supports. In carrying out its duties to provide services and supports to persons with disabilities, a state agency shall include as a core component of its services and supports the opportunity for persons with disabilities to acquire integrated community-based employment or customized employment.
A. When entering into contracts with providers of services to persons with disabilities, a state agency shall include appropriate provisions regarding facilitating integrated community-based employment or customized employment and ensuring measurable outcomes.

B. A state agency shall incorporate standards for integrated community-based employment and customized employment into its processes for program monitoring and quality assurance.

2. **First and preferred service or support option.** When providing services or supports to a person with a disability, a state agency shall offer to the person, as the first and preferred service or support option, a choice of employment services that will support the acquisition by the person of integrated community-based employment or customized employment.

3. **Coordination of efforts and information.** A state agency shall:
   A. Coordinate its efforts with other state agencies to ensure that the programs directed, the funding managed and the policies adopted by each state agency support the acquisition by persons with disabilities of integrated community-based employment or customized employment; and
   B. When permissible under the law, share information regarding the use of services and other data with other state agencies in order to monitor progress toward facilitating the acquisition by persons with disabilities of integrated community-based employment or customized employment.

4. **Pursuit of employment; option.** Nothing in this chapter may be construed to require a person with a disability who receives services from a state agency to accept employment services from that state agency or to experience a loss of services as a result of choosing not to explore employment options.

5. **Rulemaking.** A state agency shall adopt rules to implement this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**PART B**

Sec. B-1. **Employment First Maine Coalition.** The Employment First Maine Coalition, referred to in this section as "the coalition," is established within the protection and advocacy agency for persons with disabilities designated by the Governor pursuant to the Maine Revised Statutes, Title 5, section 19502. The coalition shall strive to ensure that at least 1/2 of the coalition members are persons with disabilities.

1. **Membership.** The following may participate as members of the coalition:
   A. The Commissioner of Labor or the commissioner's designee;
   B. The Commissioner of Education or the commissioner's designee;
   C. The Commissioner of Health and Human Services or the commissioner's designee;
D. The executive director of the Maine Developmental Disabilities Council or the
executive director's designee;

E. The chair of the Maine Association of People Supporting EmploymentFirst or the
chair's designee;

F. The chair of the Consumer Council System of Maine or the chair's designee;

G. The chair of Speaking Up For Us or the chair's designee;

H. The executive director of the Disability Rights Center or the executive director's
designee;

I. The director of the Center for Community Inclusion and Disability Studies at the
University of Maine or the director's designee;

J. The executive director of Alpha One or the executive director's designee;

K. The executive director of the Iris Network or the executive director's designee;

L. The director of the Maine Business Leadership Network or the director's designee;

M. The chair of the Commission on Disability and Employment or the chair's
designee;

N. The executive director of the National Alliance on Mental Illness - Maine or the
executive director's designee;

O. The chair of the Division of Vocational Rehabilitation, State Rehabilitation
Council, within the Department of Labor, Bureau of Rehabilitation Services or the
chair's designee;

P. The chair of the Division for the Blind and Visually Impaired, State Rehabilitation
Council within the Department of Labor, Bureau of Rehabilitation Services or the
chair's designee;

Q. The chair of the Commission for the Deaf, Hard of Hearing and Late Deafened
within the Department of Labor, Bureau of Rehabilitation Services or the chair's
designee;

R. The chair of the Maine Statewide Independent Living Council or the chair's
designee;

S. The executive director of the Maine Association for Community Service Providers
or the executive director's designee; and

T. At least one executive director or designee from a vocational clubhouse program
in the State.

The coalition shall invite as members a certified rehabilitation provider that provides
integrated community-based employment or customized employment services and at least
2 persons who are parents of persons with disabilities. The coalition may invite
additional members to join the coalition.

2. Meetings. The coalition shall hold regularly scheduled business meetings at least
once in each quarter and at such times as the chair determines necessary or at the request
of a majority of the members.
3. **Chair.** The coalition shall annually elect from among its members a chair and a vice-chair to serve a term of one year.

