

- SUBJECT:** Establishing an employment-first policy for individuals with disabilities
- COMMITTEE:** Economic and Small Business Development — favorable, without amendment
- VOTE:** 8 ayes — J. Davis, Vo, Bell, Y. Davis, Isaac, Perez, E. Rodriguez, Workman
0 nays — None
1 absent — Murphy
- SENATE VOTE:** On final passage, April 18 — 31-0 on the Local and Uncontested Calendar
- WITNESSES:** For — Norine Grill, The Arc of Texas; Tanya Lavelle, Easter Seals Central Texas; Ana San Andres; Roger Webb, Texas Council for Developmental Disabilities; Nathan Williams, Texas Advocates (*Registered but did not testify*: Susanne Elrod, Texas Council of Community Centers; Gyl Switzer, Mental Health America of Texas)
Against — None
On — (*Registered but did not testify*: Lynn Blackmore, Department of Aging; Frank Genco, HHSC; Kathryn Sibley, Department of Family and Protective Services)
- DIGEST:** SB 1226 would direct the Health and Human Services Commission (HHSC), Texas Education Agency (TEA), and Texas Workforce Commission (TWC) to adopt and implement an employment-first policy for working-age disabled people that receive public benefits.
The policy would have to:
- affirm that a disabled individual was able to meet the same employment standards as those without a disability;
 - ensure that working-age disabled individuals received relevant employment information, including information about the relationship between the individual's earned income and public

benefits;

- ensure that disabled individuals heard about opportunities for training and education that could be a pathway to employment;
- promote the availability of individualized training to prepare disabled individuals for employment;
- promote partnerships with employers to overcome barriers to employment through technology;
- ensure that public school, vocational service, and community provider staff were trained to help individuals with disabilities achieve employment; and
- ensure that competitive employment, while preferred, was not required for an individual with a disability to receive eligible public benefits.

The executive commissioner of HHSC would establish an interagency employment-first task force, or use an existing committee or task force, to promote competitive employment of individuals with disabilities. The task force would not be compensated, but could be reimbursed for appropriate expenses.

The task force would include at least the following individuals:

- an individual with a disability;
- a family member of an individual with a disability;
- a representative of HHSC;
- a representative of the Department of Assistive and Rehabilitative Services;
- a representative of the Department of State Health Services;
- a representative of the Department of Aging and Disability Services;
- a representative of the Department of Family and Protective Services;
- a representative of the TWC;
- a representative of the TEA;
- an advocate for individuals with disabilities; and
- a representative of a provider of integrated and competitive employment services.

At least one-third of the task force would be individuals with disabilities, and no more than one-third could consist of advocates.

The purpose of the task force would be to:

- design an education and outreach process for working-age individuals with disabilities, their families, involved agencies, and relevant stakeholders to raise the expectations of success for employment among individuals with disabilities;
- develop recommendations for the employment-first policy; and
- prepare and submit a to state leaders and the executive commissioner of HHSC each September 1 immediately preceding each regular legislative session a report containing the task force's findings and recommendations.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

SB 1226 would encourage competitive employment among disabled persons and help them to integrate into their communities and become more independent. An employment-first policy could ultimately serve disabled Texans better, increase quality of life, and save money for the state.

There is currently no policy in Texas that promotes competitive employment at a living wage (*i.e.*, the minimum income necessary for a worker to meet basic needs) in the general workforce for all working-age Texans with disabilities. National Core Indicators survey data show that 74 percent of those with intellectual and developmental disabilities do not have a community job, and 47 percent of those without a job would like one.

Persons with disabilities are routinely placed into non-integrated settings instead of community-based employment despite the availability of accommodations. Segregated programs often pay sub-minimum wage and fail to cultivate a person's potential. The costs associated with these programs and the other publicly funded supports needed when a person is not able to reach his or her full potential for independence could be avoided with the implementation of an employment-first policy.

An employment-first policy holds persons with disabilities to the same employment standards, responsibilities, and expectations as any working-

age adult. Employment first is a declaration of both philosophy and policy stating that competitive employment is the first and preferred outcome of publicly funded services for persons with disabilities.

Access to jobs paying a living wage is essential if citizens with disabilities are to avoid lives of poverty, dependence, and isolation.

**OPPONENTS
SAY:**

SB 1226 could end up putting state government in the middle of private companies' hiring decisions and wage determinations and place new compliance requirements on private employers in Texas. Hiring and salary decisions should be the prerogative of company management, not HHSC or another state agency that would set a standard for who was qualified to perform a job and what a company should have to pay them.