

**SOCIAL SERVICES - EMPLOYMENT FIRST PRIORITY**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronda Rudd Menlove**

Senate Sponsor: D. Chris Buttars

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

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

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**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



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

- 45 (a) purchase goods and services;
- 46 (b) establish self-sufficiency; and
- 47 (c) exercise economic control of the person's life.

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

- 50 (a) assessing the strengths and needs of a person with a disability;
- 51 (b) customizing strength-based approaches to obtaining employment;
- 52 (c) expecting, encouraging, providing, and rewarding:
  - 53 (i) integrated employment in the workplace at competitive wages and benefits; and
  - 54 (ii) self-employment;
- 55 (d) developing partnerships with potential employers;
- 56 (e) maximizing appropriate employment training opportunities;
- 57 (f) coordinating services with other government agencies and community resources;

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

60 (h) arranging sub-minimum wage work or volunteer work for an eligible person when  
61 employment at market rates cannot be obtained.

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

63 (a) set goals to implement the policy described in Subsection (1) and the plan described  
64 in Subsection (2);

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

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

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

68 **53A-24-106.5. Employment first emphasis on the provision of services.**

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

73 (a) purchase goods and services;

74 (b) establish self-sufficiency; and

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

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

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

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

80 (c) setting expectations, providing appropriate services toward, and recognizing  
81 success in:

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

83 (ii) self-employment;

84 (d) developing partnerships with potential employers;

85 (e) providing appropriate employment training opportunities;

86 (f) coordinating services with other government agencies and community resources  
87 included in the Workforce Investment System;

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

90 (h) arranging for alternative work experience leading to competitive, integrated  
91 employment, including work-based training, volunteer work, and internships.

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

93 (a) set goals to implement the policy described in Subsection (1) and the plan described  
94 in Subsection (2);

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

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

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

98 **62A-5-103.3. Employment first emphasis on the provision of services.**

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

103 (a) purchase goods and services;

104 (b) establish self-sufficiency; and

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

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

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

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

110 (c) expecting, encouraging, providing, and rewarding;

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

112 (ii) self-employment;

113 (d) developing partnerships with potential employers;

- 114           (e) maximizing appropriate employment training opportunities;  
115           (f) coordinating services with other government agencies and community resources;  
116           (g) to the extent possible, eliminating practices and policies that interfere with the  
117 policy described in Subsection (1); and  
118           (h) arranging sub-minimum wage work or volunteer work when employment at market  
119 rates cannot be obtained.
- 120           (3) The division shall, on an annual basis:  
121           (a) set goals to implement the policy described in Subsection (1) and the plan described  
122 in Subsection (2);  
123           (b) determine whether the goals for the previous year have been met; and  
124           (c) modify the plan described in Subsection (2) as needed.