

## **EMPLOYMENT FIRST MAINE ACT**

### **Statement of purpose.**

All persons with disabilities, including veterans with service-connected disabilities, have a right to the opportunity for integrated, community-based employment. The Act requires that state agencies that provide or fund services and supports to persons with disabilities shall provide, as the first and priority service option, integrated, community-based and/or customized employment as a core component of the service delivery system.

The Act requires all relevant state agencies to coordinate their efforts and share data whenever possible in order to track progress. State agencies shall, when necessary, adopt rules and regulations to implement the Act to assure that employment is a core component of services.

This Act further formally establishes Employment First Maine, whose purpose is to review measurable goals and objectives as submitted to it by each relevant state agency to ensure implementation of the Act. Employment First Maine will track the measurable progress of relevant state agencies in implementing the Act and prepare an annual report that details progress made toward the goals and objectives as well as strategies, capacity building activities and policies that may continue to be necessary to help realize greatly improved employment outcomes for Maine citizens with disabilities. Employment First Maine will annually measure the extent to which national characteristics of successful implementation of Employment First are being met such as measurable increases in employment of citizens with disabilities within the general workforce, earning minimum

wage or higher with benefits; citizens with disabilities are employed within the general workforce, regardless of the severity of disability and assistance required and a decision not to consider employment in the community for an individual is re-evaluated on a regular basis.

The Disability Rights Center shall host Employment First Maine and provide accessible space, resources, staff support and travel and accommodations for members with disabilities consistent with the priorities of their federally funded programs for which employment is a priority.

The benefits of employment are significant for all working age individuals, including persons with disabilities. Persons with disabilities, including veterans with service-connected disabilities, have a right to the opportunity for integrated, community-based employment. This Act is consistent with the U.S. Department of Labor's Office of Disability Employment Policy's priority to increase opportunity for community-based, integrated employment opportunities for individuals with the most significant disabilities.

The Act is also consistent with the national Association of Persons Supporting Employment 1st (APSE)'s principles that state that the current low participation rate of citizens with disabilities in the workforce is unacceptable and access to "real jobs with real wages" is essential if citizens with disabilities are to avoid lives of poverty, dependence, and isolation. Employment First Maine presumes that all working age adults and youth with disabilities can work in jobs fully integrated within the general

workforce, working side-by-side with co-workers without disabilities, earning minimum wage or higher.

Today, a significant body of research provides proof that youth and adults with disabilities, including those with the most significant disabilities and veterans with service-connected disabilities can succeed in integrated employment in the community and this success has a positive effect on the economy. Yet, despite evidence supporting their ability and desire to earn a living wage and be self-sufficient in their communities, the unemployment rate for persons with disabilities remains a pervasive problem in the country, particularly for youth and adults with the most significant disabilities and veterans with service-connected disabilities. Therefore, employment in the general workforce is the first and preferred outcome in the provision of publicly funded services for all working age citizens with disabilities. Employment should always be a core component of the service delivery system.

**Definitions.**

(1) “Integrated, community-based employment:” work in the competitive labor market that is performed on a full-time or part-time basis in an community workplace or in their own business and for which a person with a disability is compensated at or above the minimum wage, but not less than the customary (prevailing) wage and level of benefits paid by the employer for the same or similar work performed by persons without disabilities.

(2) “Disability” is defined as in the Maine Human Rights Act.

(3) “Community workplace:” A business setting found in the community in which persons with disabilities are employed and interact with persons without disabilities.

(4) “First and priority or preferred:” integrated, community-based employment options must be considered as a core service component before any other support and/or day services are provided.

(5) “Relevant state agencies” are the Maine Departments of Education, Labor (Bureau of Employment Services and Bureau of Rehabilitation), and Health and Human Services (MaineCare, Aging and Disability and Substance Abuse and Mental Health).:

**Implementation by relevant state agencies.**

(a) All relevant state agencies shall coordinate efforts to ensure that state programs, policies, procedures and funding support integrated, community-based employment for persons with disabilities who are of working age. All relevant state agencies shall, as otherwise permitted by law, share data and service utilization information across systems in order to track progress toward full implementation of this Act as evidenced by:

- Contracts between service providers and state agencies clearly specify expectations regarding service provision and outcomes in line with Employment First principles; and
- Standards for employment in the community are integrated within agency certification, program monitoring, and quality assurance processes.
- The adoption of measurable goals and objectives to promote assessment of progress in implementing this Act.

