

Kentucky Employment First Council

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# Annual Report



2023

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# MEMORANDUM

**TO:** Governor Andy Beshear  
Jamie Link, Education and Labor Cabinet Secretary  
Legislative Research Commission

**FROM:** Nanci Howard, Vocational Rehabilitation Administrator

**CC:** Katie Wolf Whaley, Chair  
Cora McNabb, Executive Director of the  
Kentucky Office of Vocational Rehabilitation

**DATE:** Dec. 1, 2023

**RE:** 2023 Employment First Council Annual Report

I am pleased to provide you with the attached 2023 Kentucky Employment First Council Annual Report. This report offers a comprehensive overview of the gainful strides made over the past year toward increasing meaningful, competitive integrated employment opportunities for Kentuckians with disabilities. The report represents the strategic planning and council development undertaken by council members and staff to advance Employment First policies and practices across the Commonwealth of Kentucky.

Employment First is a national movement to promote competitive integrated employment as the priority option for people with disabilities. In Kentucky, the Employment First Council has worked to gain momentum by receiving technical assistance from the U.S. Department of Labor, Office of Disability and Employment Policy's (ODEP) Project NEON (National Expansion of Employment Opportunities Network) initiative. Additionally, the council has worked in collaboration with outside stakeholders to receive their input and guidance when addressing the charge of KRS 151B.211-214. The council continues to work to increase competitive integrated employment opportunities for Kentuckians with disabilities through policy changes, training, and collaboration.

The attached annual report summarizes the council's activities and accomplishments in Kentucky over the year, including updates on initiatives like Project NEON, the development of the Council Strategic Plan and bylaws. Additionally, you will find that moving forward, Kentucky's Employment First Council will continue to build partnerships and develop innovative resources to further its mission of an inclusive workforce for all Kentuckians with disabilities. The council will continue its work by utilizing 300 additional technical assistance hours received from ODEP on Nov. 16, 2023, as part of the Project NEON initiative to focus on expanding provider capacity.

Thank you for supporting Employment First in Kentucky and for supporting the efforts of the Employment First Council.



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# **Kentucky Employment First Council**

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## **Annual Report 2023**

“The Employment First Council serves to promote competitive integrated employment as the first and primary option for persons with disabilities to help meet the talent demands of Kentucky’s workforce.”

# Employment First Council Completes Year One Planning and Development Stage

## Introduction

On March 24, 2022, KRS 151B.211-214 was enacted stating that, “It is the policy of the Commonwealth of Kentucky that competitive integrated employment shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.” To assist the commonwealth with this goal, the Employment First Council was established (KRS 151B.211).

The most recent data around the employment rate for individuals with disabilities are found at: <https://disabilitycompendium.org/>. The 2023 Kentucky employment rate for people with disabilities was 33.7% while the employment rate for people without disabilities was 76.3%, a 42.3% gap. This council understands the workforce participation rate for individuals with disabilities is about one-third that of people without disabilities and this low employment rate has been increasingly recognized as a serious societal issue, with over 13.5 million adults of working age in the United States receiving disability benefits from the Social Security Administration.

It has also been demonstrated that with assistance, accommodations and encouragement, many people with disabilities can work successfully in the community. Kentucky has a broad service system for adults with disabilities. The goal of this council is for employment to become the first and preferred outcome for those who express a desire to work. The reality is that our disability service system was not designed to prioritize employment. Data also shows that there is a general perception of unemployability for many with disabilities and, while this is slowly shifting to one of employability, we have a very long way to go.

With continued cross-agency collaboration and rigorous implementation monitoring, the Employment First Council can drive meaningful progress in expanding inclusive employment opportunities and economic self-sufficiency for Kentuckians with disabilities. This will require policy commitment along with adequate funding and support services to fully realize the goal of [competitive integrated employment](#). The Employment First Council has developed and accepted its first, three-year strategic plan. The vision, mission, core values, goals, objectives and measures were carefully considered throughout the planning process. Over the next three years, the council and staff will work together toward removing barriers to employment of individuals with disabilities and promote competitive integrated employment across the commonwealth.

# Overview of the Employment First Council

## Council Membership, Structure and Meeting Logistics

The council consists of 28 governor-appointed members, representing people with disabilities, employers, family members, state government agencies and disability organizations.

## Meet the Kentucky Employment First Council

Amanda Friend	Individual with a disability
Annette Jett	Relative of a person with a disability
Amanda Owen	Community rehabilitation provider
Amy Luttrell	Kentucky Workforce Innovation Board
Bill Bates	Office of Career and Technical Education
Dawn Gardner	Individual with a disability
Cora McNabb	Kentucky Office of Vocational Rehabilitation
David Allgood	Statewide Council for Vocational Rehabilitation
Frank Huffman	Individual with a disability
Diana Merzweiler	Relative of a person with a disability
Jeff Edwards	Kentucky Protection & Advocacy
Jeff White	Kentucky Dept. of Developmental and Intellectual Disabilities
Jessica Beaven	Business, Industry and Labor
Tal Curry	Kentucky Office of Autism
Johnny Callebs	Commonwealth Council on Developmental Disabilities
Katie Wolf Whaley	UK Human Development Institute
Leslie Hoffmann	Kentucky Dept. of Medicaid Services
Lori Norton	Kentucky Division of Behavioral Health
Gretta Hylton	Kentucky Dept. of Education
Merry Reid Sheffer	Community rehabilitation provider
Morgan Turner	Individual with a disability
Rebecca Wilson	Business, Industry and Labor
Larry Taylor	Kentucky Autism Training Center
Staci Cain	Dept. for Income Support, Disability Determination Services
Thomas Hamilton	Business, Industry and Labor
Todd Coffey	Business, Industry and Labor
Zach Morgan	Kentucky Chamber of Commerce

