

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0765.01 Brita Darling x2241

SENATE BILL 18-145

SENATE SPONSORSHIP

Kefalas,

HOUSE SPONSORSHIP

Ginal, Arndt

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

Public Health Care & Human Services
Appropriations

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, AND, IN CONNECTION THEREWITH, MAKING AN**
105 **APPROPRIATION.**

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

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.

HOUSE
3rd Reading Unamended
May 7, 2018

HOUSE
Amended 2nd Reading
May 4, 2018

SENATE
3rd Reading Unamended
April 17, 2018

SENATE
Amended 2nd Reading
April 16, 2018

financing to promulgate rules that require all providers of supported 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;

1 (d) In its November 2017 preliminary report, the Employment
2 First Advisory Partnership made several recommendations for working
3 through public-private partnerships, including creating a Colorado
4 Business Leadership Network, which utilizes business-to-business
5 engagement to drive performance outcomes through disability inclusion,
6 and developing and implementing an outreach program to employers,
7 educators, case managers, and persons with disabilities and their families
8 regarding employment first;

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

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

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

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

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

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

1 (h) The discovery process, which is a best-practice assessment
2 tool for persons with the most significant disabilities should be utilized,
3 when appropriate, as an alternative to existing assessments provided by
4 publicly funded employment services for persons with disabilities.

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

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

16 **8-84-106. Rehabilitation of persons with disabilities - rules.**

17 (3) (b) The department shall:

18 (III.5) (A) PROMULGATE RULES IN CONJUNCTION WITH THE STATE
19 MEDICAL SERVICES BOARD, NO LATER THAN JULY 1, 2019, REQUIRING ALL
20 VENDORS OF SUPPORTED EMPLOYMENT SERVICES, INCLUDING SUPPORTED
21 EMPLOYMENT PROFESSIONALS WHO PROVIDE INDIVIDUAL COMPETITIVE
22 INTEGRATED EMPLOYMENT OUTCOMES, AND EXCLUDING THOSE
23 PROFESSIONALS EXCLUSIVELY PROVIDING GROUP OR OTHER CONGREGATE
24 SERVICES, TO OBTAIN A NATIONALLY RECOGNIZED SUPPORTED
25 EMPLOYMENT TRAINING CERTIFICATE OR NATIONALLY RECOGNIZED
26 SUPPORTED EMPLOYMENT CERTIFICATION. THE DEPARTMENT'S RULES
27 MUST INCLUDE TIME FRAMES FOR COMPLIANCE WITH THE TRAINING OR

1 CERTIFICATION REQUIREMENT FOR EXISTING STAFF AND FOR NEWLY HIRED
2 STAFF AND REQUIREMENTS FOR SUPERVISION OF NEWLY HIRED STAFF
3 UNTIL THE STAFF MEMBER HAS COMPLETED THE TRAINING OR
4 CERTIFICATION. THE TIME FRAMES ESTABLISHED IN THE DEPARTMENT'S
5 RULES MUST PROVIDE FOR TRAINING TO BE COMPLETED OVER A FIVE-YEAR
6 PERIOD, SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS FOR
7 REIMBURSEMENT OF VENDORS PURSUANT TO SUBSECTION (3)(b)(III.5)(B)
8 OF THIS SECTION.

9 (B) THE TRAINING OR CERTIFICATION REQUIREMENT IN
10 SUBSECTION (3)(b)(III.5)(A) OF THIS SECTION IS CONTINGENT UPON
11 APPROPRIATIONS TO THE DEPARTMENT OF HEALTH CARE POLICY AND
12 FINANCING FOR REIMBURSEMENT TO VENDORS OF SUPPORTED
13 EMPLOYMENT SERVICES FOR THE COST OF TRAINING AND CERTIFICATION
14 PURSUANT TO SECTION 25.5-10-204. _____

