

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0765.01 Brita Darling x2241

SENATE BILL 18-145

SENATE SPONSORSHIP

Kefalas,

HOUSE SPONSORSHIP

Ginal, Arndt

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE IMPLEMENTATION OF EMPLOYMENT FIRST**
102 **ADVISORY PARTNERSHIP RECOMMENDATIONS TO ADVANCE**
103 **COMPETITIVE INTEGRATED EMPLOYMENT FOR PERSONS WITH**
104 **DISABILITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the department of labor and employment and the state medical services board in the department of health care policy and financing to promulgate rules that require all providers of supported

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

employment services for persons with disabilities to complete training or earn a national certification relating to employment services. The rules must specify time frames for completion of the training or certification.

The bill requires that the department of labor and employment's fee schedule for rehabilitation services include the discovery process as an alternative comprehensive assessment if appropriate for persons with disabilities.

The bill lists annual employment data, reported by county, that the department of health care policy and financing must collect.

The bill permits the department of labor and employment, annually, to enter into a contract or renew an existing contract with a vendor or vendors to provide training for persons with disabilities and their families, educators, case managers, and employers concerning best practices in employment first implementation. State funding for the contract is contingent upon the department receiving at least 75% of the contract amount through gifts, grants, or donations.

The bill corrects the repeal provision language for the employment first advisory partnership and its duties.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Despite having the ability and desire, eighty-five percent of
5 adults with intellectual and developmental disabilities are either
6 unemployed or underemployed due to barriers to competitive integrated
7 employment;

8 (b) Colorado's low unemployment rate makes it difficult for many
9 employers to fill staffing needs, and some of these needs could be met
10 through employing persons with disabilities;

11 (c) In 2016, Senate Bill 16-077 created the Employment First
12 Advisory Partnership and charged the members of the partnership with
13 developing a strategic plan, including relevant policy changes, to expand
14 competitive integrated outcomes for persons with disabilities;

15 (d) In its November 2017 preliminary report, the Employment

1 First Advisory Partnership made several recommendations for working
2 through public-private partnerships, including creating a Colorado
3 Business Leadership Network, which utilizes business-to-business
4 engagement to drive performance outcomes through disability inclusion,
5 and developing and implementing an outreach program to employers,
6 educators, case managers, and persons with disabilities and their families
7 regarding employment first;

8 (e) Implementing the Employment First Advisory Partnership's
9 2017 recommendations will benefit persons with disabilities and further
10 the work of the public-private partnerships, employers, and the state of
11 Colorado by:

12 (I) Increasing the number of people entering the workforce who
13 contribute to Colorado's tax base;

14 (II) Increasing the number of persons with disabilities in
15 competitive integrated employment, thereby reducing dependence on
16 public assistance programs; and

17 (III) Increasing the effectiveness of the service systems currently
18 serving persons with disabilities who are seeking meaningful
19 employment;

20 (f) Collecting and reporting disability services and employment
21 data is necessary to determine progress toward eliminating segregation in
22 services and increasing the number of persons with disabilities in
23 competitive integrated employment;

24 (g) Persons with disabilities and potential employers would
25 benefit from minimal requirements for basic training or certification in
26 best practices for supported employment services professionals; and

27 (h) The discovery process, which is a best-practice assessment

1 tool for persons with the most significant disabilities should be utilized,
2 when appropriate, as an alternative to existing assessments provided by
3 publicly funded employment services for persons with disabilities.

4 (2) Therefore, the General Assembly declares that implementing
5 recommendations of the Employment First Advisory Partnership relating
6 to data collection; training for supported employment professionals;
7 appropriate use of the discovery process as an assessment for persons
8 with disabilities; and training and outreach for employers, educators, case
9 managers, and persons with disabilities and their families in employment
10 first opportunities and best practices is necessary to increase opportunities
11 for persons with disabilities and to build on the progress made through
12 employment first initiatives.

13 **SECTION 2.** In Colorado Revised Statutes, 8-84-106, **amend**
14 (3)(b)(IV); and **add** (3)(b)(III.5) as follows:

15 **8-84-106. Rehabilitation of persons with disabilities - rules.**

16 (3) (b) The department shall:

17 (III.5) PROMULGATE RULES, NO LATER THAN DECEMBER 31, 2018,
18 REQUIRING ALL PROVIDERS OF SUPPORTED EMPLOYMENT SERVICES,
19 INCLUDING SUPPORTED EMPLOYMENT PROFESSIONALS, JOB DEVELOPERS,
20 JOB COACHES, AND EMPLOYMENT SERVICES SUPERVISORS TO OBTAIN
21 EITHER A NATIONAL CERTIFICATE IN EMPLOYMENT SERVICES BASED ON A
22 FORTY-HOUR TRAINING PROGRAM USING AN ASSOCIATION OF COMMUNITY
23 REHABILITATION EDUCATORS-ENDORSED CURRICULUM OR EARN THE
24 CERTIFIED EMPLOYMENT SUPPORT PROFESSIONAL NATIONAL
25 CERTIFICATION THROUGH THE ASSOCIATION OF PEOPLE SUPPORTING
26 EMPLOYMENT FIRST. THE DEPARTMENT MAY, BY RULE, DESIGNATE A
27 SUCCESSOR ORGANIZATION FOR CURRICULUM ENDORSEMENT OR A

