

House Bill 831 (AS PASSED HOUSE AND SENATE)

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 the Division of Rehabilitation Services to the Department of Labor, so as to
3 establish the Employment First Georgia Council; to provide for legislative findings and
4 declarations; to provide for membership, duties, terms of office, meeting requirements,
5 committee appointments, compensation, and expense allowances; to provide for a biannual
6 report to the Governor and the General Assembly; to provide for a short title; to provide for
7 definitions; 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 option 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 the
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 14 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 commissioner of the Technical College System of Georgia or his or her
 45 designee;

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

48 (6) The State School Superintendent or his or her designee;

49 (7) The executive director of the Georgia Council for Developmental Disabilities or his
 50 or her designee;

51 (8) A representative of an association or other organization of community rehabilitation
 52 providers that assist individuals with disabilities in overcoming barriers to employment;

53 (9) A representative of an association or other organization that provides supported
 54 employment and nonemployment day services to individuals with disabilities;

- 55 (10) A representative from the business community;
56 (11) An individual with an intellectual or developmental disability;
57 (12) An individual with a physical disability;
58 (13) An individual from the mental health community; and
59 (14) A family member of an individual with a disability.
- 60 (c) The members of the council in paragraphs (8) through (14) of subsection (b) of this
61 Code section shall be residents of this state. Such members shall be appointed by the
62 Governor and serve for a term of three years or until his or her successor is appointed and
63 qualified.
- 64 (d) If there is a vacancy on the council, such position shall be filled in the same manner
65 as the original appointment.
- 66 (e) The council shall annually elect from its membership a vice chairperson and such other
67 officers as it deems appropriate. A majority of the members shall constitute a quorum at
68 any meeting held by the council. The chairperson shall vote only to break a tie.
- 69 (f) The council may conduct meetings at such places and times as it deems necessary or
70 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
71 accomplish the objectives and purposes of this chapter. The council shall hold meetings
72 at the call of the chairperson, the executive director of the Georgia Vocational
73 Rehabilitation Agency, or upon written request of a majority of the members. The council
74 shall meet no less than four times each year.
- 75 (g) Each member of the board shall be entitled to receive the compensation and allowances
76 provided for in Code Section 28-1-8. Members of the council who are state officials or
77 state employees shall receive no compensation for their services on the council, but may
78 be reimbursed for expenses they incur in the performance of their duties as members of the
79 council in the same manner as they are reimbursed for expenses in their capacities as state
80 officials or employees.
- 81 (h) The chairperson may designate and appoint committees from among the membership
82 of the council and may appoint nonmembers of the council to advisory committees to
83 advise the council on the fulfillment of its duties. The members of the advisory committees
84 shall not receive any per diem or reimbursements; provided, however, that such members
85 shall be entitled to receive the mileage allowance provided for in Code Section 50-19-7 for
86 the use of a personal car in connection with attendance at meetings called by the council.
- 87 (i) The Georgia Vocational Rehabilitation Agency, with the concurrence of the council,
88 shall have the authority to employ such administrative staff, consultants, subject matter
89 experts, economists, budget analysts, data analysts, statisticians, and other individuals or
90 organizations deemed appropriate and necessary to carry out the functions of the council
91 within the limits of the appropriations made to the council.

92 49-9-52.

93 The purpose of the Employment First Georgia Council shall be to advise the Governor,
 94 General Assembly, and state agencies as to the adoption and integration of a policy that
 95 recognizes that competitive integrated employment, including self-employment, is the first
 96 and preferred option of all state funded services provided to working age individuals with
 97 disabilities. Such policy shall be known as the 'Employment First Policy' or 'Employment
 98 First.'

99 49-9-53.

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

101 (1) Develop an Employment First training plan for providers of services to individuals
 102 with disabilities;

103 (2) Coordinate and conduct with other state, federal, and private entities, as appropriate,
 104 educational activities to increase awareness of the Employment First Policy;

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

107 (4) Review and make recommendations in a biannual report to the Governor and the
 108 General Assembly with regard to issues and necessary steps surrounding the adoption and
 109 implementation of the Employment First Policy, including, but not limited to, the
 110 following:

111 (A) Proposed legislative or administrative changes to policies and programs that are
 112 integral to the full implementations of the Employment First Policy;

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

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

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

120 **SECTION 4.**

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