

THE COUNCIL OF STATE GOVERNMENTS
SHARED STATE LEGISLATION
SPECIAL SUPPLEMENTAL PACKAGE
DISABILITY EMPLOYMENT POLICY

Docket 38AS

11-38A-01 Amending Affirmative Action/Minority
Business Set-aside Provisions
Bill/Act: [SB 1502a](#)

Connecticut

Summary:

The bill requires all state contractors to follow state nondiscrimination and affirmative action requirements and provides set-asides to subcontractors targeting small business and minority business enterprises in public works, municipal public works and quasi-public agency projects. Current legislation defines “minority business enterprises” as including “individuals with a disability.”

The bill amends affirmative action/minority business set-aside provisions in current law by:

- Specifying that the affirmative action and set-aside provisions apply to public works contracts, municipal public works contracts and contracts for quasi-public agency projects as well as the purchase of goods and services.
- Updates the provisions applicable to the set-aside program for minority business set-asides and the applicability of the affirmative action requirements.
- Clarifies and specifies the responsibilities of the Commission on Human Rights and Opportunities, including responsibility for the administration of the set-aside program for municipal public works contracts and contracts for quasi-public agency projects and conducting regular training sessions for municipalities, quasi-public agencies and contractors to explain the municipal and quasi-public agency project set-aside programs.

Status: Signed into law by the Governor on May 8, 2015

Disposition of Entry:

SSL Committee Meeting: 2018 A

- Include in Volume
- Include as a Note
- Defer consideration:
 - next SSL meeting
 - next SSL cycle
- Reject

Comments/Note to staff

Summary:

One of the primary purposes of the Industrial Insurance Act is to enable injured workers to become employable at gainful employment. The State of Washington's Department of Labor and Industries (Department) pays, or directs self-insurers to pay, the costs of vocational rehabilitation services when these services are necessary and likely to enable the injured worker to become employable at gainful employment.

In 2007, the State legislature created a pilot program for improving vocational rehabilitation. Some of the key provisions of the pilot program include:

- Establishing timeframes for the Department to approve vocational rehabilitation plans and establishing accountability requirements for injured workers;
- Increasing benefits for training and other costs, such as books, tuition, and tools (originally starting at \$12,000, the benefits are adjusted based on changes in tuition at the state community colleges, and is currently \$17,599);
- Allowing a vocational rehabilitation plan to last up to two years;
- Giving eligible workers an option to receive funds equal to six months of time-loss benefit to pursue self-directed training (called Option 2)
- Placement of vocational professionals at pilot Work Source locations for job placement services.

The pilot program was set to expire on June 30, 2016.

The 2007 legislation also created **The Preferred Worker Program** provides financial incentives to employers who hire workers that have been injured in previous employment. An employer hiring a preferred worker (who is certified by the Department) does not pay Accident Fund or Medical Aid premiums on the preferred worker for as long as the worker is certified (which cannot be more than 36 months). If the worker is injured on the job during the worker's certification period, the employer is not liable for the costs of the new claim and it will not affect the employer's experience rating.

While the Preferred Worker Program provides benefits for subsequent employers of injured workers, the **Stay at Work program** provides financial incentives to employers to keep an injured worker on the job with the same employer. The Stay at Work program includes benefits, subject to certain conditions, such as:

- Reimbursing the employer for 50 percent of the employee's base wages up to 66 days, not to exceed \$10,000 per claim within a 24-month period;
- Fund for training, instruction, or materials, such as books, up to \$1,000 per claim;
- Funds for tools, up to \$2,500 per claim; and
- Clothing, up to \$400 per claim.

Under the 2015 bill, the provisions of current law regarding the vocational rehabilitation pilot program are made permanent, with some substantive changes and technical and conforming changes. Workers choosing Option 2 are provided an amount equal to nine months of temporary total disability compensation, rather than six months. Up to 10 percent of the worker's Option 2 funds may be used for vocational counseling and job placement services. The total amount allowed for an individual worker's vocational plan may not exceed \$17,500, and the annual adjustment based on the average percentage change in community college tuition cannot exceed 2 percent per year, with certain exceptions.