## 2023 Quarterly Meetings and Committee Structure

Council members met four times between Jan. 1 – Oct. 1, 2023. Notes from each full council meeting are available upon request. The Kentucky Office of Vocational Rehabilitation’s (OVR) website houses Employment First information on behalf of the council. This platform outlines the goals of the council, hosts resources and information on disability and employment and lets interested Kentuckians know of meeting dates and locations. At the first meeting, council members elected a chair, vice chair and legislative liaison as outlined in KRS 151B.211-214, and discussed the importance of the work ahead. The council created five committees in addition to a Bylaws Ad Hoc workgroup. These committees are:

1. Advocacy and Education
2. Employer Education and Engagement
3. Public Policy
4. Provider Capacity
5. Transition
6. Bylaws (Ad hoc)

The goal of each committee is to dive deeper into the charge of the council, in their topical area, and to report back to the larger council.

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### Official First Meeting

Dec. 2, 2022

University of Kentucky’s Human Development Institute – Coldstream Campus Lexington, Kentucky

### Quarterly Meetings

April 14, 2023

University of Kentucky’s Human Development Institute – Coldstream Campus Lexington, Kentucky

July 14, 2023

Mayo-Underwood Building, Kentucky Office of Vocational Rehabilitation  
Frankfort, Kentucky

Oct. 13, 2023

Mayo-Underwood Building, Kentucky Office of Vocational Rehabilitation  
Frankfort, Kentucky

### Additional Council Meetings

Aug. 21, 2023 – Project NEON’s Best Practice Day Event

Kentucky Transportation Cabinet  
Frankfort, Kentucky

All meetings were open to the public and offered in a hybrid format for remote and in-person participation.



# Employment First Council Bylaws Development

Approved Oct. 13, 2023

To promote effective governance and sustainability, the Employment First Council established a Bylaws Ad Hoc Committee in early 2023 dedicated to drafting organizational bylaws for formal adoption. The committee members were comprised of council officers, additional council members, and support staff. In collaboration with the Education and Labor Cabinet's legal team, the Bylaws Ad Hoc Committee presented the completed bylaws to the full council on Oct. 13, 2023, where they were officially adopted as written. The bylaws are in the appendix attached to this report.

## Project NEON Participation

### **Kentucky Office of Vocational Rehabilitation Awarded Technical Assistance Grant through the U.S. Department of Labor's Office of Disability Employment Policy**

In 2023, the Kentucky Employment First Council partnered with the Department of Labor's Office of Disability Employment Policy on the National Expansion of Employment Opportunities Network (NEON) initiative. This collaborative effort aimed to develop strategic plans for increasing competitive integrated employment opportunities, including for people with significant disabilities. Kentucky's involvement in Project NEON created momentum for agencies to align policies with the state's definition of competitive integrated employment.

As part of Project NEON, Kentucky hosted a Best Practice Day in Frankfort attended by nearly 50 stakeholders, including national subject-matter experts. This milestone event fostered strategic development across multiple stakeholders to enhance competitive integrated employment through policy improvements, expanded partnerships and sharing of best practices.

On Nov. 16, 2023, the Kentucky OVR was awarded 300 additional technical assistance hours to continue their efforts in collaboration with Project NEON focusing on provider capacity and support throughout the state. This is an exciting opportunity that will allow the council to receive specialized assistance to help improve competitive integrated employment outcomes for individuals with disabilities across the commonwealth.

# Addressing the Charge of the Council

## Employment First Council Future Planning

Over the past year, Kentucky's Employment First Council has undertaken efforts to address its legislative charges and plan for the future, in accordance with KRS 151B.213. The following sections will address each priority of the council and detail planning and development strategies completed by the Employment First Council members over the past year.



**Identify state policies that create disincentives to employment of people with disabilities and develop recommendations to address and eliminate those disincentives.**

### Planning and Development Activities

Supporting the employment of people with disabilities is a key priority for Kentucky's workforce development efforts. To help drive the progress, the state's Employment First Council has a significant role in reviewing policies and systems that may unintentionally create barriers or disincentives to individuals with disabilities. With the assistance of Project NEON, the council created a Public Policy Committee to pinpoint problematic areas across agencies and programs. This committee advises on policy fixes, provides technical guidance, and recommends best practices that can systemically reduce barriers while expanding employment opportunities. The following section highlights some of the efforts made by this collaborative partnership.

- With the assistance of Project NEON, the council formally established the Public Policy Committee to assist crucial workforce partners with the alignment of policies in support of competitive integrated employment as defined in KRS 151B.211-214. A cooperative agreement was developed because of the work of the committee among key agencies and it is attached to this report.
- A policy review checklist was developed in collaboration with Project NEON's efforts and the contributions of the Public Policy Committee. This checklist was used by members of the committee to determine whether the fundamental policies of agencies align with Employment First law and support best practices. Policy reviews began with the following:
  - » The Kentucky Office of Vocational Rehabilitation
    - \* KAR 781 001:010 Office of Vocational Rehabilitation, Appeal procedures
    - \* Order of Selection and Economic Need Test for Vocational Rehabilitation Services
    - \* Carl D. Perkins Vocational Training Center
    - \* Assistive Technology Services
    - \* General Provisions for Operation of the Office of Vocational Rehabilitation
  - » The Kentucky Office of Adult Education
    - \* WIOA Section 203, Definitions
  - » Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities

- \* 907 KAR 12:010 (Supports for Community Living waiver services)
- \* 907 KAR 12:020 (Supports for Community Living waiver reimbursement)
- \* 907 KAR 1:835. (Michelle P. Waiver services and reimbursement)

- » Kentucky Department of Education, Office of Special Education and Early Learning
  - \* The Kentucky Department of Education’s Guidance for Individual Education Program (IEP) Development (Revised June 2023)

## **RECOMMENDATION:**

During the initial reviews, the committee determined that having different definitions for competitive integrated employment, per state statute and the Workforce Innovation and Opportunity Act (WIOA), causes an unintended barrier to streamlining policies. OVR, the initial source of funding for employment services, is required to follow the WIOA definition. If Employment First law, as stated in KRS 151B.212, used the same definition, then all relevant agencies would be, by statute, working toward the same goal as it relates to KRS 151B.211, which states “It is the policy of the Commonwealth of Kentucky that competitive integrated employment shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.”

