

By: Zaffirini
(Perez)

S.B. No. 1226

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of an employment-first policy and
3 task force to promote competitive employment opportunities that
4 provide a living wage for individuals with disabilities.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Sections 531.02447 and 531.02448 to read as
8 follows:

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

14 (b) The commission, the Texas Education Agency, and the
15 Texas Workforce Commission shall jointly adopt and implement an
16 employment-first policy in accordance with the state's policy under
17 Subsection (a). The policy must:

18 (1) affirm that an individual with a disability is
19 able to meet the same employment standards as an individual who does
20 not have a disability;

21 (2) ensure that all working-age individuals with
22 disabilities, including young adults, are offered factual
23 information regarding employment as an individual with a
24 disability, including the relationship between an individual's

1 earned income and the individual's public benefits;

2 (3) ensure that individuals with disabilities are
3 given the opportunity to understand and explore options for
4 education or training, including postsecondary, graduate, and
5 postgraduate education, vocational or technical training, or other
6 training, as pathways to employment;

7 (4) promote the availability and accessibility of
8 individualized training designed to prepare an individual with a
9 disability for the individual's preferred employment;

10 (5) promote partnerships with employers to overcome
11 barriers to meeting workforce needs with the creative use of
12 technology and innovation;

13 (6) ensure that the staff of public schools,
14 vocational service programs, and community providers are trained
15 and supported to assist in achieving the goal of competitive
16 employment for all individuals with disabilities; and

17 (7) ensure that competitive employment, while being
18 the priority and preferred outcome, is not required of an
19 individual with a disability to secure or maintain public benefits
20 for which the individual is otherwise eligible.

21 Sec. 531.02448. EMPLOYMENT-FIRST TASK FORCE. (a) The
22 executive commissioner shall establish an interagency
23 employment-first task force, or may use an existing committee or
24 task force, to promote competitive employment of individuals with
25 disabilities and the expectation that individuals with
26 disabilities are able to meet the same employment standards,
27 responsibilities, and expectations as any other working-age adult.

1 (b) If the executive commissioner establishes a task force
2 for the purposes described by Subsection (a), the executive
3 commissioner shall determine the number of members on the task
4 force. The executive commissioner shall appoint at least the
5 following as members, subject to Subsection (e):

6 (1) an individual with a disability;

7 (2) a family member of an individual with a
8 disability;

9 (3) a representative of the commission;

10 (4) a representative of the Department of Assistive
11 and Rehabilitative Services;

12 (5) a representative of the Department of State Health
13 Services;

14 (6) a representative of the Department of Aging and
15 Disability Services;

16 (7) a representative of the Department of Family and
17 Protective Services;

18 (8) a representative of the Texas Workforce
19 Commission;

20 (9) a representative of the Texas Education Agency;

21 (10) an advocate for individuals with disabilities;
22 and

23 (11) a representative of a provider of integrated and
24 competitive employment services.

25 (c) A member of a task force established under this section
26 serves at the will of the executive commissioner.

27 (d) The executive commissioner shall designate a member of a

1 task force established under this section to serve as presiding
2 officer.

3 (e) At least one-third of a task force established under
4 this section must be composed of individuals with disabilities, and
5 no more than one-third of the task force may be composed of
6 advocates for individuals with disabilities.

7 (f) A task force established under this section or an
8 existing committee or task force used for purposes of this section
9 shall:

10 (1) design an education and outreach process targeted
11 at working-age individuals with disabilities, including young
12 adults with disabilities, the families of those individuals, the
13 state agencies listed in Subsection (b), and service providers,
14 that is aimed at raising expectations of the success of individuals
15 with disabilities in integrated, individualized, and competitive
16 employment;

17 (2) develop recommendations for policy, procedure,
18 and rules changes that are necessary to allow the employment-first
19 policy described under Section 531.02447(b) to be fully
20 implemented; and

21 (3) not later than September 1 of each even-numbered
22 year, prepare and submit to the office of the governor, the
23 legislature, and the executive commissioner a report regarding the
24 task force's findings and recommendations, including:

25 (A) information that reflects the potential and
26 actual impact of the employment-first policy on the employment
27 outcomes for individuals with disabilities; and

1 (B) recommendations for improvement of
2 employment services and outcomes, including employment rates, for
3 individuals with disabilities based on the reported impact of an
4 employment-first policy under Paragraph (A) that may include:

5 (i) recommendations relating to using any
6 savings to the state resulting from the implementation of the
7 employment-first policy to further improve the services and
8 outcomes; and

9 (ii) recommendations developed under
10 Subdivision (2) regarding necessary policy, procedure, and rules
11 changes.

12 (g) A member of a task force established under this section
13 is not entitled to compensation. Members may be reimbursed for
14 expenses as follows:

15 (1) a member described by Subsection (b)(1) or (2) is
16 entitled to reimbursement for travel and other necessary expenses
17 as provided in the General Appropriations Act;

18 (2) a member appointed as a representative of a state
19 agency is eligible for reimbursement for travel and other necessary
20 expenses according to the applicable agency's policies; and

21 (3) a member described by Subsection (b)(10) or (11)
22 is entitled to reimbursement for travel and other necessary
23 expenses to be paid equally out of available money appropriated to
24 the commission and to health and human services agencies.

25 (h) The commission and the health and human services
26 agencies shall provide administrative support and staff to a task
27 force established under this section.

1 (i) The executive commissioner, the commissioner of
2 education, and the Texas Workforce Commission shall evaluate
3 recommendations made by a task force or committee under this
4 section and adopt rules as necessary that are consistent with the
5 employment-first policy adopted under Section 531.02447.

6 (j) This section expires September 1, 2017.

7 SECTION 2. Not later than January 1, 2014, the executive
8 commissioner of the Health and Human Services Commission shall
9 appoint the members of the employment-first task force under
10 Section 531.02448, Government Code, as added by this Act, if the
11 executive commissioner establishes a task force under that section.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2013.