Financial incentives used in the Preferred Worker Program and the Stay at Work Program are provided to employers, including the employer of injury, who employ injured workers receiving vocational services. In addition, a one-time payment equal to 10 percent of the worker's wages or \$10,000, whichever is less, is available if the employer provides continuous employment to the worker without a reduction in the worker's based wages for at least 12 months. The one-time payment is available at the sole discretion of the Department. The benefits are available to state fund employers, and available to a self-insured employer only in cases where the worker was employed by a state fund employer at the time of injury.

Also, a vocational rehabilitation advisory committee is created. The Department must conduct a study to determine the impact on return-to-work outcomes, long-term disability, and claim costs. The Department must report back to the appropriate legislative committees by December 1, 2018.

Status: Signed into law by the Governor on April 29, 2015.

Disposition of Entry:

SSL Committee Meeting: 2018 A

- Include in Volume
- Include as a Note
- Defer consideration:
 - next SSL meeting
 - next SSL cycle
- Reject

Comments/Note to staff

Summary:

The State Disability Employment Parity Act is intended to increase the hiring of persons with disabilities in the state workforce.

In 2013, the Governor issued [Executive Order 13-02](#), which established a goal that by 2017, 5 percent of the state workforce will be comprised of people living with a disability. The Executive Order also directed the Office of Financial Management to convene the Disability Employment Task Force to assist state agencies with recruiting and retaining persons with disabilities and engage the private sector to help increase opportunities to individuals with disabilities in all employment sectors.

The bill requires that state agencies with 100 or more employment must submit an annual report that includes the total number of employees in the previous year and the number of employees classified as individuals with disabilities. The bill also finds that there is no policy similar to Schedule A [Excepted Service Hiring Authority] in the federal civil service system for priority hiring of persons with disabilities. It is the intent of the legislature to increase the hiring of persons with disabilities in the state workforce.

More specifically, the report must include:

- The total number of employees hired and separated in the past year, including the number of employees hired from the Division of Vocational Rehabilitation (DVR) and from the Department of Services for the Blind (DSB);
- The total number of planned hires for the current year; and
- Opportunities for internships for DVR, DSB, and the Developmental Disabilities Administration client placements leading to entry-level positions.

Status: Signed into law by the Governor on May 8, 2015.

Disposition of Entry:

SSL Committee Meeting: 2018 A

- Include in Volume
- Include as a Note
- Defer consideration:
 - next SSL meeting
 - next SSL cycle
- Reject

Comments/Note to staff

Summary:

This bill further amends California's Limited Examination and Appointment Program (LEAP) to provide individuals with developmental disabilities with the option to complete an internship in lieu of the LEAP readiness evaluation process that was established as an alternative to the standard civil service examination. Senate Bill 644 establishes an internship program for competitive placement in state agencies, provides that the internship option is a voluntary choice of the individual and allows for the use of on the job

The bill requires that the internship have a duration of no less than 512 hours and that state agencies can offer unpaid or paid LEAP internships as agency budgets allow. Successful completion of the internship period and subsequent certification of job readiness by the supervising state agency will result in the individual being considered as meeting the minimum requirements for the competitive LEAP position and eligible for competitive appointment.

Status: Signed into law by the Governor on September 20, 2015.

Disposition of Entry:

SSL Committee Meeting: 2018 A

- Include in Volume
- Include as a Note
- Defer consideration:
 - next SSL meeting
 - next SSL cycle
- Reject

Comments/Note to staff

Summary:

In addition to accessibility and non-discrimination requirements found in SB 2864, this bill requires a Transportation Network Company (TNC) to provide riders with the ability to indicate the need for a wheelchair accessible vehicle (WAV) and direct riders in need of a WAV to another provider if no WAV services are available. The bill further sets up an accessible transportation fund, funded in large part by a surcharge fee of no more than \$10,000 annually to each TNC that does not operate WAV services, as well as requires that monies from the fund be used to support enhanced WAV services in the TNC industry.

