§ 41.39 Vocational programs; sheltered workshop industrial contract income.

(a) The commissioner of mental health and the commissioner of developmental disabilities shall, consistent with the state integrated employment implementation plan developed pursuant to subdivision two of section one thousand four-b of the education law, and subject to appropriations made therefor, to develop and support services that provide individuals with mental disabilities the opportunity to learn and develop employment related skills and work experience, including but not limited to sheltered workshops and integrated employment opportunities, including supported employment, as provided pursuant to sections one thousand four-a and one thousand four-b of the education law. Such programs shall, to the extent possible:

1. be integrated with and not duplicate employment programs provided through the state education department and shall ensure that funding provided pursuant to this subdivision is not used for the provision of services that are the responsibility of other state agencies pursuant to the plan developed pursuant to subdivision two of section one thousand four-b of the education law;

2. provide an array of rehabilitation and support services necessary to meet the individual's vocational and career developmental needs;

3. integrate the office's vocational programs and other needed support services including but not limited to: clinical, social, case management, residential and transportation services to ensure flexibility in meeting the needs of individuals in transition between program models; and

4. provide each individual with the appropriate supports to achieve and maintain employment in the most integrated setting appropriate, while maximizing each individuals personal strengths and preferences.

(b) Notwithstanding any other provisions of this article, income realized by a voluntary not-for-profit agency from industrial contracts entered into pursuant to its operation of a sheltered workshop shall be matched dollar for dollar by an office of the department of mental

hygiene through direct contract with the agency provided that no part of the expenses of such sheltered workshop are claimed through a contract with the local governmental unit which is receiving funding for reimbursement of such expenses from the same office of the department provided that such sheltered workshop is operating in accordance with an approved local services plan. In no event shall any combination of income including state aid exceed the total cost of operation of such sheltered workshop.