According to KRS 151B.211-214 “competitive integrated employment” means work that is performed on a full-time or part-time basis for which an individual is:

- Earning compensation at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience;
- Receiving the same level of benefits provided to other employees without disabilities in similar positions;
- Working at a location where the employee interacts with other individuals without disabilities; and
- Receiving opportunities for advancement when appropriate similar to other employees without disabilities in similar positions.

## **WIOA, Public Law 113-128 (29 USC 3101), Title IV – Amendments, Section 7 Definitions**

According to WIOA, the term “competitive integrated employment” means work that is performed on a full-time or part-time basis (including self-employment) – for which an individual – is compensated at a rate that:

(I)(aa) shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law; and

(bb) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or

(II) in the case of an individual who is self-employed, yields an income that is comparable to the

income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and is eligible for the level of benefits provided to other employees; that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

Identified discrepancies between KRS 151B.211 -214 and the WIOA (WIOA, Public Law 113-128 (29 USC 3101), Title IV – Amendments, Section 7), are the following:

### **Self-Employment**

KRS does not explicitly state that competitive integrated employment includes self-employment while the federal definition specifically does.

### **Comparable vs. Less Than**

KRS states that compensation must be “comparable” to the rate the employer pays persons with disabilities. WIOA states that compensation is not “less than” the customary rate.

### **Location**

KRS does not go as far as WIOA regarding the ‘location’ component.

The committee suggests the KRS definition of “competitive integrated employment” currently in KRS 151B.211 be amended to match the definition in WIOA (WIOA, Public Law 113-128 (29 USC 3101), Title IV – Amendments, Section 7.)

The Employment First Council’s Public Policy Committee will continue to review policies that identify barriers to employment for those individuals choosing to work.

**2** Develop training and resources for families, self-advocates, public and private providers, and employers on the benefits of working in meaningful and productive jobs within the general workforce.

### **Planning and Development Activities**

The Kentucky Employment First Council has prioritized efforts to develop training and resources for various stakeholders on the benefits of inclusive employment. Throughout 2023, committees within the council have worked diligently to spread the word regarding Employment First principles across the commonwealth. Specific initiatives spearheaded by the council that will continue in 2024 are:

- The Employment First Council is currently developing an Employment First Employer Education and Engagement Lunch and Learn Series compiled by the work of the Employer Education and Engagement Committee. The purpose is to encourage employers across various industries to create more equitable pathways to meaningful careers for qualified individuals with differing disabilities.

- The Employment First Council’s Advocacy and Education Committee is in the process of gathering resources to be housed in an ‘information warehouse’ to be distributed by council members and constituents as outlined in the Employment First Council Strategic Plan.
- The council will continue to utilize the approved “Employment First in Kentucky” infographic when networking as a resource to promote Employment First principles throughout the state. The “Employment First in Kentucky” graphic is attached to this report in the appendix.
- The council created an infographic titled, “If you are a person with a disability...” which has been approved by the Employment First Council and branded with the Employment First logo.

Through the passing of KRS 151B.211-214 establishing the council and with diverse expertise around the table, the Employment First Council will commit to developing innovative training and resource solutions that advance equitable employment for all Kentuckians.

## **3 Recommend the implementation of effective practices to increase employment opportunities for workers with a disability to public and private providers of employment assistance and employers.**

### **Planning and Development Activities**

Using the recently awarded Project NEON grant, the Kentucky Employment First Council commits to recommending best practices to increase employment opportunities for persons with disabilities across the commonwealth, as well as exploring opportunities to support current and potentially new providers in the state. In 2024, the council, in conjunction with Project NEON, aims to take a deeper look into the barriers that exists for supported employment through event-based training and networking opportunities. The Employment First Council’s Provider Capacity Committee collaborated to identify barriers related to provider capacity and identified outcomes for 2024.

To bridge the gap between employment service providers and employers, the council provided the following two goals within its strategic plan.

- Research and identify viability of replicating the existing disability coalitions.
- Build momentum that begins to create an expectation of collaboration through event-based education and networking opportunities.

The Employment First Council is committed to researching and identifying the viability and replication of disability coalitions across the state to bridge the gaps between employment service providers and employers, and explore ways to monitor that progress. To accomplish these goals, the Employment First Council will partner with ODEP and utilize Project NEON assistance to collaborate with subject-matter experts across the nation to determine the best course of action to support service providers, increase participation from employers in existing coalitions, and determine the viability of potential new establishments.

# 4 Establish measurable goals to assess progress of efforts to increase the employment of workers with a disability within the general workforce.

## Planning and Development Activities

The Employment First Council, with facilitation assistance from Eastern Kentucky University, completed its strategic planning process this year. As part of the three-year plan, the council established measurable goals to increase employment opportunities for individuals with disabilities. These goals include exploring the viability of existing and potential new disability coalitions, developing an accessible information warehouse, and other initiatives aimed at expanding the inclusion and participation of Kentuckians with disabilities in the workforce. The Employment First Council is committed to investigating new methods to track progress and outcomes during the rollout of the comprehensive strategic plan.

The following are measures included in the goals of the strategic plan.