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

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

22 **25.5-10-204. Duties of the executive director - state board**
23 **rules.** (1) In order to implement the provisions of this article 10, the
24 executive director shall, subject to available appropriations, carry out the
25 following duties:

- 26 (g) Facilitate employment first policies and practices by:
27 (III) Establishing annual reporting of THE FOLLOWING DATA,

1 REPORTED BY COUNTY, FOR INDIVIDUALS ELIGIBLE FOR SUPPORTED
2 EMPLOYMENT SERVICES, INCLUDING BUT NOT LIMITED TO HOME- AND
3 COMMUNITY-BASED WAIVER SERVICES:

4 (A) The number of individuals employed IN GROUP EMPLOYMENT,
5 THE SECTOR OF EMPLOYMENT, THE MEAN WAGE PER HOUR EARNED, AND
6 THE MEAN HOURS WORKED PER WEEK;

7 (B) The number of individuals employed in competitive integrated
8 employment, ~~wages~~ THE SECTOR OF EMPLOYMENT, THE MEAN WAGE per
9 hour earned, and THE MEAN hours worked per week; ~~for individuals~~
10 ~~served by the division;~~

11 (C) THE NUMBER OF INDIVIDUALS EMPLOYED AND SERVED IN
12 PREVOCAIONAL SERVICES, THE SECTOR OF EMPLOYMENT, THE MEAN
13 WAGE PER HOUR EARNED, THE MEAN HOURS WORKED PER WEEK, AND THE
14 MEAN SERVICE HOURS PER WEEK;

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

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

19 (F) THE NUMBER OF INDIVIDUALS EMPLOYED OR SERVED, AS
20 APPLICABLE, IN ANY OTHER EMPLOYMENT SERVICES OR DAY SERVICES
21 MODEL, THE SECTOR OF EMPLOYMENT, AND THE MEAN WAGE PER HOUR
22 WORKED, MEAN HOURS WORKED PER WEEK, OR THE SERVICE HOURS PER
23 WEEK, AS APPLICABLE; ==

24 (G) THE NUMBER OF INDIVIDUALS ELIGIBLE FOR EMPLOYMENT
25 SERVICES, REGARDLESS OF WHETHER THE INDIVIDUAL IS UTILIZING
26 EMPLOYMENT SERVICES; AND

27 (H) THE NUMBER OF INDIVIDUALS SERVED EARNING LESS THAN

1 MINIMUM WAGE.

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

6 (k) (I) NO LATER THAN JULY 1, 2019, THE STATE BOARD, IN
7 CONJUNCTION WITH THE DEPARTMENT OF LABOR AND EMPLOYMENT,
8 SHALL REQUIRE A NATIONALLY RECOGNIZED SUPPORTED EMPLOYMENT
9 TRAINING CERTIFICATE OR NATIONALLY RECOGNIZED SUPPORTED
10 EMPLOYMENT CERTIFICATION FOR ALL VENDORS OF SUPPORTED
11 EMPLOYMENT SERVICES, INCLUDING SUPPORTED EMPLOYMENT
12 PROFESSIONALS WHO PROVIDE INDIVIDUAL COMPETITIVE INTEGRATED
13 EMPLOYMENT OUTCOMES, AND EXCLUDING THOSE PROFESSIONALS
14 EXCLUSIVELY PROVIDING GROUP OR OTHER CONGREGATE SERVICES. THE
15 STATE BOARD'S RULES MUST INCLUDE TIME FRAMES FOR COMPLIANCE
16 WITH THE TRAINING OR CERTIFICATION REQUIREMENT FOR EXISTING STAFF
17 AND FOR NEWLY HIRED STAFF AND REQUIREMENTS FOR SUPERVISION OF
18 NEWLY HIRED STAFF UNTIL THE STAFF MEMBER HAS COMPLETED THE
19 TRAINING OR CERTIFICATION. THE TIME FRAMES ESTABLISHED IN THE
20 STATE BOARD'S RULES MUST PROVIDE FOR TRAINING TO BE COMPLETED
21 OVER A FIVE-YEAR PERIOD, SUBJECT TO THE AVAILABILITY OF
22 APPROPRIATIONS FOR REIMBURSEMENT OF VENDORS PURSUANT TO
23 SUBSECTION (2)(k)(II) OF THIS SECTION.

