

1 **SOCIAL SERVICES - EMPLOYMENT FIRST PRIORITY**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: V. Lowry Snow**

5 Senate Sponsor: Lyle W. Hillyard

7 **LONG TITLE**

8 **General Description:**

9 This bill establishes an employment first priority policy for a person with a disability, a
10 person with a mental illness, and a person seeking treatment for a substance abuse
11 problem within the Employment Support Act and the Substance Abuse and Mental
12 Health Act.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines terms;
- 16 ▶ requires the Department of Workforce Services and Division of Substance Abuse
17 and Mental Health to, when providing services to a person with a disability, a
18 person with a mental illness, or a person seeking treatment for a substance abuse
19 problem, give priority to providing services that assist the person in obtaining and
20 retaining meaningful and gainful employment;
- 21 ▶ requires the entities described in the preceding paragraph to:
- 22 • develop a written plan to implement the policy described in the preceding
23 paragraph; and
- 24 • set annual goals to implement the policy and plan described in this bill,
25 determine whether the goals for the previous year have been met, and modify
26 the plan as needed; and
- 27 ▶ makes technical changes.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **35A-3-103.5**, as enacted by Laws of Utah 2011, Chapter 169

35 ENACTS:

36 **62A-15-105.2**, Utah Code Annotated 1953



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

39 Section 1. Section **35A-3-103.5** is amended to read:

40 **35A-3-103.5. Employment first emphasis on the provision of services.**

41 (1) As used in this section, "recipient" means an individual who:

42 (a) has a disability;

43 (b) suffers from a mental illness; or

44 (c) is undergoing treatment for a substance abuse problem.

45 ~~[(1)]~~ (2) When providing services to a ~~[person with a disability]~~ recipient in the
46 programs provided under this chapter, the department shall, within funds appropriated by the
47 Legislature and in accordance with the requirements of federal and state law and
48 memorandums of understanding between the department and other state entities that provide
49 services to a ~~[person with a disability]~~ recipient, give priority to providing services that assist
50 an eligible ~~[person]~~ recipient in obtaining and retaining meaningful and gainful employment
51 that enables the ~~[person]~~ recipient to earn sufficient income to:

52 (a) purchase goods and services;

53 (b) establish self-sufficiency; and

54 (c) exercise economic control of the ~~[person's]~~ recipient's life.

55 ~~[(2)]~~ (3) The department shall develop a written plan to implement the policy described
56 in Subsection ~~[(1)]~~ (2) that includes:

57 (a) assessing the strengths and needs of a ~~[person with a disability]~~ recipient;

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

- 59 (c) expecting, encouraging, providing, and rewarding:
 60 (i) integrated employment in the workplace at competitive wages and benefits; and
 61 (ii) self-employment;
 62 (d) developing partnerships with potential employers;
 63 (e) maximizing appropriate employment training opportunities;
 64 (f) coordinating services with other government agencies and community resources;
 65 (g) to the extent possible, eliminating practices and policies that interfere with the
 66 policy described in Subsection [(+)] (2); and
 67 (h) arranging sub-minimum wage work or volunteer work for an eligible [person]
 68 recipient when employment at market rates cannot be obtained.

69 [(3)] (4) The department shall, on an annual basis:

- 70 (a) set goals to implement the policy described in Subsection [(+)] (2) and the plan
 71 described in Subsection [(2)] (3);
 72 (b) determine whether the goals for the previous year have been met; and
 73 (c) modify the plan described in Subsection [(2)] (3) as needed.

74 Section 2. Section **62A-15-105.2** is enacted to read:

75 **62A-15-105.2. Employment first emphasis on the provision of services.**

76 (1) As used in this section, "recipient" means an individual who is:

- 77 (a) undergoing treatment for a substance abuse problem; or
 78 (b) suffers from a mental illness.

79 (2) When providing services to a recipient, the ~~H~~→ [department] division ←~~H~~ shall,
 79a within funds

80 appropriated by the Legislature and in accordance with the requirements of federal and state
 81 law and memorandums of understanding between the ~~H~~→ [department] division ←~~H~~ and
 81a other state entities that

82 provide services to a recipient, give priority to providing services that assist an eligible
 83 recipient in obtaining and retaining meaningful and gainful employment that enables the
 84 recipient to earn sufficient income to:

- 85 (a) purchase goods and services;
 86 (b) establish self-sufficiency; and
 87 (c) exercise economic control of the recipient's life.

88 (3) The ~~H~~→ [department] division ←~~H~~ shall develop a written plan to implement the
 88a policy described in
 89 Section (2) that includes:

- 90 (a) assessing the strengths and needs of a recipient;
- 91 (b) customizing strength-based approaches to obtaining employment;
- 92 (c) expecting, encouraging, providing, and rewarding;
- 93 (i) integrated employment in the workplace at competitive wages and benefits; and
- 94 (ii) self-employment;
- 95 (d) developing partnerships with potential employers;
- 96 (e) maximizing appropriate employment training opportunities;
- 97 (f) coordinating services with other government agencies and community resources;
- 98 (g) to the extent possible, eliminating practices and policies that interfere with the
- 99 policy described in Subsection (2); and

100 (h) arranging sub-minimum wage work or volunteer work for an eligible recipient
 101 when employment at market rates cannot be obtained.

102 (4) The ~~H~~→ [department] division ←~~H~~ shall, on an annual basis:

103 (a) set goals to implement the policy described in Subsection (2) and the plan described
 104 in Subsection (3);

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

106 (c) modify the plan described in Subsection (3) as needed.

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Office of Legislative Research and General Counsel