- A decision will be made regarding the viability of replicating the existing disability coalitions and the council's role by Dec. 31, 2024.
- Once the baseline has been established, target a 10% year-over-year increase in participation among new partners.
- Establish an accessible information warehouse available to the public by Dec. 31, 2026.
- An outreach plan will be developed in conjunction with the launch of the information warehouse.
- Ensure identified agencies have completed a policy review.
- Updated policies and procedures that align with the Employment First legislation are to be implemented by the majority of identified key organizations by Dec. 31, 2026.

## Strategic Planning Process

### Eastern Kentucky University Facilitation Center Assists

As mentioned, earlier in the year, the Employment First Council developed and implemented its first strategic plan with the assistance of the Eastern Kentucky University Facilitation Center. During the planning stages, a strength, weakness, opportunities and threats (SWOT) analysis was conducted to assess internal and external factors. Based on the SWOT and survey results, the council developed goals and objectives. Stakeholder surveys were conducted that provided insight into new programs and services as well as to potentially remove barriers to employment for individuals with disabilities. Focus groups were held with people of diverse backgrounds in the disability field to contribute to the plan development. The plan includes strategies and action steps that were created to achieve the goals and key performance indicators that were defined to track progress on the objectives. An implementation timeline mapped out when each strategy would be executed over the next 1-3 years. Progress will be consistently reviewed by the council and its committees. The strategic plan is attached

# Conclusion

## The Employment First Journey in Kentucky

to this report.

As we look ahead, the council must continue the progress and innovation displayed in this report. By building on these initiatives and implementing promising practices that promote meaningful employment for all, Kentucky can continue to lead the way nationally as an Employment First state in 2024 and beyond. The council is committed to staying grounded in its mission and values, expanding Employment First, and championing competitive integrated employment across every corner of the commonwealth to create a more inclusive economic environment for all Kentuckians.

Thank you for your continued support of the Employment First efforts in Kentucky.

**APPENDIX A**  
**Resources Developed**



# Kentucky Employment First Law Cooperative Agreement

**Background:** The 2022 Kentucky Employment First law states, “The General Assembly finds and declares that it is the policy of the Commonwealth of Kentucky that competitive integrated employment shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.”

## Definitions Used in this Cooperative Agreement

**Common Customers:** Any person who is receiving or is eligible to receive services and supports from more than one member agency, for the purposes of exploring, pursuing, obtaining, and maintaining competitive integrated employment.

**Competitive Integrated Employment (CIE):** The Commonwealth of Kentucky defines CIE as work that is performed on a full-time or part-time basis for which an individual is:

- Earning compensation at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience.
- Receiving the same level of benefits provided to other employees without disabilities in similar positions;
- Working at a location where the employee interacts with other individuals without disabilities; and
- Receiving opportunities for advancement when appropriate like other employees without disabilities in similar positions.

**Employment First:** It is the policy of the Commonwealth of Kentucky that competitive integrated employment shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.

**Member Agency Policies:** Any member agency document used to guide and direct the work of the agency related to supporting someone with a disability to explore, pursue, obtain, maintain and advance in competitive integrated employment.

**Member Agency Practices:** A documented or informal process used by anyone within the member agency that pertains to supporting someone with a disability to explore, pursue, obtain, maintain and advance in competitive integrated employment.

**Purpose:** Based on the recommendations made by the Kentucky Employment First Council, this agreement represents the intent of the Member Agencies to fully coordinate relevant activities and programs within each agency, and between the Member Agencies, people with disabilities striving to achieve an employment outcome.

Therefore, each Kentucky state agency that provides funding for employment services, will work collaboratively to ensure the successful implementation of the Employment First Legislation. Each Member of this agreement will: 1) Review Member Agency Policies and Member Agency Practices to ensure policy language and implementation guidance for agency staff exists to inform people with disabilities served by the agency of their right and ability to access competitive integrated employment supports; 2) Collaborate with other entities and organizations, including other Member Agencies, to create a pathway to competitive integrated employment for people with disabilities that desire to become employed, including unique and Common Customers; 3) Collaborate with other Member Agencies on data collection and reporting to measure, at regular intervals, the number of working-age people with disabilities who are seeking competitive integrated employment supports and currently receiving competitive integrated employment supports; and 4) Ensure Member Agency Policies and Practices do not create barriers for Kentuckians with disabilities who want to work to be able to pursue, obtain and sustain competitive integrated employment.

**Member Agencies:** Parties to this Cooperative Agreement (known as the “Agreement” going forward) are the Chair of the Employment First Council, Kentucky Education and Labor Cabinet, Office of Vocational Rehabilitation, Office of Special Education and Office of Adult Education, Kentucky Department of Medicaid Services, and the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities.

### **Shared Objectives, Responsibilities, and Implementation Strategies:**

1. Each Member Agency will review its own policies and practices to identify potential barriers, disincentives or omissions that are not consistent with the commonwealth definition of Employment First and Competitive Integrated Employment.
2. Each Member Agency will ensure any data collected for the purposes of furthering the goals of the Employment First Legislation is made publicly available or shared with other Member Agencies.
3. Each Member Agency will review Member Agency Practices to ensure Member Agency Policies are being implemented in a manner consistent with their intent and the intent of the Commonwealth of Kentucky Employment First law.
4. Each Member Agency will create a plan to remediate any Member Agency Policy or Member Agency Practice that creates a barrier(s) and/or disincentive(s) for Kentuckians with a disability served by the Member Agency to access supports and services, available through the Member Agency, to explore, pursue, obtain, maintain, and advance in competitive integrated employment.

