

ORIGINAL HOUSE
BILL NO. 0073

ENROLLED ACT NO. 53, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

AN ACT relating to persons with disabilities; establishing employment first as a state policy; declaring it a state policy to support competitive employment in an integrated setting; requiring agencies to support competitive and integrated employment; requiring state agencies working with home and community based waiver service providers to implement employment first policies; requiring reports; providing definitions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 9-2-1002(a) by creating new paragraphs (xiii) through (xv), 9-2-1022 by creating a new subsection (n) and 42-4-120 by creating a new subsection (m) are amended to read:

9-2-1002. Definitions; powers generally; duties of governor; provisions construed; cooperation with legislature and judiciary; divisions enumerated.

(a) As used in this act:

(xiii) "Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting, and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled;

(xiv) "Employment first" means a concept to facilitate the full inclusion of individuals with disabilities in the workplace and community. Under the employment first approach, community based, integrated employment is the first option for employment services for

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children and adults with disabilities. Employment first includes competitive employment in an integrated setting;

(xv) "Integrated setting" means with respect to an employment outcome, a setting typically found in the community in which applicants or eligible individuals interact with individuals who do not have disabilities, other than nondisabled individuals who are providing services to those applicants or eligible individuals, to the same extent that individuals who do not have disabilities interact with other persons in comparable positions.

9-2-1022. Duties of department performed through human resources division.

(n) In carrying out the duties of the division under this section, employment first shall be the policy of the state that competitive and integrated employment shall be considered its first option when serving persons with disabilities who are of working age to obtain employment. Employment first applies to programs and services that provide services and support to help obtain employment for persons with disabilities. All state agencies shall follow this policy and ensure that it is effectively implemented in their hiring and in all programs and services administered or funded by the agencies. Nothing in this section shall be construed to require any employer to give preference to hiring people with a disability. All state agencies shall coordinate efforts and shall collaborate within and among the agencies to ensure that state programs, policies, procedures and funding support competitive and integrated employment of individuals with disabilities. All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward full implementation of this subsection.

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Nothing in this section shall be construed as eliminating any supported employment services as an option when appropriate.

42-4-120. Contracts for waiver services; authority of department; emergency case services; cost based payments; training and certification of specialists.

(m) The department shall ensure that state agencies working with service providers receiving funds pursuant to this section shall have established employment first policies, including competitive employment in an integrated setting, consistent with the requirements of W.S. 9-2-1022.

Section 2.

(a) The governor shall convene a task force made up of the governor's designee, one (1) person with a disability appointed by the governor, one (1) person representing a community provider appointed by the governor and the directors or their designees from the departments of administration and information, health, family services and workforce services. The task force shall develop a strategic plan to implement the employment first policy pursuant to W.S. 9-2-1022(n).

(b) The department of health shall report to the joint labor, health and social services interim committee by October 1, 2014 and each October 1 through 2017 on the employment first strategic plan developed pursuant to subsection (a) of this section. The first report shall include the status of rules adopted to implement the policy and strategic plan and subsequent reports shall include trend data showing progress toward full implementation and results of the employment first policy.

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Section 3. This act is effective July 1, 2014.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk