STATE OF NEW YORK

6397

2023-2024 Regular Sessions

IN ASSEMBLY

April 6, 2023

Introduced by M. of A. BURDICK -- read once and referred to the Committee on People with Disabilities

AN ACT in relation to establishing the task force to promote the employment by state agencies of people with disabilities; and to provide for the repeal of such provisions upon expiration thereof (Part A); and in relation to requiring the commissioner of labor, in collaboration with the commissioner of health, to create a sustainable, comprehensive strategy to accomplish various goals aimed at bringing persons with disabilities into employment (Part B)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act enacts into law major components of legislation necessary to implement certain provisions regarding the employment of people with disabilities. Each component is wholly contained within a Part identified as Parts A through B. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Legislative intent. The legislature finds and declares that:

1. More than 19 million people in the United States work in state and local governments, and more than 570,000 people have public sector jobs in New York, including 130,000 state government employees, employed in a wide variety of jobs and occupations, including accountants, corrections

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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officers, mail clerks, chaplains, social workers, doctors, lawyers, teachers, and computer programmers;

2. People with disabilities can benefit from the experience of employment in state agencies, gaining skills and receiving benefits through both internships and employment in the public sector and the state can benefit from the contributions that they can make as state employees;

3. A number of states have instituted within their human resources agencies policies and programs that foster the inclusion of people with disabilities into state government jobs, including provisional appointments, alternative examination and interview processes, trial work periods, and special appointment lists;

4. As a leading employer, and as an employer providing many well paid, quality jobs with ample paid time off and medical and pension benefits, the state of New York can set an important example to other employers, especially private sector employers, by increasing its efforts to recruit and retain in employment individuals with intellectual and developmental disabilities; and

5. It is therefore appropriate to establish a task force to promote the employment by state agencies of people with disabilities for the purposes of studying the problem of unemployment and underemployment among individuals in New York with disabilities, reviewing existing programs in this and other states, and private sector companies, to recruit and retain in employment individuals with intellectual and developmental disabilities, and assisting in the identification and implementation of strategies to expand efforts of New York state agencies to recruit and retain in employment individuals with disabilities, including by providing guidance and support to agencies and institutions of higher education.

§ 2. 1. There is established, in the department of labor, the task force to promote the employment by state agencies of people with disabilities. The task force shall consist of 13 members, including one representative each from the department of civil service, the department of education, the disability employment initiative of the department of labor, the state comptroller, the office for people with developmental disabilities, the state rehabilitation council, the office of strategic workforce development, and the office of the chief disability officer, and 5 members appointed by the governor with the advice and consent of the senate as follows: 2 members representing The Arc New York; a representative of a community rehabilitation program, and 2 individuals who have a disability.

2. Members of the task force shall be appointed within 90 days after the effective date of this act. The appointed members of the task force shall serve for terms of 3 years. Vacancies in the membership of the appointed members of the task force shall be filled in the same manner as the original appointments.

3. Members of the task force shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members of the task force, within the limits of funds appropriated or otherwise made available to the task force for its purposes.

4. The task force shall organize as soon as possible after the appointments are made and select a chairperson from among its members. The task force shall meet at least quarterly, may hold meetings and hearings at places and times as it designates, and may meet at any other times at the call of the chairperson. No action shall be taken by the

task force except by an affirmative vote of a majority of the voting members.

§ 3. 1. The purpose of the task force is to study the problem of unemployment and underemployment among individuals with disabilities, review relevant, available programs within the state of New York for state and local government agencies to recruit, hire, and retain in employment individuals with intellectual and developmental disabilities, as well as similar programs in other states and private sector employers, and assist in the identification and implementation of strategies to expand efforts of New York state and local government agencies to recruit, hire, and retain in employment individuals with disabilities.

2. The task force shall issue annual reports which offer a vision and provide viable recommendations on how the state can increase opportunities for employment for individuals with intellectual and developmental disabilities by expanding efforts of New York state and local government agencies to promote the employment of such individuals by recruiting, hiring, and retaining them in employment, including by providing guidance and support to agencies and institutions of higher education.

3. The task force shall issue its first report to the governor and the legislature not later than one year after the members of the task force are appointed. Each annual report shall be made available to the public by means including the posting of the report on the websites of the state agencies represented on the task force.

§ 4. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2030.

PART B

Section 1. Legislative intent. 1. Historically, federal programs for adults with disabilities have encouraged dependency on income supports and have created barriers to employment and economic self-sufficiency. Even in strong economic times, adults with disabilities have had limited options and faced major barriers to achieve economic self-sufficiency, resulting in prolonged reliance upon public assistance programs and an unacceptably high unemployment rate statewide.

