

CHAPTER 425

GOVERNMENT - STATE

SENATE BILL 08-004

BY SENATOR(S) Keller, Boyd, Bacon, Gibbs, Gordon, Groff, Isgar, Kester, Mitchell S., Morse, Sandoval, Schwartz, Spence, Tapia, Tochtrop, Tupa, Veiga, Ward, Williams, and Windels;
 also REPRESENTATIVE(S) Gardner B., Pommer, Carroll M., Fischer, Gallegos, Gardner C., Garza-Hicks, Green, Hodge, Jahn, Kefalas, King, Labuda, Levy, Liston, Looper, Madden, Massey, May M., McFadyen, McGihon, Merrifield, Middleton, Mitchell V., Peniston, Romanoff, Soper, Stafford, Stephens, Summers, and Todd.

AN ACT

CONCERNING MEASURES TO ENCOURAGE STATE EMPLOYMENT OF PERSONS WITH DEVELOPMENTAL DISABILITIES, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 10.5 of title 27, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 9
 STATE EMPLOYMENT OF PERSONS WITH
 DEVELOPMENTAL DISABILITIES**

27-10.5-901. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) PERSONS WITH DEVELOPMENTAL DISABILITIES REPRESENT A POPULATION THAT HAS LONG BEEN UNDERUTILIZED AND OFTEN DENIED EMPLOYMENT OPPORTUNITIES WITHIN STATE GOVERNMENT, PARTIALLY DUE TO HIRING PERSONNEL'S PERCEPTIONS AND UNDERSTANDING OF THE OPERATION AND REQUIREMENTS OF THE STATE PERSONNEL SYSTEM;

(b) SOME STATE AGENCIES ARE UNAWARE OF THE AVENUES THAT ARE AVAILABLE WITHIN THE STATE PERSONNEL SYSTEM BY WHICH STATE AGENCIES CAN HIRE AND PROVIDE TRAINING AND SUPPORT FOR PERSONS WITH DEVELOPMENTAL DISABILITIES; AND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(c) MANY PERSONS WITH DEVELOPMENTAL DISABILITIES, WHEN PROVIDED APPROPRIATE TRAINING AND SUPPORT, CAN DEVELOP SUFFICIENT SKILLS AND COMPETENCIES TO MORE THAN ADEQUATELY FULFILL JOB EXPECTATIONS IN EMPLOYMENT POSITIONS IN STATE GOVERNMENT.

(2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CREATE THE STATE EMPLOYMENT PROGRAM FOR PERSONS WITH DEVELOPMENTAL DISABILITIES TO ENCOURAGE AND PROVIDE INCENTIVES FOR STATE AGENCIES TO GIVE MEANINGFUL EMPLOYMENT OPPORTUNITIES TO PERSONS WITH DEVELOPMENTAL DISABILITIES AND TO IMPROVE THE STATE'S PRACTICES IN EMPLOYING, SUPERVISING, AND SUPPORTING PERSONS WITH DEVELOPMENTAL DISABILITIES.

27-10.5-902. State employment program for persons with disabilities - creation - rules. (1) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT THE STATE EMPLOYMENT PROGRAM FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, REFERRED TO IN THIS PART 9 AS THE "PROGRAM". THE DEPARTMENT SHALL DESIGN AND IMPLEMENT THE PROGRAM TO COORDINATE THE HIRING OF INTERESTED PERSONS WITH DEVELOPMENTAL DISABILITIES INTO APPROPRIATE AND MEANINGFUL STATE EMPLOYMENT OPPORTUNITIES. THE GOAL OF THE PROGRAM IS TO IDENTIFY FOR PERSONS WITH DEVELOPMENTAL DISABILITIES PERMANENT AND STABLE EMPLOYMENT OPPORTUNITIES THAT ARE INTEGRATED WITHIN AND APPROPRIATELY MEET THE SERVICE GOALS OF STATE AGENCIES. THE DEPARTMENT OF HUMAN SERVICES SHALL COLLABORATE WITH THE DEPARTMENT OF PERSONNEL IN DESIGNING THE PROGRAM.

(2) (a) ON OR BEFORE JULY 1, 2008, THE EXECUTIVE DIRECTORS OF THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF PERSONNEL SHALL JOINTLY CONVENE A WORKING GROUP TO STUDY AND RECOMMEND HOW THE STATE'S POLICIES AND PRACTICES IN EMPLOYING, SUPERVISING, AND SUPPORTING PERSONS WITH DEVELOPMENTAL DISABILITIES CAN BE IMPROVED IN ORDER TO EFFECTIVELY AND SUCCESSFULLY IMPLEMENT THE PROGRAM. THE EXECUTIVE DIRECTORS SHALL INCLUDE IN THE WORKING GROUP PERSONS WITH EXPERTISE IN IMPLEMENTING THE STATUTES AND RULES PERTAINING TO THE STATE PERSONNEL SYSTEM, PERSONS WITH EXPERTISE IN INTERPRETING AND IMPLEMENTING THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PERSONS WITH EXPERIENCE IN EMPLOYING AND PLACING FOR EMPLOYMENT PERSONS WITH DEVELOPMENTAL DISABILITIES.