# **Kentucky Employment First Council Three-Year Strategic Plan**

January 1, 2024 – December 31, 2026

Approved October 13, 2023

Facilitation services provided by the Facilitation Center at EKU  
[www.facilitation.eku.edu](http://www.facilitation.eku.edu)

# Strategic Planning Committee

Kristen Beach	Holly Hendricks	Jeff White
Pepper Caudill	Nanci Howard	Jonathan White
Michelle Cobb	Cora McNabb	Katie Wolf Whaley
Todd Coffey	Diana Merzweiler	Jason Wheatley
Veronica Dale	Ron O’Hair	Rebecca Wilson
Susie Edwards	Betty Whittaker	Deana Wilson-Kimbler

## Facilitators

**Stefanie Ashley**  
Facilitation Center at EKU

**Adrienne Bauer**  
Facilitation Center at EKU

## Background

An environmental scan was conducted June – July 2023 to inform the Kentucky Employment First Council’s strategic planning process, which included four focus groups with employers, school counselors, service providers, and students. It also included ten executive interviews with various stakeholders, including representatives from state agencies.

In addition to the qualitative data collected, an online survey was sent to approximately 950 people and was open from June 23 through July 6, 2023. There was an overall response rate of approximately 12.5 percent, with a total of 120 individuals participating in the survey. The majority (50%) of respondents were vocational rehabilitation professionals, followed by service providers (30%). Participants were asked about the current relevant landscape and trends impacting employment for individuals with disabilities. They were also asked about Kentucky’s strengths and weaknesses that support or prohibit employment and opportunities that should be explored for persons with disabilities.

The Employment First Council reviewed and analyzed the data from each of these sources during its July 14 meeting. The Strategic Planning Committee met twice in August and used the Council’s analysis and insights to develop draft mission, vision and goal statements. On Sept. 9, 2023, the Council provided feedback on those draft statements to further guide the Committee’s work. Using that guidance, the Committee met three more times to develop the following final draft strategic plan.

## Vision

People with disabilities are valued and essential members of Kentucky's workforce.

## Mission

The Employment First Council serves to promote competitive integrated employment as the first and primary option for persons with disabilities to help meet the talent demands of Kentucky's workforce.

## Core Values

The Employment First Council:

- Promotes competitive integrated employment for individuals with disabilities.
- Prioritizes the needs of Kentucky's job seekers with disabilities and employers.
- Encourages the collaboration of job seekers with disabilities, employers, and all other stakeholders to create an inclusive workforce.
- Values data informed decision making.
- Recognizes that preparation for employment should begin early and career development is a lifelong activity.

## Goal Statements

**Goal 1:** In order to reduce the employment gap for individuals with disabilities and address the talent needs of employers, we will foster and elevate local, regional, and state collaborations and coalitions of stakeholders.

**Goal 2:** In order to encourage competitive integrated employment for job seekers with disabilities and address the workforce needs of employers, we will collaborate with partners to find, develop, and make available resources that promote employment.

**Goal 3:** Because systems have historically segregated people with disabilities and, as such, created disincentives to providing competitive integrated employment, we will facilitate the alignment of policies and procedures by crucial agencies in a manner that reflects the priority of competitive integrated employment per KRS 151B.211.

# Goals, Objectives, Strategies & Measures

## Goal 1

In order to reduce the employment gap for individuals with disabilities and address the talent needs of employers, we will foster and elevate local, regional, and state collaborations and coalitions of stakeholders.

**Objective 1.1:** Research and identify viability of replicating the existing disability coalitions.

Strategy 1.1.1: Identify existing workforce collaborations and coalitions and what makes them successful. **(Year 1)**

Strategy 1.1.2: Identify a structure for potential coalitions to ensure employer engagement (e.g., invite larger and smaller employers) and how they can access resources. **(Year 1)**

Strategy 1.1.3: Create an implementation plan for supporting the development of additional disability coalitions. **(Year 2-3)**

Strategy 1.1.4: Encourage partners to begin tracking employment numbers for people with disabilities in a consistent manner and highlight their successes. **(Year 1)**

Measure: A decision regarding the viability of replicating the existing disability coalitions and the council's role is made by Dec. 31, 2024.

**Objective 1.2:** Build momentum that begins to create an expectation of collaborations through event-based education and networking opportunities.

Strategy 1.2.1: Identify target audiences and existing events they are already attending (e.g., local SHRM groups).

Strategy 1.2.2: Explore the best educational strategies for identified groups and the event (e.g., Lunch and Learn, Podcast) and measure impact.

Strategy 1.2.3: Gather data and present a recommendation to Kentucky RETAIN on possible expansion of the Inclusive Workforce Summit, such as regional levels and in combination with job fairs.

Strategy 1.2.4: Collect and analyze data through existing partnerships (e.g., Chamber of Commerce, Workforce Innovation Board) on regional and local employer needs. (Year 1-2)

Strategy 1.2.5: Create and implement a tracking process regarding who Employment First information is distributed to, when it was shared, and key points/actions. (Year 1)

Measure: Once the baseline has been established, a 10% year-over-year increase in participation among new partners.

## Goal 2

In order to encourage competitive integrated employment for job seekers with disabilities and address the workforce needs of employers, the Employment First Council will collaborate with partners to find, develop, and make available resources that promote employment.

**Objective 2.1:** Create an accessible information warehouse to make resources and information more readily available through the Employment First Council.

Strategy 2.1.1: Identify existing information/resources and gaps in what needs to be created.  
**(Year 1)**

Strategy 2.1.2: Identify the best platform for a common portal to host the warehouse. **(Year 1)**

Strategy 2.1.3: Develop a strategy to ensure accessibility of information.

Strategy 2.1.4: Develop a strategy for maintaining and expanding all of the information in the warehouse.

Measure: An accessible information warehouse will be available to the public by Dec. 31, 2026.

**Objective 2.2:** Develop outreach initiatives to promote the information warehouse.

Strategy 2.2.1: Promote methods for consistent, easy access to the warehouse (e.g., QR code).

Strategy 2.2.2: Identify opportunities for dissemination (e.g., Special Olympics, disability fairs, conferences, colleges/universities) and track where information has been sent.

Measure: An outreach plan will be developed in conjunction with the launch of the information warehouse.

## Goal 3

Because systems have historically segregated people with disabilities and, as such, created disincentives to providing competitive integrated employment, facilitate the alignment of policies and procedures by crucial agencies in a manner that reflects the priority of competitive integrated employment per KRS 151B.211.

**Objective 3.1:** Develop and implement an ongoing process to identify policy misalignments including disincentives, barriers, and competing priorities.

Strategy 3.1.1: Identify key partner organizations that should participate in an internal process review. **(Year 1)**

Strategy 3.1.2: Refine the review process. **(Year 1)**

Strategy 3.1.3: Form collaborative agency work teams to review relevant policies and processes. **(Year 1-2)**

Strategy 3.1.4: Review relevant policies and processes within identified agencies. **(Year 2)**

Measure: All identified agencies have completed a policy review.

**Objective 3.2:** Evaluate data and make recommendations related to any identified policy misalignments including disincentives, barriers, and competing priorities.

Strategy 3.2.1: Assign the Policy Committee to evaluate the collected data. (Year 2-3)

Strategy 3.2.2: Policy Committee will draft recommendations for review by the full council. (Year 3)

Measure 1: The council's recommendations will be included in the Annual Report.

Measure 2: Updated policies and procedures that align with the Employment First legislation are implemented by the majority of identified key organizations by Dec. 31, 2026.



# Kentucky's Employment First Council Bylaws

## Preamble

As stated in KRS 151B.211, enacted July 14, 2022,

“The General Assembly finds and declares that it is the policy of the Commonwealth of Kentucky that competitive integrated employment shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.”

Definition: “competitive integrated employment” is defined in KRS 151B.212 as:

Work that is performed on a full-time or part-time basis for which an individual is:

- (a) Earning compensation at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience;
- (b) Receiving the same level of benefits provided to other employees without disabilities in similar positions;
- (c) Working at a location where the employee interacts with other individuals without disabilities; and
- (d) Receiving opportunities for advancement when appropriate similar to other employees without disabilities in similar positions.

## Article I - Name

This organization, established under authority of KRS 151B.212 shall be known as the Employment First Council.

## Article II – Purpose

- A. Per KRS 151B.212,
  - “The Employment First Council is hereby established within the Office of Vocational Rehabilitation as an advisory council to the executive and legislative branches of government on matters pertaining to increasing meaningful opportunities for competitive integrated employment for citizens with a disability seeking employment, regardless of their level of disability.”
- B. As required by KRS 151B.213,
  - “The Employment First Council shall:
    - (1) Identify state policies that create disincentives for the employment of people with disabilities and develop recommendations to address and eliminate those disincentives;
    - (2) Develop training and resources for families, self-advocates, public and private providers, and employers on the benefits of competitive integrated employment of workers with a disability;

- (3) Recommend the development and implementation of policies and effective practices for providers of supported employment services that increase employment opportunities for workers with a disability;
- (4) Utilize appropriate metrics to assess progress of efforts to increase the competitive integrated employment of workers with a disability; and
- (5) Submit an annual report by December 1 to the Legislative Research Commission, the secretary of the Education and Labor Cabinet, and the Governor summarizing its findings and recommendations.”

**Article III – Membership**

**A. Members**

Per KRS 151B.212(3),

“The Employment First Council shall be composed of twenty-eight (28) members. Members of the council shall be appointed by the Governor in a manner that is geographically and culturally representative of the population of the Commonwealth and shall include:

- (a) One (1) representative from the Office of Vocational Rehabilitation;
- (b) One (1) representative from the Kentucky Workforce Innovation Board;
- (c) One (1) representative from the Department of Education;
- (d) One (1) representative from the office of Career and Technical Education;
- (e) One (1) representative from the Department for Medicaid Services;
- (f) One (1) representative from the Department for Behavioral Health, Developmental and Intellectual Disabilities;
- (g) One (1) representative from the Commonwealth Council on Developmental Disabilities;
- (h) One (1) representative from Kentucky Protection and Advocacy;
- (i) One (1) representative from the Department for Income Support, Disability Determination Services;
- (j) One (1) representative from the Division of Behavioral Health;
- (k) One (1) representative from the Kentucky Autism Training Center;
- (l) One (1) representative from the Department for Behavioral Health, Developmental and Intellectual Disabilities, Office of Autism;
- (m) One (1) representative from the University of Kentucky Human Development Institute;
- (n) Two (2) representatives from a state vocational rehabilitation provider agency;
- (o) One (1) representative from Statewide Council for Vocational Rehabilitation;
- (p) One (1) representative from the Kentucky Chamber of Commerce;
- (q) One (1) representative from the Council of State Governments;
- (r) Four (4) representatives each having at least one (1) of the following qualifications:
  - 1. A physical or mental impairment that substantially limits one (1) or more major life activity;
  - 2. A history or record of such an impairment; or
  - 3. A person who is perceived by others as having such an impairment;
- (s) Two (2) representatives who have an immediate family member with a disability; and

- (t) Four (4) representatives of business, industry, and labor.”

## B. Term and Expectations

Per KRS 151B.212(4):

“After the initial appointments, members of the Employment First Council shall serve terms of three (3) years. Members shall be eligible to succeed themselves and shall serve until their successor is appointed.

- (1) Members of the Employment First Council shall not be paid for their service as council members and shall not be reimbursed for any expenses involved in attending council meeting.”