2. Federal laws enacted during the 1990's offered significant public policies and fiscal incentives designed to assist states to restructure workforce development programs into integrated workforce investment systems that will respond to the employment, training, and education needs of its citizens.

3. Since 1998, employment-focused reforms for adults with disabilities in the workforce have been enacted into Medicare, Medicaid, the Supplemental Security Income Program (SSI), the Social Security Disability Insurance Program (SSDI), and with respect to programs administered by the United States department of labor, and the United States department of education.

4. The federal Workforce Investment Act of 1998 (WIA), (Public Law 105-220) redesigned major federal public employment programs, and included a requirement that services for employers and employees be centered in accessible, community-based one-stop centers.

5. The federal Ticket to Work and Work Incentives Improvement Act of 1999, (Public Law 106-170) increased opportunities for states to remove and minimize barriers to employment for people with disabilities by improving access to health care coverage available under Medicare and Medicaid.

6. Beginning February 1, 2002, the Social Security Ticket to Work and Self-Sufficiency program began a state-by-state phase-in period nationally, allowing SSI and SSDI beneficiaries to receive a "ticket" from the Social Security Administration that can be assigned for employment services to a wider pool of rehabilitation, employment, or other employment support service providers.

§ 2. 1. The commissioner of labor, in collaboration with the commissioner of health, shall make available the expertise of state employees and programs to support the employment-related needs of individuals with disabilities. Using existing resources, the agencies shall develop a sustainable, comprehensive strategy to do all of the following:

a. bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population;

b. support the goals of equality of opportunity, full participation, independent living, and economic self-sufficiency for these individuals;

c. ensure that state government is a model employer of individuals with disabilities; and

d. support state coordination with, and participation in, benefits planning training and information dissemination projects supported by private foundations and federal grants.

2. a. The state workforce investment board shall monitor and enforce implementation of Section 188 of the federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2938), and shall require local workforce development boards to report as follows:

(i) By July 1, 2024, each local workforce development board shall report to the state workforce investment board or its designated department on the steps it has taken to ensure compliance with Section 188 of the federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2938), in regard to the provisions as they apply to persons with disabilities.

(ii) By October 31, 2024, each local workforce development board that chooses to participate in the federal Ticket to Work and Self-Sufficiency program shall report to the state workforce investment board on its readiness to meet the eligibility standards to serve as an employment network under the federal Ticket to Work and Self-Sufficiency program (Section 1148(f), Part A, Title XI of the Social Security Act, 42 U.S.C. Section 1320b-19).

b. The state workforce investment board shall report its findings, based on the reports described in subparagraph (i) of paragraph a of this subdivision to the governor and the legislature.

§ 3. 1. a. The governor shall establish, in the state workforce investment board, a governor's committee on employment of people with disabilities. The committee shall include, but not be limited to:

(i) 4 individuals with disabilities representing disabled persons, 2 appointed by the governor and one each appointed by the temporary president of the senate and the speaker of the assembly, each for a 3-year term;

(ii) the commissioner of labor, the commissioner of health, the commissioner of mental health, the commissioner of the office for people with developmental disabilities, the commissioner of social services, the director of the state education department's office of adult career and continuing education services-vocational rehabilitation, the chief disability officer, and the chair of the New York state independent living council, inc.;

(iii) a representative from the state workforce investment board;

(iv) representatives from any other department or program that may have a role in increasing the capacity of state programs to support the employment-related needs of individuals with disabilities;

(v) a representative from a local one-stop center or local workforce development board, to be appointed by the governor; and

(vi) a business representative with experience in employing persons with disabilities, to be appointed by the governor.

b. Members of the committee shall be appointed within 90 days after the effective date of this act. The appointed members of the committee shall serve for terms of 3 years. Vacancies in the membership of the appointed members of the committee shall be filled in the same manner as the original appointments.

c. The members of the governor's committee on employment of people with disabilities shall select a chair from among the members and shall hold open meetings no less than quarterly.

2. The committee shall consult with and advise the state workforce investment board on all issues related to full inclusion in the workforce of persons with disabilities, including development of the comprehensive strategy required by this section and the implementation of the grant program established pursuant to section four of this act.

3. The governor's committee on employment of people with disabilities shall:

a. coordinate and provide leadership, as necessary, with regard to efforts to increase inclusion in the workforce of persons with disabilities;

b. report annually to the legislature and the governor on the employment status of New York residents with disabilities;

c. provide support to the state workforce investment board and the local one-stop centers in their efforts to achieve full compliance with federal and state law, and shall identify the extent to which any one-stop centers are not in full compliance with those laws and the reasons for the lack of compliance, including the need for additional resources;

d. using existing funding, facilitate, promote, and coordinate collaborative dissemination of information on employment supports and benefits, which shall include the Ticket to Work and Self-Sufficiency program and health benefits, to individuals with disabilities, consumers of public services, employers, service providers, and state and local agency staff; and

e. using existing funding, receive primary administrative and staff support from the department of labor.