(b) State agencies are authorized to adopt rules and regulations to implement this Act.

### **Establishment of Employment First Maine.**

(a) Employment First Maine shall facilitate the full, effective and timely implementation of this Act.

(b) Employment First Maine shall consist of members, who are residents of Maine, and who shall serve without compensation, including but not limited to; at least; individuals with disabilities; veterans; APSE; Speaking Up for Us; Disability Rights Center; Maine Developmental Disabilities Council; Center for Community Inclusion and Disability Studies; the Consumer Council System of Maine; interested Legislators; Alpha One; Maine Parent Federation; the Commission on Disability and Employment; the Department of Labor; the Department of Education; and the Department of Health and Human Services;

### **Employment First Maine organization; meetings; officers; quorum.**

(a) Employment First Maine shall hold regularly scheduled business meetings at least once in each quarter, and at such times as the chairperson deems necessary, or at the request of a majority of the members.

(b) Employment First Maine shall annually elect a chairperson and vice-chairperson. They shall serve for 1 year and no more than 3 consecutive terms.

(c) Eight members shall constitute a quorum for the purpose of transacting business.

### **Powers and duties of Employment First Maine.**

(a) Employment First Maine shall review, make recommendations and seek public comment on the measurable goals and objectives as submitted to it by each relevant state

agency to ensure implementation of this Act. Employment First Maine shall track the measurable progress of state agencies in implementing this Act. All state agencies shall fully cooperate with and provide data and service utilization information to assist Employment First Maine in carrying out its duties.

(b) Employment First Maine shall share progress toward the goals and objectives and full implementation of this Act annually. All state agencies shall cooperate with Employment First Maine on the creation and dissemination of a report. This report shall identify barriers to achieving the outcomes along with recommendations for effective strategies, capacity building activities and policies that can help realize the Employment First initiative. This report shall be shared with the Governor, the Legislature, all interested agencies and the general public.

**Employment First Maine shall have the following duties and responsibilities:**

(1) Promote coordination among all state programs to advance integrated, community based employment services for persons with disabilities.

(2) Review, on a continuing basis, all state policies, plans, programs and activities concerning the integrated, community-based employment of persons with disabilities which are conducted or assisted, in whole or part, by state departments, agencies or funds in order to determine whether such policies, programs, plans and activities effectively meet the employment needs of persons with disabilities.

(3) Serve as a conduit for information and input throughout implementation of the Act for existing advocacy groups, commissions and councils who have a broader focus on issues facing people with disabilities in Maine.

(4) Make recommendations to the Governor, the Legislature and all state departments and agencies regarding ways to improve the administration of employment services for persons with disabilities.

(5) Review and comment on state legislative proposals affecting the employment of people with disabilities.

(6) Propose and promote legislation, regulations and policies to improve the integrated, community-based employment of persons with disabilities.

## SYNOPSIS

All persons with disabilities, including veterans with service-connected disabilities, have a right to the opportunity for integrated, community-based employment. To promote the realization of this right, this bill establishes Employment First Maine. The Act requires that state agencies that provide and/or fund services and supports to persons with disabilities shall consider, as their first and preferred option, integrated, community-based and/or customized employment for persons with disabilities.

The Act requires all state agencies to coordinate resources and efforts among agencies to realize employment as a core component of the service delivery system for individuals with disabilities. In addition, agencies shall share data and service utilization information across systems in order to track progress. State agencies may adopt rules and regulations to implement the Act.

This Act further formally establishes Employment First Maine. Employment First Maine shall review measurable goals and objectives as submitted to it by each relevant state agency to ensure implementation of the Act. Employment First Maine shall track the measurable progress of state agencies in implementing the Act and prepare an annual report that details progress made toward the goals and objectives as well as recommendations for strategies, capacity building activities and policies to help realize greatly improved employment outcomes for Maine citizens with disabilities.

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