

Legislative Update

July 2023

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SCDD and Employment 1st Policy Three Years in Review

- In 2021 SCDD championed SB 639 which ended subminimum wages in California.
- In 2022, we convened a stakeholder workgroup which recommended an Employment 1st Office to resolve the unrealized expectations of employment first policy in California, system wide.
- In 2023 we focused on equity in employment for individuals with intellectual and developmental disabilities.
- This summer we championed, and won, the establishment of an Employment 1st Office in the California Health and Human Services Agency

Summary of Changes to the Employment 1st Policy

This year's state budget passed and includes changes to employment 1st policy:

- Establishes an Employment 1st Office under the California Health and Human Services Agency (CHHS) effective 7/1/2024 (Section 28 WIC 4868.5.)
- The Employment 1st Committee (EFC) will be inoperative effective 7/1/2024 (Section 26 WIC 4868 (f)).
- The Employment 1st Office will form an EFC as part of its mission.

The New Employment 1st Office

Review of AB 121 – Part 1 of 6

Section 26 WIC 4868 - ends the Employment First Committee and accompanying statute

- (a) “**Competitive employment**” means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.
- (b) “**Integrated employment**” means “integrated work,” as defined in Section 4851.
- (c) “**Microenterprises**” means small businesses owned by individuals with developmental disabilities who have control and responsibility for decisionmaking and overseeing the business, with accompanying business licenses, taxpayer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered integrated competitive employment.
- (d) “**Self-employment**” means an employment setting in which an individual works in a chosen occupation, for profit or fee, in the individual’s own small business, with control and responsibility for decisions affecting the conduct of the business.
- (e) This section shall become operative on July 1, 2024.

The New Employment 1st Office

Review of AB 121 – Part 2 of 6

Section 27 WIC 4868 - Definitions and Effective Date

- (a) “**Competitive employment**” means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.
- (b) “**Integrated employment**” means “integrated work,” as defined in Section 4851.
- (c) “**Microenterprises**” means small businesses owned by individuals with developmental disabilities who have control and responsibility for decisionmaking and overseeing the business, with accompanying business licenses, taxpayer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered integrated competitive employment.
- (d) “**Self-employment**” means an employment setting in which an individual works in a chosen occupation, for profit or fee, in the individual’s own small business, with control and responsibility for decisions affecting the conduct of the business.
- (e) This section shall become operative on July 1, 2024.

Employment 1st Office

Review of AB 121, Part 3 of 6

Section 28 WIC 4868.5 – establishes the new Office of Employment 1st

- (a) There is in the California Health and Human Services Agency the Office of Employment First.
- (b) The office's mission is to coordinate the Employment First Policy, as described in Section 4869, in order to reduce redundancy, ensure coordination of all employment support services across all agencies and departments, avoid fragmentation of services, guide strategic planning, and promote racial equity toward employment for individuals with developmental disabilities.
- (c) The office shall have all of the following responsibilities:
 - ✓ (1) Identify and disseminate best practices.
 - ✓ (2) Develop effective strategies for partnerships with entities, including, but not limited to, employers, foundations, advocates, and other entities committed to creating integrated community employment opportunities.
 - ✓ (3) Provide technical assistance, as requested, to develop and implement strategies for equity in employment.

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EMPLOYMENT 1ST OFFICE

Review of AB 121, Part 4 of 6

Section 28 WIC 4868.5 – Establishes the new Employment 1st Office, continued

- (4) Make recommendations for legislative, regulatory, and policy changes consistent with the Employment First Policy, as described in Section 4869 (*employment 1st policy*)
 - (d) The office shall be under the control of an executive officer known as the Chief Employment First Officer who has the authority to do all of the following:
 - ✓ (1) Establish or improve reporting mechanisms to measure the success of employment programs for individuals with developmental disabilities and drive quality improvement.
 - ✓ (2) Monitor progress on employment for individuals with developmental disabilities, including, but not limited to, preparing monitoring instruments and issuing reports.
 - ✓ (3) Link data collection systems across state government entities through the development of a unique identification system.
 - ✓ (4) Track, analyze, and publicize service code utilization and vocational outcomes across the system.

EMPLOYMENT 1ST OFFICE

Review of AB 121, Part 5 of 6

Section 28 WIC 4868.5 – Operative date and annual report for the Employment 1st Office

- (f) On or before June 30, 2025, and annually thereafter, the office shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations made pursuant to this section.
- (g) This section shall become operative on July 1, 2024.

EMPLOYMENT 1ST OFFICE

Review of AB 121, Part 6 of 6

Section 28 WIC 4868.5 – Directs the Employment 1st Office to establish an Employment 1st Committee

- (e) (1) The office shall form a standing Employment First Committee consisting of all of the following members:
 - ✓ (A) At least one designee of each of the members of the State Council on Developmental Disabilities specified in subparagraphs (B) *DDS Director or designee*, (C) *DOR Director or designee*, (D) *SPI or designee*, (F) *one from each of the three UCCEDs*, and (H) *HCS Director or designee* of paragraph (2) of subdivision (b) of Section 4521.
 - ✓ (B) A member of the consumer advisory committee of the state council.
- (2) The responsibilities of the committee shall include, but need not be limited to, identifying ways services can be coordinated by state and local agencies to avoid disconnection of services and to improve accessibility of services.

Questions?