

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1226  
By: Zaffirini  
Health & Human Services  
4/3/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There is currently no policy in Texas that promotes competitive employment at a living wage in the general workforce for all working age Texans with disabilities.

National surveys show that the majority of persons with disabilities want to have a job in the community, but the current participation rate of citizens with disabilities in the workforce is low. For example, National Core Indicators survey data shows that 74 percent of persons with intellectual and developmental disabilities do not have a community job and 47 percent of those without a job would like one. Advances in education and community living cannot be fully leveraged or realized when so few persons with disabilities actually work in the community.

Persons with disabilities are routinely placed into non-integrated settings instead of community-based employment despite the availability of common accommodations. Segregated programs and sheltered workshop environments often pay sub-minimum wage and fail to cultivate a person's potential. Costs associated with these programs and the other publicly funded supports needed when a person is not able to reach their full potential for independence in the community could be avoided with the implementation of an employment-first policy.

The purpose of this legislation is to adopt a policy that competitive employment at a living wage in the general workforce is the first and preferred outcome of publicly funded services for all working age Texans with disabilities, regardless of disability.

An employment-first policy holds persons with disabilities to the same employment standards, responsibilities, and sets of expectations as any working-age adult. Employment-first is a declaration of both philosophy and policy stating that competitive employment is the first and preferred outcome of publicly funded services for persons with disabilities. Access to jobs paying a living wage is essential if citizens with disabilities are to avoid lives of poverty, dependence, and isolation.

For example, this would be similar to the statement in S.B. 368, 77th Legislature, Regular Session, 2001, regarding permanency planning, which states that it is the policy of the state that children should grow up in families. This bill would set up employment-first as a goal for the state which would affect the lens through which future rules would be developed. This bill is timely as each Health and Human Services agency is up for sunset review in the next legislative session (2015).

The Texas Legislature has created opportunities for Texas to be attractive to business, drawn, in part, by a workforce educated by our world-class university system. Texas should ensure that those businesses also find an educated, prepared workforce that includes Texans with disabilities. Prioritizing employment would result in increased spending by the expanded workforce and would minimize the social services used. Employers would benefit from the perspective, creativity, and resourcefulness that persons with disabilities have developed in order to maneuver in a world that is not always designed for them.

C.S.S.B. 1226 establishes an interagency task force to design a process in a finite period of time to raise expectations through education and outreach to persons with disabilities, families, agencies, and service provider staff concerning the ability of persons to succeed in integrated, individualized, competitive employment.

C.S.S.B. 1226 amends current law relating to the establishment of an employment-first policy and task force to promote competitive employment opportunities that provide a living wage for individuals with disabilities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.02448, Government Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 531.02448, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 (Section 531.02448, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Sections 531.02447 and 531.02448, as follows:

Sec. 531.02447. EMPLOYMENT-FIRST POLICY (a) Provides that it is the policy of the state that earning a living wage through competitive employment in the general workforce is the priority and preferred outcome for working-age individuals with disabilities who receive public benefits.

(b) Requires the Health and Human Services Commission (HHSC), the Texas Education Agency (TEA), and the Texas Workforce Commission (TWC) to jointly adopt and implement an employment-first policy in accordance with the state's policy under Subsection (a). Requires that the policy affirm that an individual with a disability is able to meet the same employment standards as an individual who does not have a disability; ensure that all working-age individuals with disabilities, including young adults, are offered factual information regarding employment as an individual with a disability, including the relationship between an individual's earned income and the individual's public benefits; ensure that individuals with disabilities are given the opportunity to understand and explore options for education or training, including postsecondary, graduate, and postgraduate education, vocational or technical training, or other training, as pathways to employment; promote the availability and accessibility of individualized training designed to prepare an individual with a disability for the individual's preferred employment; promote partnerships with employers to overcome barriers to meeting workforce needs with the creative use of technology and innovation; ensure that the staff of public schools, vocational service programs, and community providers are trained and supported to assist in achieving the goal of competitive employment for all individuals with disabilities; and ensure that competitive employment, while being the priority and preferred outcome, is not required of an individual with a disability to secure or maintain public benefits for which the individual is otherwise eligible.

