

STATE OF NEW YORK

8379

IN SENATE

January 25, 2024

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on 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:

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

12 PART A

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

15 1. More than 19 million people in the United States work in state and
16 local governments, and more than 570,000 people have public sector jobs
17 in New York, including 130,000 state government employees, employed in a
18 wide variety of jobs and occupations, including accountants, corrections
19 officers, mail clerks, chaplains, social workers, doctors, lawyers,
20 teachers, and computer programmers;

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

LBD10281-01-3

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

5 3. A number of states have instituted within their human resources
6 agencies policies and programs that foster the inclusion of people with
7 disabilities into state government jobs, including provisional appoint-
8 ments, alternative examination and interview processes, trial work peri-
9 ods, and special appointment lists;

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

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

27 § 2. 1. There is established, in the department of labor, the task
28 force to promote the employment by state agencies of people with disa-
29 bilities. The task force shall consist of 13 members, including one
30 representative each from the department of civil service, the department
31 of education, the disability employment initiative of the department of
32 labor, the state comptroller, the office for people with developmental
33 disabilities, the state rehabilitation council, the office of strategic
34 workforce development, and the office of the chief disability officer,
35 and 5 members appointed by the governor with the advice and consent of
36 the senate as follows: 2 members representing The Arc New York; a repre-
37 sentative of a community rehabilitation program, and 2 individuals who
38 have a disability.

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

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

49 4. The task force shall organize as soon as possible after the
50 appointments are made and select a chairperson from among its members.
51 The task force shall meet at least quarterly, may hold meetings and
52 hearings at places and times as it designates, and may meet at any other
53 times at the call of the chairperson. No action shall be taken by the
54 task force except by an affirmative vote of a majority of the voting
55 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

1 nationally, allowing SSI and SSDI beneficiaries to receive a "ticket"
2 from the Social Security Administration that can be assigned for employ-
3 ment services to a wider pool of rehabilitation, employment, or other
4 employment support service providers.

5 § 2. 1. The commissioner of labor, in collaboration with the commis-
6 sioner of health, shall make available the expertise of state employees
7 and programs to support the employment-related needs of individuals with
8 disabilities. Using existing resources, the agencies shall develop a
9 sustainable, comprehensive strategy to do all of the following:

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

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

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

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

19 2. a. The state workforce investment board shall monitor and enforce
20 implementation of Section 188 of the federal Workforce Investment Act of
21 1998 (29 U.S.C. Sec. 2938), and shall require local workforce develop-
22 ment boards to report as follows:

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

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

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

38 § 3. 1. a. The governor shall establish, in the state workforce
39 investment board, a governor's committee on employment of people with
40 disabilities. The committee shall include, but not be limited to:

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

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

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

53 (iv) representatives from any other department or program that may
54 have a role in increasing the capacity of state programs to support the
55 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

1 to individuals with disabilities on how they may gain access to Medicaid
2 benefits.

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

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

11 b. assistive technology to ensure access to services;

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

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

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

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

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

29 § 6. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law. Effective immediately, the addition, amend-
31 ment and/or repeal of any rule or regulation necessary for the implemen-
32 tation of this act on its effective date are authorized to be made and
33 completed on or before such effective date.

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

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