## Article IV – Administration of Council

Per KRS 151B.212:

- A. “The Employment First Council is hereby established within the Office of Vocational Rehabilitation as an advisory council to the executive and legislative branches of government on matters pertaining to increasing meaningful opportunities for competitive integrated employment for citizens with a disability seeking employment, regardless of their level of disability.”
- B. “The council shall receive assistance in carrying out its administrative functions from the Department of Workforce Development and shall be attached to the Education and Labor Cabinet for administrative purposes.”
- C. OVR Administrator will be in regular communication with the Chair, support Executive Committee meetings, and ensure there is OVR staff representation in committee meetings.
- D. OVR Administrator will take the lead on facilitating meetings of the EF Council, taking minutes, and assuring adherence with Open Meetings Act.

## Article V – Leadership

- A. Officers: The Employment First Council shall elect a chair, a vice chair, and a legislative liaison from its council members.
- B. Officer Terms: The elected chair, vice chair and legislative liaison shall serve 3-year terms or until replaced. Officers may serve consecutive terms.
- C. Duties of Officers
  - 1. The Chair shall preside at Employment First council meetings, communicate with Executive committee and OVR Administrator on meeting agenda and administration of Council meetings and may serve as an ex officio member of all Employment First committees. The Chair shall maintain communication with the OVR Council Administrator and serve on the Executive Committee.
  - 2. The Vice Chair shall assist, as needed, the chair in carrying out duties; preside at meetings in the absence of the chair; and serve on the Executive Committee.
  - 3. The Legislative Liaison shall communicate with the legislative and executive branch about the Council’s progress and ensure that the work of the council is separate and distinct from the work of the Statewide Council for Vocational

Rehabilitation as required by KRS 151B.212(6). They shall serve on the Executive committee.

## **Article VI – Meetings**

### **A. Schedule**

1. The Employment First Council shall meet quarterly, upon the call of the chair, or at the request of the secretary of the Education and Labor Cabinet.
2. The council shall be subject to the provisions of the Kentucky Open Records Act, as set forth in KRS 61.870 to 61.884, and the Open Meetings Act as set forth In KRS 61.800-850.
3. The date, time, and place of all regular meetings shall be set by the Employment First Council and shall be published on the website in accordance with the Kentucky Open Meetings Act. The date, time, and place of special meetings shall be set by the officers and shall be published at least seven (7) days in advance in accordance with the Kentucky Open Meetings Act. Emergency meetings may be called in accordance with the Open Meetings Act by the Chair, or in the absence of the Chair, the Vice Chair. Meeting notices containing pertinent information shall be distributed in writing to Council membership not less than ten (10) days prior to any regular meeting and as soon as possible prior to any special meeting in compliance with the Kentucky Open Meetings Act.

### **B. Attendance**

1. Council Members who represent an agency are permitted to name a consistent designee to serve as a proxy, upon advance notice to the Chair, if they will not be able to attend. Notice should be given at least 24 hours prior to the regularly scheduled meeting.
2. Failure to attend three (3) consecutive quarterly Council meetings may constitute grounds for recommendation for replacement of that member. Such recommendation requires a two-thirds vote by eligible Council members.

### **C. Quorum/Voting/Accessibility**

1. A majority of all currently appointed council members shall constitute a quorum for the purposes of conducting business.
2. All members present shall be allowed to cast a vote.
3. Proxy members shall be allowed to vote.
4. Voting may occur during any meeting convened in compliance with the Kentucky Open Meetings Act as set forth in KRS 61.800-.850. A simple majority of members present is needed for passage except as otherwise set forth in these bylaws.
5. The Council shall comply with all state and federal accessibility laws and make every attempt to ensure it meets the accessibility needs of all Council members.
6. Information shall be provided to a Council member in an accessible format upon request.

7. A vote shall not occur on a matter until every Council member has had the opportunity to be fully informed on the matter in the member's preferred accessible format. A Council member who does not receive the information in an accessible format shall make an objection to a call for a vote and state the reason for the objection. Upon such objection, a vote shall not be undertaken until the objecting member has a reasonable amount of time to review the information in an accessible format.

D. Parliamentary Procedure

1. Meetings shall be conducted in accordance with Robert's Rules of Order, current version to the extent possible. However, the Employment First Council shall attempt always to reach a consensus.

**Article VII – Committees**

A. Standing Committees

1. Standing Committee actions are subject to approval by Full Council.
2. Standing Committees shall meet at least once in between the regularly scheduled quarterly meetings of the full Council.
3. Standing Committees shall include: The Executive Committee, Transition Committee, Employer Education & Engagement Committee, Provider Capacity Committee, Policy, and Advocacy & Education Committee.
4. Chairperson or Co-chairpersons of committee shall be appointed members of the Employment First Council and elected by the full Council. The Council chair shall be the chairperson of the Executive Committee.
  - a) Chairpersons are responsible for:
    1. Submitting a report to the Chair and Administrator at least 2 weeks prior to quarterly meetings
    2. Presenting committee reports at each quarterly meeting of the full council.
    3. Submitting information, based upon the charge of the Council (Article II B, 1-5) to the Council Chair and Administrator for the annual report.
    4. Standing committee chairs shall serve on the Executive Committee.
    5. Committee members shall be named by the Council Chair. Each committee must have at least four (4) Governor appointed Council members. Each Council member is expected to serve on at least one (1) standing committee.
    6. Meetings are open to the public to serve in an advisory capacity.
    7. Meetings shall be led by the chair with action items brought to the full council upon consensus of those present at the meeting.

B. Executive Committee

1. Shall consist of the Council Chair, Vice Chair, Legislative Liaison and Chairs of standing committees. The Executive Committee shall include a representative of a person with a disability.