1 SUCCESSOR NATIONAL CERTIFICATION BODY FOR PURPOSES OF THE
2 REQUIRED TRAINING OR CERTIFICATION. THE DEPARTMENT'S RULES MUST
3 INCLUDE TIME FRAMES FOR COMPLIANCE WITH THE TRAINING OR
4 CERTIFICATION REQUIREMENT FOR EXISTING STAFF AND FOR NEWLY HIRED
5 STAFF AND REQUIREMENTS FOR SUPERVISION OF NEWLY HIRED STAFF
6 UNTIL THE STAFF HAS COMPLETED THE TRAINING OR CERTIFICATION.

7 (IV) Establish a fee schedule for goods and services that is
8 designed to ensure reasonable cost to the program. THE FEE SCHEDULE
9 ESTABLISHED BY THE DEPARTMENT MUST INCLUDE THE DISCOVERY
10 PROCESS, AS DEFINED IN SECTION 8-84-301, AS AN ALTERNATIVE
11 ASSESSMENT PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION.

12 **SECTION 3.** In Colorado Revised Statutes, 25.5-10-204, **amend**
13 (1)(g)(III) and (2) introductory portion; and **add** (2)(k) as follows:

14 **25.5-10-204. Duties of the executive director - state board**
15 **rules.** (1) In order to implement the provisions of this article 10, the
16 executive director shall, subject to available appropriations, carry out the
17 following duties:

18 (g) Facilitate employment first policies and practices by:

19 (III) Establishing annual reporting of THE FOLLOWING DATA,
20 REPORTED BY COUNTY, FOR INDIVIDUALS WITH INTELLECTUAL AND
21 DEVELOPMENTAL DISABILITIES SERVED BY THE STATE DEPARTMENT:

22 (A) The number of individuals employed IN GROUP EMPLOYMENT,
23 THE MEAN WAGE PER HOUR EARNED, AND THE MEAN HOURS WORKED PER
24 WEEK;

25 (B) The number of individuals employed in competitive integrated
26 employment, ~~wages~~ THE MEAN WAGE per hour earned, and THE MEAN
27 hours worked per week; ~~for individuals served by the division;~~

1 (C) THE NUMBER OF INDIVIDUALS EMPLOYED AND SERVED IN
2 PREVOCAIONAL SERVICES, THE MEAN WAGE PER HOUR EARNED, THE
3 MEAN HOURS WORKED PER WEEK, AND THE MEAN SERVICE HOURS PER
4 WEEK;

5 (D) THE NUMBER OF INDIVIDUALS SERVED IN COMMUNITY-BASED
6 NONWORK AND THE MEAN SERVICE HOURS PER WEEK;

7 (E) THE NUMBER OF INDIVIDUALS SERVED IN SPECIALIZED
8 HABILITATION SERVICES AND THE MEAN SERVICE HOURS PER WEEK;

9 (F) THE NUMBER OF INDIVIDUALS EMPLOYED OR SERVED, AS
10 APPLICABLE, IN ANY OTHER EMPLOYMENT SERVICES OR DAY SERVICES
11 MODEL AND THE MEAN WAGE PER HOUR WORKED, MEAN HOURS WORKED
12 PER WEEK, OR THE SERVICE HOURS PER WEEK, AS APPLICABLE; AND

13 (G) THE NUMBER OF INDIVIDUALS SERVED EARNING LESS THAN
14 MINIMUM WAGE.

15 (2) The state board shall adopt such rules, in accordance with
16 section 24-4-103, ~~C.R.S.~~, as are necessary to carry out the provisions and
17 purposes of this ~~article~~ ARTICLE 10, including but not limited to the
18 following subjects:

19 (k) NO LATER THAN DECEMBER 31, 2018, THE REQUIREMENT FOR
20 TRAINING OR CERTIFICATION OF ALL PROVIDERS OF SUPPORTED
21 EMPLOYMENT SERVICES, INCLUDING SUPPORTED EMPLOYMENT
22 PROFESSIONALS, JOB DEVELOPERS, JOB COACHES, AND EMPLOYMENT
23 SERVICES SUPERVISORS. THE STATE BOARD SHALL REQUIRE ALL
24 PROVIDERS OF SUPPORTED EMPLOYMENT SERVICES TO OBTAIN EITHER A
25 NATIONAL CERTIFICATE IN EMPLOYMENT SERVICES BASED ON A
26 FORTY-HOUR TRAINING PROGRAM USING AN ASSOCIATION OF COMMUNITY
27 REHABILITATION EDUCATORS-ENDORSED CURRICULUM OR EARN THE

