

151B.211 Legislative findings.

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.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 28, sec. 1, effective July 14, 2022.

**151B.212 Employment First Council -- Membership -- Length of terms -- Officers -
- Meetings.**

- (1) For the purposes of KRS 151B.211 to 151B.214, "competitive integrated employment" means 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.
- (2) 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.
- (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 the 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.
- (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.
- (5) 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 meetings.
- (6) The Employment First Council shall elect a chair, a vice chair, and a legislative liaison from its council members who shall serve in those capacities until replaced. 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.
- (7) A majority of council members shall constitute a quorum for the purposes of conducting business. The council shall be subject to the provisions of the Kentucky Open Records Act, as set forth in KRS 61.870 to 61.884.
- (8) 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. 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.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 28, sec. 2, effective July 14, 2022.

Legislative Research Commission Note (7/14/2022). 2022 Ky. Acts ch. 236 merged the Education and Workforce Development Cabinet and Labor Cabinet into the newly created Education and Labor Cabinet. Under the authority of KRS 7.136(2), references to the Education and Workforce Development Cabinet in this statute have been changed to the Education and Labor Cabinet in codification to conform.

151B.213 Duties of Employment First Council -- Annual report.

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.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 28, sec. 3, effective July 14, 2022.

Legislative Research Commission Note (7/14/2022). 2022 Ky. Acts ch. 236 merged the Education and Workforce Development Cabinet and Labor Cabinet into the newly created Education and Labor Cabinet. Under the authority of KRS 7.136(2), a reference to the Education and Workforce Development Cabinet in this statute has been changed to the Education and Labor Cabinet in codification to conform.

151B.214 Construction of KRS 151B.211 to 151B.214.

Nothing in KRS 151B.211 to 151B.214 shall be construed to require any employer to give preference to hiring persons with disabilities nor shall anything be construed to mandate that those program participants having no desire to become employed be forced to do so.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 28, sec. 4, effective July 14, 2022.