2. Acts as an advisor to the Chair and approves appointments of standing committees and ad hoc work groups.
3. The committee conducts the affairs of the council in between regularly scheduled quarterly meetings, on issues that cannot wait for the next meeting. Such actions shall be reported at the next scheduled meeting.
4. The OVR Administrator assigned to the Council shall attend all meetings.

C. Transition Committee

1. This committee shall focus on the main charges of the Council around the issues of school to work transition services.
2. School to work transition includes times in the school system, Individualized Education Plans and relevant vocational goals, Pre-Employment Transition Services, summer jobs, internships, and may include transition to post-secondary education, etc.
3. The committee includes issues around exiting the school system and entering the adult service system – OVR and other relevant disability support systems/programs/agencies.

D. Employer Education and Engagement Committee

1. This committee shall focus on the main charges of the council around business/employer/workforce/hiring side of the Employment First issue.

E. Provider Capacity Committee

1. The committee shall focus on the main charges of the council around issues of developing capacity within the service system to meet the needs of Kentuckians with disabilities who seek help finding employment.

F. Advocacy and Education Committee

1. This committee shall focus on the main charges of the Council around sharing information with Kentuckians with disabilities, their families, and the public at large as it pertains to employment.

G. Policy Committee

1. This committee shall focus on communication, collaboration, and alignment of state policy and regulation regarding Employment First.

H. Ad hoc work groups

1. Work groups may be created, as needed, to address specific needs of the council. These groups will be formed by the Council Chair with the approval of the Executive Committee. They may also be established at the request of OVR.
2. Work group members will be named by the Chair.

## **Article VIII – Election of Officers**

- A. Officers will be elected at the first quarterly meeting, every 3 years. Nominations will be taken from the floor. Majority vote approves.
- B. Committee chairs will be elected at the first quarterly meeting, every 3 years. Nominations will be taken from the floor. Majority vote approves.
- C. Should a vacancy occur in an office or Committee chair, the Council may hold a special election, as appropriate, at any regular meeting. A special election shall follow the same rules as a regular election.

## **Article IX – Approval of Council Materials and Resources**

- A. Per KRS 151B.213(2), one of the Council’s goals is to “Develop training and resources for families, self-advocates, public and private providers, and employers on the benefits of competitive integrated employment of workers with a disability.”
- B. These resources may be created within committees, ad hoc work groups, or the full Council, and presented to the full Council for vote before using Employment First name and branding.

## **Article X – Amendments**

- A. These bylaws may be amended at any regular meeting of the Employment First Council, wherein a quorum is present, by a two-thirds majority vote of members present and voting, provided that:
  - 1. The proposed amendment has been submitted previously to the Executive Committee for review and all members have had a reasonable opportunity to review before a vote is called.
  - 2. Both the original and amending language has been shared with full Council membership, in the member’s preferred accessible format, at least fourteen (14) days prior to the meeting.

# Employment First in Kentucky

It is the policy of the Commonwealth of Kentucky that competitive integrated employment shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.

Kentucky's Employment First Policy was signed into law on March 24, 2022.

## What it Means

Employment in the general workforce should be the first and preferred option for individuals with disabilities receiving assistance from publicly-funded systems.

## Why it Matters

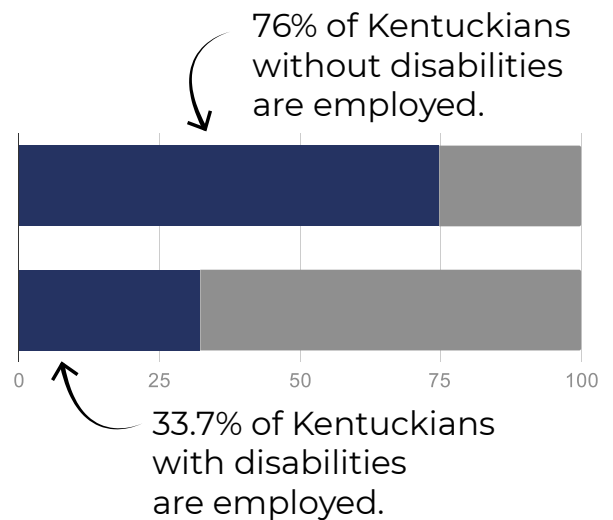
Kentucky has among the highest rate of people with disabilities in the nation and among the lowest rate of people with disabilities who are employed.\*

This 42.3% gap ranks Kentucky tied for 48<sup>th</sup> in the nation.

## What it Will Do

Employment First will help to:

- Build an inclusive workforce
- Strengthen Kentucky's economy
- Improve the quality of life for citizens with disabilities across the Commonwealth





## Kentucky's Employment First Council

The Employment First Council advises the executive and legislative branches of government on increasing meaningful opportunities for competitive integrated employment for citizens with a disability seeking employment, regardless of their level of disability. The twenty-eight-member Council is appointed by the Governor.

For more information about Kentucky's Employment First Council, contact: [Nanci.Howard@ky.gov](mailto:Nanci.Howard@ky.gov).

## What You Can Do



**Employers** should consider how Employment First policy impacts employee recruitment, development, advancement, and retention.



**People with Disabilities** should consider how Employment First policy can help advance their employment goals and inform the services they need.



**State Policy Makers** should consider how implementation of Employment First informs and advances workforce development plans, policies, and other related efforts.



**Schools** should consider how Employment First policy impacts the development and implementation of Individual Education Program (IEP) postsecondary employment goals for students with disabilities.



**Disability Service Providers** should consider how Employment First policy impacts the provision of goal setting and service delivery.

## Resources

For more information on Employment First, visit [www.employmentfirstky.org](http://www.employmentfirstky.org)

[Click here](#) for more information on Competitive Integrated Employment.

Scan the QR code to the right to view a digital version of this document.



*\*Source: 2023 Annual Disability Statistics Compendium*