

## **BILL ANALYSIS**

Senate Research Center  
83R10314 JSL-D

S.B. 1226  
By: Zaffirini  
Health & Human Services  
3/28/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There is currently no policy in Texas that promotes competitive employment at a living wage in the general workforce for all working age Texans with disabilities.

National surveys show that the majority of persons with disabilities want to have a job in the community, but the current participation rate of citizens with disabilities in the workforce is low. For example, National Core Indicators survey data shows that 74 percent of persons with intellectual and developmental disabilities do not have a community job and 47 percent of those without a job would like one. Advances in education and community living cannot be fully leveraged or realized when so few persons with disabilities actually work in the community.

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

The purpose of this legislation is to adopt a policy that competitive employment at a living wage in the general workforce is the first and preferred outcome of publicly funded services for all working age Texans with disabilities, regardless of disability.

An employment-first policy holds persons with disabilities to the same employment standards, responsibilities, and sets of 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.

For example, this would be similar to the statement in S.B. 368, 77th Legislature, Regular Session, 2001, regarding permanency planning, which states that it is the policy of the state that children should grow up in families. This bill would set up employment-first as a goal for the state which would affect the lens through which future rules would be developed. This bill is timely as each Health and Human Services agency is up for sunset review in the next legislative session (2015).

The Texas Legislature has created opportunities for Texas to be attractive to business, drawn, in part, by a workforce educated by our world-class university system. Texas should ensure that those businesses also find an educated, prepared workforce that includes Texans with disabilities. Prioritizing employment would result in increased spending by the expanded workforce and would minimize the social services used. Employers would benefit from the perspective, creativity, and resourcefulness that persons with disabilities have developed in order to maneuver in a world that is not always designed for them.

S.B. 1226 establishes an interagency task force to design a process in a finite period of time to raise expectations through education and outreach to persons with disabilities, families, agencies, and service provider staff concerning the ability of persons to succeed in integrated, individualized, competitive employment.

As proposed, S.B. 1226 amends current law relating to the establishment of an employment-first policy and task force that promote opportunities for individuals with disabilities to earn a living wage with competitive employment.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 117, Human Resources Code, by adding Section 117.075, as follows:

#### Sec. 117.075. EMPLOYMENT-FIRST POLICY AND TASK FORCE.

(a) Requires the Department of Assistive and Rehabilitative Services (DARS) to adopt and implement an employment-first policy stating that earning a living wage with competitive employment in the general workforce is the first and preferred outcome of all publicly funded services provided to working-age individuals with disabilities. Requires the policy to contain provisions that ensure that individuals, particularly secondary and postsecondary students, with disabilities understand the importance of, and are given the opportunity to explore options for, further training, including graduate and postgraduate training, as a pathway to employment, the availability and accessibility of individualized training and support in an individual's preferred employment, the availability and accessibility of resources necessary to enable an individual to understand the effect of earned income on the individual's public benefits, and that competitive employment, while being the first and preferred outcome, is not the only method of securing and maintaining necessary health care and support for individuals with disabilities.

(b) Requires DARS, in consultation with the executive commissioner of the Health and Human Services Commission (executive commissioner), to establish an interagency employment-first task force that will work to ensure that individuals with disabilities are able to obtain competitive employment and are held to the same employment standards, responsibilities, and expectations as any other working-age adult. Requires DARS to appoint as many members to the task force as DARS considers necessary to complete the task force's purposes.

(c) Requires the task force to design an education and outreach process targeted at individuals with disabilities, families, agencies, and service provider staff that is aimed at raising expectations of the success of individuals with disabilities in integrated, individualized, and competitive employment; develop recommendations for policy and procedure changes that are necessary to allow the employment-first policy described under Subsection (a) to be fully implemented; and produce a report to be provided to DARS and the executive commissioner that estimates the reduction in publicly funded services that can be accomplished by implementation of the employment-first policy described under Subsection (a).

SECTION 2. Requires DARS, not later than September 1, 2014, to adopt and implement the employment-first policy and appoint the employment-first task force described under Section 117.075, Human Resources Code, as added by this Act.

SECTION 3. Effective date: upon passage, or September 1, 2013.