

1 **SOCIAL SERVICES - EMPLOYMENT FIRST PRIORITY**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ronda Rudd Menlove**

5 Senate Sponsor: D. Chris Buttars

6

7 **LONG TITLE**

8 **General Description:**

9 This bill establishes an employment first priority policy for persons with a disability
10 within the Employment Support Act, State Office of Rehabilitation Act, and the Utah
11 Human Services Code.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ requires the Department of Workforce Services, the Utah State Office of
15 Rehabilitation, and the Division of Services for People with Disabilities to, when
16 providing services to a person with a disability, give priority to providing services
17 that assist the person in obtaining and retaining meaningful and gainful
18 employment; and

19 ▶ requires the entities described in the preceding paragraph to:

20 • develop a written plan to implement the policy described in the preceding
21 paragraph; and
22 • annually set goals to implement the policy and plan described in this bill,
23 determine whether the goals for the previous year have been met, and modify
24 the plan as needed.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **35A-3-103.5**, Utah Code Annotated 1953

32 **53A-24-106.5**, Utah Code Annotated 1953

33 **62A-5-103.3**, Utah Code Annotated 1953

34

35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **35A-3-103.5** is enacted to read:

37 **35A-3-103.5. Employment first emphasis on the provision of services.**

38 (1) When providing services to a person with a disability

38a **Ĥ→ in the programs provided ←Ĥ** under this chapter, the
 39 department shall, within funds appropriated by the Legislature and in accordance with the
 40 requirements of federal and state law **Ĥ→ and memorandums of understanding between the**
 40a **department and other state entities that provide services to a person with a disability ←Ĥ** ,
 40b give priority to providing services that assist **Ĥ→ [the] an eligible ←Ĥ** person
 41 in obtaining and retaining meaningful and gainful employment that enables the person to earn
 42 sufficient income to:

43 (a) purchase goods and services;

44 (b) establish self-sufficiency; and

45 (c) exercise economic control of the person's life.

46 (2) The department shall develop a written plan to implement the policy described in
 47 Subsection (1) that includes:

48 (a) assessing the strengths and needs of a person with a disability;

49 (b) customizing strength-based approaches to obtaining employment;

50 (c) expecting, encouraging, providing, and rewarding:

51 (i) integrated employment in the workplace at competitive wages and benefits; and

52 (ii) **Ĥ→ [entrepreneurship] self-employment ←Ĥ** ;

53 (d) developing partnerships with potential employers;

54 (e) maximizing **Ĥ→ appropriate ←Ĥ** employment training opportunities;

55 (f) coordinating services with other government agencies and community resources;

56 (g) to the extent possible, eliminating practices and policies that interfere with the
 57 policy described in Subsection (1); and

58 (h) arranging sub-minimum wage work or volunteer work

58a **Ĥ→ for an eligible person ←Ĥ** when employment at market

59 rates cannot be obtained.

60 (3) The department shall, on an annual basis:

61 (a) set goals to implement the policy described in Subsection (1) and the plan described
62 in Subsection (2):

63 (b) determine whether the goals for the previous year have been met; and

64 (c) modify the plan described in Subsection (2) as needed.

65 Section 2. Section **53A-24-106.5** is enacted to read:

66 **53A-24-106.5. Employment first emphasis on the provision of services.**

67 (1) When providing services to a person with a disability under this chapter, the office
68 shall, within funds appropriated by the Legislature and in accordance with the requirements of
69 federal and state law, give priority to providing services that assist the person in obtaining and
70 retaining meaningful and gainful employment that enables the person to:

71 (a) purchase goods and services;

72 (b) establish self-sufficiency; and

73 (c) exercise economic control of the person's life.

74 (2) The office shall develop a written plan to implement the policy described in
75 Subsection (1) that includes:

76 (a) assessing the strengths and needs of a person with a disability;

77 (b) customizing strength-based approaches to obtaining employment;

78 (c) ~~H→~~ **[expecting, encouraging, providing, and rewarding] setting expectations, providing**
78a **appropriate services toward, and recognizing success in ←H :**

79 (i) integrated employment in the workplace at competitive wages and benefits; and

80 (ii) ~~H→~~ **[entrepreneurship] self-employment ←H :**

81 (d) developing partnerships with potential employers;

82 (e) ~~H→~~ **[maximizing] providing appropriate ←H** employment training opportunities;

83 (f) coordinating services with other government agencies and community resources

83a ~~H→~~ **included in the Workforce Investment System ←H :**

84 (g) to the extent possible, eliminating practices and policies that interfere with the
85 policy described in Subsection (1); and

86 (h) arranging ~~H→~~ [sub-minimum wage work or volunteer work when employment at market
87 rates cannot be obtained] for alternative work experience leading to competitive, integrated
87a **employment, including work-based training, volunteer work, and internships ←H .**

88 (3) The office shall, on an annual basis:

89 (a) set goals to implement the policy described in Subsection (1) and the plan described

90 in Subsection (2):

91 (b) determine whether the goals for the previous year have been met; and

92 (c) modify the plan described in Subsection (2) as needed.

93 Section 3. Section **62A-5-103.3** is enacted to read:

94 **62A-5-103.3. Employment first emphasis on the provision of services.**

95 (1) When providing services to a person with a disability under this chapter, the
 96 division shall, within funds appropriated by the Legislature and in accordance with the
 97 requirements of federal and state law, give priority to providing services that assist the person
 98 in obtaining and retaining meaningful and gainful employment that enables the person to:

99 (a) purchase goods and services;

100 (b) establish self-sufficiency; and

101 (c) exercise economic control of the person's life.

102 (2) The division shall develop a written plan to implement the policy described in
 103 Subsection (1) that includes:

104 (a) assessing the strengths and needs of a person with a disability;

105 (b) customizing strength-based approaches to obtaining employment;

106 (c) expecting, encouraging, providing, and rewarding:

107 (i) integrated employment in the workplace at competitive wages and benefits; and

108 (ii) ~~H~~→ [entrepreneurship] self-employment ←~~H~~ ;

109 (d) developing partnerships with potential employers;

110 (e) maximizing ~~H~~→ appropriate ←~~H~~ employment training opportunities;

111 (f) coordinating services with other government agencies and community resources;

112 (g) to the extent possible, eliminating practices and policies that interfere with the

113 policy described in Subsection (1); and

114 (h) arranging sub-minimum wage work or volunteer work when employment at market
 115 rates cannot be obtained.

116 (3) The division shall, on an annual basis:

117 (a) set goals to implement the policy described in Subsection (1) and the plan described

118 in Subsection (2);

119 (b) determine whether the goals for the previous year have been met; and

120 (c) modify the plan described in Subsection (2) as needed.

Legislative Review Note
as of 1-24-11 11:19 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 240

SHORT TITLE: **Social Services - Employment First Priority**

SPONSOR: **Menlove, R.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.