Status: Signed into law by the Governor on July 9, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 A

- Include in Volume
- Include as a Note
- Defer consideration:
 - next SSL meeting
 - next SSL cycle
- Reject

Comments/Note to staff

Summary:

This bill requires the Governor's Workforce Board to expand job and career opportunities for individuals with intellectual and developmental disabilities and adds representatives from the department of behavioral healthcare, developmental disabilities and hospitals to the advisory committee of the state career pathways systems.

Status: Signed into law by the Governor on June 28, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 A

- Include in Volume
- Include as a Note
- Defer consideration:
 - next SSL meeting
 - next SSL cycle
- Reject

Comments/Note to staff

Summary:

This bill targets the provision of sheltered workshop employment activities resulting in the payment of a subminimum wage to workers. This bill requires a phase out of existing section 14(c) special wage certificate usage by sheltered workshops in the state by 2020, and prevents the Commissioner of Labor and Industry from authorizing new 14(c) certificates and the Developmental Disabilities Administration from funding such 14(c) activities.

Further, the bill requires interagency coordination resulting in a transition plan to ensure individuals engaged in sheltered workshop employment are provided with competitive integrated employment (CIE) opportunities. This plan must include benchmarks and targets for the transition, plans to provide services and resources supporting individual self-determination and opportunities for CIE placements, utilization and braiding of all relevant and available state and federal funds to support CIE opportunities, tracking and reporting on outcomes for individuals transitioning from sheltered workshops to CIE, and engagement of community and provider stakeholders in the implementation of the transition plan. The bill also requires that developmental disability resource coordinators develop a supplemental plan for all individuals as they transition from sheltered workshop settings to CIE.

Status: Signed into law by the Governor on May 19, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 A

- Include in Volume
- Include as a Note
- Defer consideration:
 - next SSL meeting
 - next SSL cycle
- Reject

Comments/Note to staff

Summary:

This bill requires the heads of the department of health care policy and financing (HCPF), the department of labor and employment (CDLE), the department of education (CDE), and the department of higher education (CDHE), (referred to as agency partners), to develop an employment first policy that increases competitive integrated employment, as defined in the bill, for persons with disabilities. The bill also directs agency partners to consult with the employment first advisory board (advisory board) as part of developing and implementing the employment first policy.

The bill also creates the advisory board in the CDLE. As directed in the bill, the advisory board will encompass the state's advisory group created for purposes of the federal mentoring plan, and will include that group's membership and duties, along with additional advisory board members and duties. The bill includes the structure of the advisory board, including the advisory board's membership and appointing authorities. In addition, the bill requires a sunset review of the advisory board by the department of regulatory affairs before the advisory board's repeal date in 2026.

In addition to any other duties under the plan, the bill encourages the CDE, in conjunction with the agency partners, to facilitate, encourage, and expand programs and supports for students with disabilities relating to, among other provisions, school-to-work transitions, early transition planning, and postsecondary education options and career paths. Further, the bill directs the CDE to actively participate in the federal mentoring program to coordinate employment first practices that affect public schools. Finally, the bill requires the CDE to provide information to HCPF to prepare the annual report on the employment first policy and present the report to the general assembly's committee of reference for the CDE.

In addition to any other duties under the plan, the bill requires the CDHE, among other provisions, to collaborate with the CDE concerning policies and programs that support early transition planning, including postsecondary education; the use of assistive technology; and the retention and graduation of students with disabilities attending higher education institutions.

The bill directs the CDHE to actively participate in the federal mentoring program to coordinate employment first practices in the higher education setting. The CDHE shall provide information to HCPF to prepare the annual report on the employment first policy and present the report to the general assembly's committee of reference for the CDHE. This bill took effect July 1, 2016.

Status: Signed into law by the Governor on June 10th 2016

Disposition of Entry:

SSL Committee Meeting: 2018 A

- Include in Volume
- Include as a Note

- Defer consideration:
 - next SSL meeting
 - next SSL cycle
- Reject

Comments/Note to staff