4. **Consensus.** The coalition shall use consensus-based decision making.

5. **Compensation.** The members of the coalition serve without compensation.

6. **Duties; powers.** The coalition shall:

   A. Promote coordination and collaboration among state agencies that provide services and supports for persons with disabilities to advance integrated community-based employment and customized employment services for persons with disabilities;

   B. Review, on a continuing basis, state policies, plans, programs and activities concerning the integrated community-based employment and customized employment of persons with disabilities that are conducted or assisted, in whole or in part, by state agencies or state funds in order to determine whether such policies, programs, plans and activities effectively meet the employment needs of persons with disabilities;

   C. Serve as a conduit for information and input to aid in the implementation of the Maine Revised Statutes, Title 26, chapter 39 for advocacy groups, commissions and councils that focus on issues facing persons with disabilities in the State;

   D. Make recommendations to the Governor, the Legislature and state agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities;

   E. Review and comment on proposed legislation affecting the employment of persons with disabilities; and

   F. Propose and promote rules and policies to state agencies that provide services and supports to persons with disabilities to improve integrated community-based employment and customized employment of persons with disabilities.

The coalition may submit annually, by the first Wednesday in December, proposed legislation to the Legislature to improve integrated community-based employment and customized employment of persons with disabilities. Legislation submitted pursuant to this subsection may include recommendations regarding extending the coalition's authorization beyond the date specified in subsection 7.

For purposes of this subsection, "customized employment" has the same meaning as in the Maine Revised Statutes, Title 26, section 3302, subsection 1; "integrated community-based employment" has the same meaning as in Title 26, section 3302, subsection 4; and "state agency" has the same meaning as in Title 26, section 3302, subsection 5.

7. **Repeal.** This Part is repealed October 1, 2016.
SUMMARY

Part A of this bill requires the Department of Education, the Department of Health and Human Services and the Department of Labor, in carrying out their duties to provide services and supports to persons with disabilities, to:

1. Include as a core component of those services and supports the facilitation of the acquisition by persons with disabilities of integrated community-based employment and customized employment;

2. Offer, as the first and preferred service or support option, employment services that will support the acquisition by persons with disabilities of integrated community-based employment and customized employment;

3. Coordinate their efforts to ensure that the programs directed, the funding managed and the policies adopted by each agency support the acquisition by persons with disabilities of integrated community-based employment and customized employment; and

4. When permissible under the law, share information regarding the use of services and other data in order to monitor progress toward facilitating the acquisition by persons with disabilities of integrated community-based employment and customized employment.

Part A specifies that a person with a disability who receives services from the Department of Education, the Department of Health and Human Services or the Department of Labor may not be required to accept employment services from that agency or to experience a loss of services as a result of choosing not to explore employment options.

Part B of this bill establishes until October 1, 2016 the Employment First Maine Coalition within the Disability Rights Center, which is the protection and advocacy agency for persons with disabilities designated by the Governor pursuant to the Maine Revised Statutes, Title 5, section 19502. Among its duties, the Employment First Maine Coalition is directed to promote coordination and collaboration among state agencies that provide services and supports for persons with disabilities to advance integrated community-based employment and customized employment services for persons with disabilities; review relevant state policies, plans, programs and activities in order to determine whether such policies, plans, programs and activities effectively meet the employment needs of persons with disabilities; serve as a conduit for information and input to aid advocacy groups, commissions and councils that focus on issues facing persons with disabilities in Maine; make recommendations to the Governor, the Legislature and agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities; propose and promote rules and policies to agencies that provide services and supports to persons with disabilities to improve integrated community-based employment and customized employment of persons with disabilities; review and comment on proposed legislation affecting the employment of persons with disabilities; and submit proposed legislation to the Legislature to improve integrated community-based employment and customized employment of persons with disabilities.