Sec. 531.02448. EMPLOYMENT-FIRST TASK FORCE. (a) Requires the executive commissioner of HHSC (executive commissioner) to establish an interagency employment-first task force, or is authorizes the executive commissioner to use an existing committee or task force, to promote competitive employment of individuals with disabilities and the expectation that individuals with disabilities are able to meet the same employment standards, responsibilities, and expectations as any other working-age adult.

(b) Requires the executive commissioner, if the executive commissioner establishes a task force for the purposes described by Subsection (a), to determine

the number of members on the task force. Requires the executive commissioner to appoint at least the following as members, subject to Subsection (e):

- (1) an individual with a disability;
- (2) a family member of an individual with a disability;
- (3) a representative of HHSC;
- (4) a representative of the Department of Assistive and Rehabilitative Services;
- (5) a representative of the Department of State Health Services;
- (6) a representative of the Department of Aging and Disability Services;
- (7) a representative of the Department of Family and Protective Services;
- (8) a representative of TWC;
- (9) a representative of TEA;
- (10) an advocate for individuals with disabilities; and
- (11) a representative of a provider of integrated and competitive employment services.

(c) Provides that a member of a task force established under this section serves at the will of the executive commissioner.

(d) Requires the executive commissioner to designate a member of a task force established under this section to serve as presiding officer.

(e) Requires at least one-third of a task force established under this section to be composed of individuals with disabilities, and no more than one-third of the task force is authorized to be composed of advocates for individuals with disabilities.

(f) Requires a task force established under this section or an existing committee or task force used for purposes of this section to:

- (1) design an education and outreach process targeted at working-age individuals with disabilities, including young adults with disabilities, the families of those individuals, the state agencies listed in Subsection (b), and service providers, that is aimed at raising expectations of the success of individuals with disabilities in integrated, individualized, and competitive employment;
- (2) develop recommendations for policy, procedure, and rules changes that are necessary to allow the employment-first policy described under Section 531.02447(b) to be fully implemented; and
- (3) not later than September 1 of each even-numbered year, prepare and submit to the office of the governor, the legislature, and the executive commissioner a report regarding the task force's findings and recommendations, including:
  - (A) information that reflects the potential and actual impact of the employment-first policy on the employment outcomes for individuals with disabilities; and

(B) recommendations for improvement of employment services and outcomes, including employment rates, for individuals with disabilities based on the reported impact of an employment-first policy under Paragraph (A) that is authorized to include recommendations relating to using any savings to the state resulting from the implementation of the employment-first policy to further improve the services and outcomes and recommendations developed under Subdivision (2) regarding necessary policy, procedure, and rules changes.

(g) Provides that a member of a task force established under this section is not entitled to compensation. Authorizes members to be reimbursed for expenses as follows: a member described by Subsection (b)(1) or (2) is entitled to reimbursement for travel and other necessary expenses as provided in the General Appropriations Act; a member appointed as a representative of a state agency is eligible for reimbursement for travel and other necessary expenses according to the applicable agency's policies; and a member described by Subsection (b)(10) or (11) is entitled to reimbursement for travel and other necessary expenses to be paid equally out of available money appropriated to HHSC and to health and human services agencies.

(h) Requires HHSC and the health and human services agencies to provide administrative support and staff to a task force established under this section.

(i) Requires the executive commissioner, the commissioner of education, and TWC to evaluate recommendations made by a task force or committee under this section and adopt rules as necessary that are consistent with the employment-first policy adopted under Section 531.02447.

(j) Provides that this section expires September 1, 2017.

SECTION 2. Requires the executive commissioner, not later than September 1, 2014, to appoint the members of the employment-first task force under Section 531.02448, Government Code, as added by this Act, if the executive commissioner establishes a task force under that section.

SECTION 3. Effective date: upon passage or September 1, 2013.