1 CERTIFIED EMPLOYMENT SUPPORT PROFESSIONAL NATIONAL
2 CERTIFICATION THROUGH THE ASSOCIATION OF PEOPLE SUPPORTING
3 EMPLOYMENT FIRST. THE STATE BOARD MAY, BY RULE, DESIGNATE A
4 SUCCESSOR ORGANIZATION FOR CURRICULUM ENDORSEMENT OR A
5 SUCCESSOR NATIONAL CERTIFICATION BODY FOR PURPOSES OF THE
6 REQUIRED TRAINING OR CERTIFICATION. THE STATE BOARD'S RULES MUST
7 INCLUDE TIME FRAMES FOR COMPLIANCE WITH THE TRAINING OR
8 CERTIFICATION REQUIREMENT FOR EXISTING STAFF AND FOR NEWLY HIRED
9 STAFF AND REQUIREMENTS FOR SUPERVISION OF NEWLY HIRED STAFF
10 UNTIL THE STAFF MEMBER HAS COMPLETED THE TRAINING OR
11 CERTIFICATION.

12 **SECTION 4.** In Colorado Revised Statutes, 8-84-302, **add** (2) as
13 follows:

14 **8-84-302. Duties of the department - repeal.** (2) (a) SUBJECT TO
15 AVAILABLE APPROPRIATIONS AND SUFFICIENT GIFTS, GRANTS, AND
16 DONATIONS, AS SET FORTH IN SUBSECTION (2)(c) OF THIS SECTION, THE
17 DEPARTMENT, IN CONJUNCTION WITH THE STATE REHABILITATION
18 COUNCIL, SHALL ANNUALLY CREATE A REQUEST FOR PROPOSALS, SELECT,
19 AND CONTRACT WITH A VENDOR OR VENDORS, OR RENEW AN EXISTING
20 CONTRACT WITH A VENDOR OR VENDORS, TO PROVIDE TRAINING FOR
21 PERSONS WITH DISABILITIES AND THEIR FAMILIES, EDUCATORS, CASE
22 MANAGERS, AND EMPLOYERS CONCERNING BEST PRACTICES IN
23 IMPLEMENTING EMPLOYMENT FIRST TO EXPAND OPPORTUNITIES FOR
24 PERSONS WITH ALL LEVELS OF DISABILITY TO PARTICIPATE IN COMPETITIVE
25 INTEGRATED EMPLOYMENT. EMPLOYMENT FIRST ADVISORY PARTNERSHIP
26 AGENCIES AND STAKEHOLDERS SHALL PARTICIPATE IN PUBLIC OUTREACH
27 AND INFORMATION DISSEMINATION REGARDING THE AVAILABILITY OF

1 EMPLOYMENT FIRST TRAINING.

2 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
3 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
4 PURPOSES OF THIS SECTION.

5 (c) THE DEPARTMENT SHALL FUND THE VENDOR CONTRACT
6 ENTERED INTO PURSUANT TO SUBSECTION (1) OF THIS SECTION USING A
7 COMBINATION OF GIFTS, GRANTS, AND DONATIONS RECEIVED BY THE
8 DEPARTMENT FOR THAT PURPOSE AND GENERAL FUND MONEY
9 APPROPRIATED TO THE DEPARTMENT FOR PURPOSES OF THIS SECTION. THE
10 GENERAL FUND APPROPRIATION SHALL NOT EXCEED TEN THOUSAND
11 DOLLARS ANNUALLY. THE DEPARTMENT'S EXPENDITURE OF GENERAL FUND
12 APPROPRIATED FOR PURPOSES OF THIS SECTION IS RESTRICTED UNTIL THE
13 DEPARTMENT RECEIVES AT LEAST SEVENTY-FIVE PERCENT OF THE ANNUAL
14 VENDOR CONTRACT AMOUNT THROUGH GIFTS, GRANTS, OR DONATIONS.

15 (d) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
16 2023.

17 **SECTION 5.** In Colorado Revised Statutes, 8-84-304, **add** (4) as
18 follows:

19 **8-84-304. Duties of the employment first advisory partnership**
20 **- strategic plan - repeal.** (4) (a) THIS SECTION IS REPEALED, EFFECTIVE
21 SEPTEMBER 1, 2021.

22 (b) PRIOR TO REPEAL OF THE EMPLOYMENT FIRST ADVISORY
23 PARTNERSHIP, THE DEPARTMENT OF REGULATORY AGENCIES SHALL
24 CONDUCT A SUNSET REVIEW PURSUANT TO THE PROVISIONS OF SECTION
25 2-3-1203.

26 **SECTION 6.** In Colorado Revised Statutes, 2-3-1203, **amend**
27 (12)(a)(VI) as follows:

1 **2-3-1203. Sunset review of advisory committees - legislative**
2 **declaration - definition - repeal.** (12) (a) The following statutory
3 authorizations for the designated advisory committees will repeal on
4 September 1, 2021:

5 (VI) The employment first advisory partnership in the department
6 of labor and employment described in ~~section 8-84-303, C.R.S.~~ SECTIONS
7 8-84-303 AND 8-84-304.

8 **SECTION 7. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2018 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.