

House Bill 831

By: Representatives Rogers of the 10th, England of the 116th, Dempsey of the 13th, Rhodes of the 120th, Efstoration of the 104th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 9 of Title 49 of the Official Code of Georgia Annotated, relating to
2 transfer of division of rehabilitation services to the Department of Labor, so as to establish
3 the Employment First Georgia Council; to provide for legislative findings and declarations;
4 to provide for membership, duties, terms of office, meeting requirements, committee
5 appointments, compensation, and expense allowances; to provide for a biannual report to the
6 Governor and the General Assembly; to provide for a short title; to provide for definitions;
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 This Act shall be known and may be cited as "Georgia's Employment First Act."

11 SECTION 2.

12 The General Assembly finds and declares that competitive integrated employment, including
13 self-employment, in the general workforce is the first and preferred outcome in the provision
14 of publicly funded services for all working age citizens with disabilities, regardless of the
15 level of disability.

16 SECTION 3.

17 Chapter 9 of Title 49 of the Official Code of Georgia Annotated, relating to transfer of
18 division of rehabilitation services to the Department of Labor, is amended by adding a new
19 article to read as follows:

20 "ARTICLE 3

21 49-9-50.

22 As used in this article, the term:

23 (1) 'Competitive integrated employment' means work, including self-employment, in the
 24 labor market performed on a full-time or part-time basis in a setting in which an
 25 individual with a disability interacts with individuals without disabilities in all aspects of
 26 the job function and for which such individual with a disability is compensated at or
 27 above the level of salary and benefits paid by the employer for the same or similar work
 28 performed by individuals without disabilities.

29 (2) 'Council' means the Employment First Georgia Council established pursuant to Code
 30 Section 49-9-51.

31 (3) 'Disability' means a permanent physical, cognitive, or behavioral condition that
 32 significantly limits one or more functions of daily living.

33 49-9-51.

34 (a) There is created the Employment First Georgia Council. The council shall be assigned
 35 to the Department of Human Services for administrative purposes only, as defined by Code
 36 Section 50-4-3; provided, however, that the Georgia Vocational Rehabilitation Agency
 37 shall provide staff and administrative and clerical functions for the council.

38 (b) The Employment First Georgia Council shall be composed of 15 members as follows:

39 (1) The executive director of the Georgia Vocational Rehabilitation Agency or his or her
 40 designee, who shall serve as chairperson of the council;

41 (2) The commissioner of the Department of Behavioral Health and Developmental
 42 Disabilities or his or her designee;

43 (3) The Commissioner of Labor or his or her designee;

44 (4) The chairperson of the State Board of the Technical College System of Georgia or
 45 his or her designee;

46 (5) The chairperson of the Board of Regents of the University System of Georgia or his
 47 or her designee;

48 (6) The deputy commissioner of the Workforce Division within the Department of
 49 Economic Development or his or her designee;

50 (7) The State School Superintendent or his or her designee;

51 (8) The chairperson of the Georgia Council for Developmental Disabilities or his or her
 52 designee;

53 (9) A representative of an association or other organization of community rehabilitation
 54 providers that assist individuals with disabilities and other barriers to employment;

55 (10) A representative of association or other organization that provides education and
 56 resources for competitive integrated employment services in order to foster supported
 57 employment for individuals with disabilities;

58 (11) A representative from the business community;

59 (12) An individual with an intellectual or developmental disability;

60 (13) An individual with a physical disability;

61 (14) An individual from the mental health community; and

62 (15) A family member of an individual with a disability.

63 (c) The members of the council in paragraphs (9) through (15) of subsection (b) of this
64 Code section shall be residents of this state. Such members shall be appointed by the
65 Governor and confirmed by the Senate and serve for a term of three years or until his or her
66 successor is appointed and qualified.

67 (d) If there is a vacancy on the council, such position shall be filled in the same manner
68 as the original appointment.

69 (e) The council shall annually elect from its membership a vice-chairperson and such other
70 officers as it deems appropriate. A majority of the members shall constitute a quorum at
71 any meeting held by the council. The chairperson shall vote only to break a tie.

72 (f) The council may conduct meetings at such places and times as it deems necessary or
73 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
74 accomplish the objectives and purposes of this chapter. The council shall hold meetings
75 at the call of the chairperson, the director of the Georgia Vocational Rehabilitation Agency,
76 or upon written request of a majority of the members. The council shall meet no less than
77 four times each year.

78 (g) Each member of the board shall be entitled to receive the compensation and allowances
79 provided for in Code Section 28-1-8. Members of the council who are state officials or
80 state employees shall receive no compensation for their services on the council, but may
81 be reimbursed for expenses incurred by them in the performance of their duties as members
82 of the task force in the same manner as they are reimbursed for expenses in their capacities
83 as state officials or employees.

84 (h) The chairperson may designate and appoint committees from among the membership
85 of the council and may appoint nonmembers of the board to advisory committees to advise
86 the board on the fulfillment of its duties. The members of the advisory committees shall
87 not receive any per diem or reimbursements; provided, however, that such members shall
88 be entitled to receive the mileage allowance provided for in Code Section 50-19-7 for the
89 use of a personal car in connection with attendance at meetings called by the council.

90 (i) The Georgia Vocational Rehabilitation Agency, with the concurrence of the council,
91 shall have the authority to employ such administrative staff, consultants, subject matter
92 experts, economists, budget analysts, data analysts, statisticians, and other individuals or
93 organizations deemed appropriate and necessary to carry out the functions of the council
94 within the limits of the appropriations made to the council.

95 49-9-52.

96 The purpose of the Employment First Georgia Council shall be to advise the Governor,
 97 General Assembly, and state agencies as to the adoption and integration of an employment
 98 first policy that recognizes that competitive integrated employment, including
 99 self-employment, is the first and preferred outcome of all state funded services provided
 100 to working age individuals with disabilities.

101 49-9-53.

102 The council shall have the following powers, duties, and responsibilities to:

103 (1) Develop an employment first training plan for providers of services to individuals
 104 with disabilities;

105 (2) Coordinate and conduct with other state, federal, and private entities, as appropriate,
 106 educational activities to increase awareness of the employment first policy of the state;

107 (3) Evaluate the funding mechanism for daytime services in the state for individuals with
 108 disabilities and for students attending inclusive postsecondary institutions;

109 (4) Review and make recommendations in a biannual report to the Governor and the
 110 General Assembly with regard to issues and necessary steps surrounding the adoption and
 111 implementation of the employment first policy, including, but not limited to, the
 112 following:

113 (A) Proposed legislative or administrative changes to policies and programs that are
 114 integral to the full implementations of an employment first policy;

115 (B) Proposed changes to or creation of funding mechanisms and other initiatives for
 116 daytime services in the state for individuals with disabilities and for students attending
 117 inclusive postsecondary institutions; and

118 (C) State-wide best practices to ensure that providers of services are facilitating
 119 competitive integrated competitive integrated employment in the workforce; and

120 (5) Carry out any other functions assigned to the council by the Governor or by general
 121 law."

122 **SECTION 4.**

123 All laws and parts of laws in conflict with this Act are repealed.