24 (II) THE TRAINING OR CERTIFICATION REQUIREMENT IN
25 SUBSECTION (2)(k)(I) OF THIS SECTION IS CONTINGENT UPON
26 APPROPRIATIONS TO THE DEPARTMENT OF HEALTH CARE POLICY AND
27 FINANCING FOR REIMBURSEMENT TO VENDORS OF SUPPORTED

1 EMPLOYMENT SERVICES FOR THE COST OF TRAINING AND CERTIFICATION.
2 THE STATE BOARD SHALL ADOPT RULES FOR ADMINISTERING THE
3 REIMBURSEMENT TO VENDORS, WHICH REIMBURSEMENT MUST BE THREE
4 HUNDRED DOLLARS FOR EACH CERTIFICATION EXAM AND TWELVE
5 HUNDRED DOLLARS FOR EACH TRAINING PROGRAM CERTIFICATE, WHICH
6 INCLUDES REIMBURSEMENT FOR BOTH THE COST OF THE TRAINING AND
7 WAGES PAID TO EMPLOYEES DURING TRAINING. THE STATE BOARD MAY
8 INCREASE THE FIXED REIMBURSEMENT AMOUNT OVER TIME BASED ON
9 INCREASES IN THE COST OF THE EXAM AND EMPLOYEE WAGES. _____

10 **SECTION 4.** In Colorado Revised Statutes, 8-84-304, **add** (4) as
11 follows:

12 **8-84-304. Duties of the employment first advisory partnership**
13 **- strategic plan - repeal.** (4) (a) THIS SECTION IS REPEALED, EFFECTIVE
14 SEPTEMBER 1, 2021.

15 (b) PRIOR TO REPEAL OF THE EMPLOYMENT FIRST ADVISORY
16 PARTNERSHIP, THE DEPARTMENT OF REGULATORY AGENCIES SHALL
17 CONDUCT A SUNSET REVIEW PURSUANT TO THE PROVISIONS OF SECTION
18 2-3-1203.

19 **SECTION 5.** In Colorado Revised Statutes, 2-3-1203, **amend**
20 (12)(a)(VI) as follows:

21 **2-3-1203. Sunset review of advisory committees - legislative**
22 **declaration - definition - repeal.** (12) (a) The following statutory
23 authorizations for the designated advisory committees will repeal on
24 September 1, 2021:

25 (VI) The employment first advisory partnership in the department
26 of labor and employment described in ~~section 8-84-303, C.R.S.~~ SECTIONS
27 8-84-303 AND 8-84-304.

1 **SECTION 6. Appropriation.** (1) For the 2018-19 state fiscal
2 year, \$27,675 is appropriated to the department of health care policy and
3 financing for use by the executive director's office. This appropriation is
4 from the general fund. To implement this act, the office may use this
5 appropriation as follows:

6 (a) \$22,972 for personal services, which amount is based on an
7 assumption that the department will require an additional 0.4 FTE; and

8 (b) \$4,703 for operating expenses.

9 (2) For the 2018-19 state fiscal year, \$2,131 is appropriated to the
10 department of labor and employment. This appropriation is from the
11 general fund. To implement this act, the department may use this
12 appropriation for the purchase of legal services.

13 (3) For the 2018-19 state fiscal year, \$2,131 is appropriated to the
14 department of law. This appropriation is from reappropriated funds
15 received from the department of labor and employment under subsection
16 (2) of this section. To implement this act, the department of law may use
17 this appropriation to provide legal services for the department of labor
18 and employment.

19 **SECTION 7. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.