§ 4. 1. The governor's committee on employment of people with disabilities, in conjunction with the department of labor and to the extent that funds are available, shall make grants available to counties and local workforce development boards in order to develop local strategies for enhancing employment opportunities for people with disabilities, and to fund comprehensive local and regional benefits planning and outreach programs to assist persons with disabilities in removing barriers to work.

2. The governor's committee on employment of people with disabilities, in conjunction with the department of labor and to the extent that funds are available, shall make grants available to counties and local workforce development boards, through collaborative efforts of public agencies and private organizations, including organizations that serve people with disabilities, to accomplish the following purposes:

a. to develop local strategies, including, but not limited to, regular cross-agency staff training, for enhancing employment opportunities for individuals with disabilities; and

b. to fund comprehensive local or regional benefits planning and outreach programs to assist individuals with disabilities in removing barriers to work.

§ 5. 1. It is the purpose of this section to ensure that workforce preparation services provided through one-stop centers, including information and services provided electronically, are accessible to employers and jobseekers with disabilities. It is the intent of the legislature that:

a. one-stop centers provide appropriate services to individuals with disabilities to enhance their employability; and

b. in order to achieve the goals specified in this section, local workforce development boards plan for and report on services to employers and jobseekers with disabilities, including the implementation of the federal Ticket to Work and Self-Sufficiency program for those local workforce development boards and one-stop centers that choose to implement the Ticket to Work program in their local workforce development board areas.

2. To the extent not already available, each local workforce development board shall establish at least one comprehensive one-stop career center in each local workforce development area. These one-stop centers shall ensure access to services pursuant to Section 134(d) of the federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2864(d)), including services for persons with disabilities, including, but not limited to, the following:

a. outreach, intake, and orientation;

b. initial assessments of skills, aptitudes, abilities, and need for support services;

c. program eligibility determinations;

d. information on the local, regional, and national labor market;

e. information on filing for unemployment insurance;

f. access to intensive services as needed, including, but not limited to, comprehensive and specialized assessments of skill levels and service needs, development of individual employment plans, group counseling, individual counseling and career planning, case management for participants seeking training services under paragraph g of this subdivision and short-term prevocational services, such as learning, communication, interview, and other jobseeking and work-related skills to help prepare individuals for unsubsidized employment and training; and

g. training services, including, but not limited to, occupational skills training, on-the-job training, workplace training and cooperative education programs, private sector training programs, skills upgrade and retraining, entrepreneurial training, job readiness training, adult education, and literacy activities combined with training, and customized training.

3. Each local workforce development board shall schedule and conduct regular performance reviews of their one-stop centers to determine whether the centers and providers are providing effective and meaningful opportunities for persons with disabilities to participate in the programs and activities of the centers and providers.

4. One-stop center counselor staff shall provide accurate information to beneficiaries of Supplemental Security Income and the state Supplemental Program and Social Security Disability Insurance on the implications of work for these individuals. The information shall include,

but not be limited to, referrals to appropriate benefit's planners. One-stop center counselor staff shall also provide accurate information to individuals with disabilities on how they may gain access to Medicaid benefits.

5. In order to ensure that one-stop career centers operated by local workforce development boards meet the needs of employers and jobseekers with disabilities, the governor shall ensure that evaluations conducted pursuant to Sections 134 (a)(2)(B)(ii) and (v) of the federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2864 (a)(2)(B)(ii) and (v)), address how local one-stop centers provide the following:

a. full access to workforce development services for their disabled community;

b. assistive technology to ensure access to services;

c. staff training on assessment and service strategies for employers and jobseekers with disabilities;

d. representation of the disability community in program planning and service delivery; and

e. the development of regional employment networks to participate in the federal Ticket to Work and Self-Sufficiency program and the role of the local board and one-stop centers in the Ticket to Work and Self-Sufficiency program.

6. The state workforce investment board shall report to the governor and the legislature by September 30, 2024, on the status of one-stop services to individuals with disabilities and implementation of the federal Ticket to Work and Self-Sufficiency program in New York.

7. If permitted by federal law, the state workforce investment board and local workforce development boards shall include persons with disabilities or their representatives on such boards, with a particular effort to include such persons who are not employees of state or local government.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Parts A through B of this act shall be as specifically set forth in the last section of such Parts.