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## SENATE BILL NO. 1485

Senate Amendments in [ ] - January 25, 2019

A BILL 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.

Patrons Prior to Engrossment—Senator Hanger; Delegates: Landes and Thomas

Referred to Committee on Finance

**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 for individuals who make an informed choice to pursue an employment outcome that is not considered a competitive integrated employment setting by the Department. 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 an eligible employment services organization that provides 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 [ ~~organization~~ organizations ] to which the individual is referred and (b) information and advice regarding the services available at such employment services [ ~~organization~~ 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

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59 Department shall provide training to all vocational rehabilitation counselors immediately upon  
60 employment and annually thereafter regarding the referral process established by the Department  
61 pursuant to this subsection.

62 D. E. In allocating funds for Long-Term Employment Support Services and Extended Employment  
63 Services, the Department shall consider recommendations made by the Employment Service  
64 Organization Steering Committee established in § 51.5-169.2.

65 **§ 51.5-169.2. Employment Service Organization Steering Committee; membership; terms.**

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

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

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

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

88 D. Each year, the Committee shall elect a chairman and a vice-chairman from among its members.  
89 Five members of the Committee shall constitute a quorum.

90 E. Members shall receive no compensation for their services but shall be reimbursed for all  
91 reasonable and necessary expenses incurred in the performance of their duties as provided in  
92 §§ 2.2-2813 and 2.2-2825.