

VIRGINIA ACTS OF ASSEMBLY -- 2019 RECONVENED SESSION

CHAPTER 851

An Act to amend and reenact § 51.5-169.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 10 of Chapter 14 of Title 51.5 a section numbered 51.5-169.2, relating to Long-Term Employment Support Services and Extended Employment Services.

[H 2306]

Approved April 29, 2019

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-169.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 10 of Chapter 14 of Title 51.5 a section numbered 51.5-169.2 as follows:

§ 51.5-169.1. Long-Term Employment Support Services and Extended Employment Services.

A. Long-Term Employment Support Services and Extended Employment Services shall be provided in the Commonwealth to assist individuals with a significant disability or most significant disability with maintaining employment. The Department shall administer and make referrals for such services in accordance with the provisions of this section.

B. Long-Term Employment Support Services shall be provided to individuals with a most significant disability, as defined in 29 U.S.C. § 705, to assist such individuals with maintaining group-supported employment or individual center-based, facility-based, or community-based employment through an employment services organization.

All employment services organizations that provide group-supported, center-based, facility-based, or community-based employment services to individuals with a most significant disability shall be eligible to receive funding for Long-Term Employment Support Services.

C. Extended Employment Services shall be provided to individuals with a most significant disability and individuals with a significant disability, as those terms are defined in 29 U.S.C. § 705, to assist such individuals with maintaining group-supported employment or individual center-based or facility-based employment through an employment services organization. Extended Employment Services funds may also be used to support such individuals that transition from group-supported, center-based, or facility-based employment into community-based employment. Extended Employment Services shall be provided upon the informed choice of the individual being served and in accordance with the Commonwealth's Employment First initiative, federal law and regulation, and the Commonwealth's August 23, 2012, settlement agreement with the U.S. Department of Justice.

All employment services organizations that provide group-supported, center-based, or facility-based employment services to individuals with a most significant disability or individuals with a significant disability, or that provide community-based employment services to such individuals transitioning from group-supported, center-based, or facility-based employment, shall be eligible to receive funding for Extended Employment Services.

D. The Department shall make referrals to any ~~such~~ employment services organization that provides competitive or commensurate wages *and is eligible to receive state-funded Long-Term Employment Support Services pursuant to subsection B or Extended Employment Services pursuant to subsection C. The Department shall develop and implement a referral process to refer individuals to employment services organizations for services described in subsections B and C. Such referral process shall require that whenever an individual makes an informed choice to pursue an employment outcome that is not considered a competitive integrated employment setting by the Department, the Department shall refer the individual to eligible employment services organizations that provide the employment services sought by the individual within 15 days. Upon making such referrals, the Department shall provide to the employment services organization, in writing, (i) a referral letter that includes the skills, likes, dislikes, and desired outcome of the individual seeking services; (ii) certification that the individual made an informed choice to pursue an employment outcome that is not considered a competitive integrated employment setting by the Department; and (iii) the contact information of the individual seeking services. The Department shall also provide to the individual seeking services, in writing, (a) the contact information of the employment services organizations to which the individual is referred and (b) information and advice regarding the services available at such employment services organizations that will help the individual to prepare for, secure, maintain, or regain employment in accordance with the provisions of this section and applicable federal law and regulations. The Department shall provide training to all vocational rehabilitation counselors immediately upon employment and annually thereafter regarding the referral process established by the Department pursuant to this subsection.*

~~D.~~ E. In allocating funds for Long-Term Employment Support Services and Extended Employment Services, the Department shall consider recommendations made by the Employment Service

Organization Steering Committee established in § 51.5-169.2.

§ 51.5-169.2. Employment Service Organization Steering Committee; membership; terms.

A. The Employment Service Organization Steering Committee (the Committee) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Committee shall be to report to and advise the Commissioner on policy, funding, and the allocation of funds to employment services organizations for Long-Term Employment Support Services and Extended Employment Services pursuant to § 51.5-169.1.

B. The Committee shall consist of 11 nonlegislative citizen members who shall be appointed as follows: four members to be appointed by the Senate Committee on Rules, two of whom shall be representatives of the Virginia Association of Community Rehabilitation Programs, one of whom shall be a representative of the Virginia Goodwill Network, and one of whom shall be a representative of the Virginia Association of People Supporting Employment First; five members to be appointed by the Speaker of the House of Delegates, two of whom shall be representatives of the Virginia Association of Community Rehabilitation Programs, one of whom shall be a representative of the Virginia Goodwill Network, one of whom shall be a representative of the Virginia Association of People Supporting Employment First, and one of whom shall be an individual who has a family member receiving services in an employment services organization that is eligible to receive funding pursuant to § 51.5-169.1; and two at-large members to be appointed by the Governor. No employee, agent, or representative of the Commonwealth may serve as a member of the Committee.

C. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No member shall serve more than two consecutive three-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

D. Each year, the Committee shall elect a chairman and a vice-chairman from among its members. Five members of the Committee shall constitute a quorum. The Committee shall meet no more than four times per year.

E. Members shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.