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Legislative Document

No. 1352

S.P. 471

In Senate, April 9, 2013

**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.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

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.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **PART A**

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

4 **CHAPTER 39**

5 **EMPLOYMENT FIRST MAINE ACT**

6 **§3301. Short title**

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

8 **§3302. Definitions**

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

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

15 **2. Disability.** "Disability" means a physical or mental disability as defined in Title
16 5, section 4553-A.

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

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

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

28 **§3303. State agencies; requirements**

29 **1. Employment as core component of services and supports.** In carrying out its
30 duties to provide services and supports to persons with disabilities, a state agency shall
31 include as a core component of its services and supports the opportunity for persons with
32 disabilities to acquire integrated community-based employment or customized
33 employment.

1 A. When entering into contracts with providers of services to persons with
2 disabilities, a state agency shall include appropriate provisions regarding facilitating
3 integrated community-based employment or customized employment and ensuring
4 measurable outcomes.

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

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

13 **3. Coordination of efforts and information.** A state agency shall:

14 A. Coordinate its efforts with other state agencies to ensure that the programs
15 directed, the funding managed and the policies adopted by each state agency support
16 the acquisition by persons with disabilities of integrated community-based
17 employment or customized employment; and

18 B. When permissible under the law, share information regarding the use of services
19 and other data with other state agencies in order to monitor progress toward
20 facilitating the acquisition by persons with disabilities of integrated community-based
21 employment or customized employment.

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

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

29 **PART B**

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

35 **1. Membership.** The following may participate as members of the coalition:

36 A. The Commissioner of Labor or the commissioner's designee;

37 B. The Commissioner of Education or the commissioner's designee;

38 C. The Commissioner of Health and Human Services or the commissioner's designee;

- 1 D. The executive director of the Maine Developmental Disabilities Council or the
2 executive director's designee;
- 3 E. The chair of the Maine Association of People Supporting EmploymentFirst or the
4 chair's designee;
- 5 F. The chair of the Consumer Council System of Maine or the chair's designee;
- 6 G. The chair of Speaking Up For Us or the chair's designee;
- 7 H. The executive director of the Disability Rights Center or the executive director's
8 designee;
- 9 I. The director of the Center for Community Inclusion and Disability Studies at the
10 University of Maine or the director's designee;
- 11 J. The executive director of Alpha One or the executive director's designee;
- 12 K. The executive director of the Iris Network or the executive director's designee;
- 13 L. The director of the Maine Business Leadership Network or the director's designee;
- 14 M. The chair of the Commission on Disability and Employment or the chair's
15 designee;
- 16 N. The executive director of the National Alliance on Mental Illness - Maine or the
17 executive director's designee;
- 18 O. The chair of the Division of Vocational Rehabilitation, State Rehabilitation
19 Council, within the Department of Labor, Bureau of Rehabilitation Services or the
20 chair's designee;
- 21 P. The chair of the Division for the Blind and Visually Impaired, State Rehabilitation
22 Council within the Department of Labor, Bureau of Rehabilitation Services or the
23 chair's designee;
- 24 Q. The chair of the Commission for the Deaf, Hard of Hearing and Late Deafened
25 within the Department of Labor, Bureau of Rehabilitation Services or the chair's
26 designee;
- 27 R. The chair of the Maine Statewide Independent Living Council or the chair's
28 designee;
- 29 S. The executive director of the Maine Association for Community Service Providers
30 or the executive director's designee; and
- 31 T. At least one executive director or designee from a vocational clubhouse program
32 in the State.

33 The coalition shall invite as members a certified rehabilitation provider that provides
34 integrated community-based employment or customized employment services and at least
35 2 persons who are parents of persons with disabilities. The coalition may invite
36 additional members to join the coalition.

37 **2. Meetings.** The coalition shall hold regularly scheduled business meetings at least
38 once in each quarter and at such times as the chair determines necessary or at the request
39 of a majority of the members.

1 **3. Chair.** The coalition shall annually elect from among its members a chair and a
2 vice-chair to serve a term of one year.

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

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

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

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

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

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

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

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

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

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

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

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

1 **SUMMARY**

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

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

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

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

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

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

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