(b) THE WORKING GROUP SHALL COMPLETE ITS WORK AND MAKE RECOMMENDATIONS TO THE EXECUTIVE DIRECTORS OF THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF PERSONNEL BY JANUARY 1, 2009. THE RECOMMENDATIONS OF THE WORKING GROUP MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) MODIFICATIONS TO RULES, STATUTES, OR THE STATE CONSTITUTION TO IMPROVE THE SUCCESS OF PERSONS WITH DEVELOPMENTAL DISABILITIES WHO ARE EMPLOYED THROUGH THE PROGRAM; AND

(II) IDENTIFICATION OR CLARIFICATION OF THE ROLES AND RESPONSIBILITIES OF PERSONS IN THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF PERSONNEL IN IMPLEMENTING THE PROGRAM EFFICIENTLY AND SUCCESSFULLY.

(3) (a) IF THE WORKING GROUP FINDS THAT IMPLEMENTATION OF THE PROGRAM MAY REQUIRE STATUTORY OR CONSTITUTIONAL CHANGES, THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF PERSONNEL SHALL NOT IMPLEMENT THE PROGRAM UNTIL THE GENERAL ASSEMBLY HAS CONSIDERED AND REJECTED SAID CHANGES OR UNTIL AFTER A BILL ENACTING SAID STATUTORY CHANGES OR A REFERRED MEASURE ENACTING SAID CONSTITUTIONAL CHANGES HAS BECOME LAW.

(b) AFTER THE CONDITIONS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) ARE MET, OR IF THE WORKING GROUP FINDS THAT NEITHER STATUTORY NOR CONSTITUTIONAL CHANGES ARE NECESSARY FOR IMPLEMENTATION OF THE PROGRAM, THE STATE BOARD OF HUMAN SERVICES AND THE STATE PERSONNEL BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., AS FOLLOWS:

(I) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES AS NECESSARY FOR IMPLEMENTATION OF THE PROGRAM WITHIN THE DEPARTMENT OF HUMAN SERVICES; AND

(II) THE STATE PERSONNEL BOARD SHALL PROMULGATE RULES PERTAINING TO THE STATE PERSONNEL SYSTEM AS NECESSARY FOR IMPLEMENTATION OF THE PROGRAM.

(4) FOLLOWING PROMULGATION OF RULES PURSUANT TO SUBSECTION (3) OF THIS SECTION AND IN ACCORDANCE WITH SAID RULES AND THE PROVISIONS OF THIS SECTION, THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF PERSONNEL, SHALL IMPLEMENT THE PROGRAM. A STATE AGENCY THAT SEEKS TO EMPLOY A PERSON WITH DEVELOPMENTAL DISABILITIES THROUGH THE PROGRAM SHALL BE RESPONSIBLE FOR HIRING AND SUPERVISION OF THE PERSON AND PAYMENT OF THE PERSON'S SALARY AND BENEFITS. THE DEPARTMENT, THROUGH THE PROGRAM, SHALL PROVIDE GUIDANCE TO THE HIRING STATE AGENCY REGARDING ANY ADDITIONAL ISSUES THAT ARE PERTINENT TO THE PERSON'S EMPLOYMENT.

(5) FOLLOWING ADOPTION OF THE RULES SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL REGULARLY PROVIDE INFORMATION TO STATE AGENCIES TO EXPLAIN AND PROMOTE THE PROGRAM. UPON FULL IMPLEMENTATION OF THE PROGRAM, EACH STATE AGENCY IS STRONGLY ENCOURAGED TO PARTICIPATE IN THE PROGRAM BY IDENTIFYING MEANINGFUL AND APPROPRIATE EMPLOYMENT POSITIONS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND WORKING WITH THE DEPARTMENT TO HIRE PERSONS WITH DEVELOPMENTAL DISABILITIES FOR THESE POSITIONS.

SECTION 2. Appropriation - adjustments to the 2008 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for allocation to the division of vocational rehabilitation, for the fiscal year beginning July 1, 2008, the sum of thirty-four thousand two hundred ninety-three dollars (\$34,293) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the general fund appropriation to the

controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by the sum of thirty-four thousand two hundred ninety-three dollars (\$34,293).

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 2008