



Employment First Policy

On October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. California became the 12th state to enact an employment first policy in law.

Employment First Policy

From WIC Sect. 4869(a)(1)

It is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities.

The Statute Explains Why

The Employment First Policy was established “in furtherance of the purposes of this division (the Lanterman Act) to make services and supports available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age, to support the integration of persons with developmental disabilities into the mainstream life of the community, and to bring about more independent, productive, and normal lives...” Section 4869(a)(1)

Definitions

Integrated Employment occurs “in work in a setting typically found in the community in which individuals interact with individuals without disabilities other than those who are providing services to those individuals, to the same extent that individuals without disabilities in comparable positions interact with other persons.”

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.”

Microenterprises are “small businesses owned by individuals with developmental disabilities who have control and responsibility for decision-making 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.”

“Self-employment” means an employment setting in which an individual works in a chosen occupation, for profit or fee, in his or her own small business, with control and responsibility for decisions affecting the conduct of the business.

Requirements

4869(a)(1) The Employment First Policy establishes the value of work firmly within the Lanterman Act and makes it the “highest priority” that the developmental services system strives to make regular jobs with regular pay a real option for people with developmental disabilities. Thus, this policy gives a new direction for the evolution of developmental services.

4869(b) The State Council on Developmental Disabilities shall “develop an informational brochure about the Employment First Policy, translate the brochure into various languages, and post the brochure on its Internet Website.”

4868(c) (4 and 5) The Employment First Committee of the Council shall “recommend goals for measuring employment participation and outcomes” for people within the developmental services system and identify existing sources of data for identifying employment outcomes by “age, gender, ethnicity, types of disability, and geographic location....”

4869(c) “Regional centers shall provide consumers 16 years of age or older, and, when appropriate, their parents, legal guardians, conservators, or authorized representative with information, in an understandable form, about the Employment First Policy, options for integrated competitive employment, and services and supports, including postsecondary education, that are available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment.”

4869(a)(3) “Integrated competitive employment is intended to be **the first option considered by planning teams** for working age individuals, but individuals may choose goals other than integrated competitive employment.”

4869(a)(4) “Postsecondary education, technical or vocational training, and internship programs may be considered as **a means to achieve integrated competitive employment or career advancement.**”

4869(d) The Department of Developmental Services “may request information from regional centers on current and planned activities related to the Employment First Policy.”

California Legislative History on Employment First Policy

Over several years, the Council has worked with the Legislature, Administration, and stakeholders on policy to encourage the growth of integrated competitive employment for people with I/DD:

- **SB 1270 (Chesbro), Statutes of 2006** – Established a stakeholder and public input process, organized by the Council, to recommend ways to expand opportunities for people with I/DD in the areas of employment and community participation.
- **AB 2424 (Beall), 2008** – Following on the recommendations of the Council coming out of the SB 1207 process, AB 2424 would have established an employment first policy and imposed responsibilities on regional centers and DDS related to the development of materials, the provision of information, and the conduct of IPP meeting. (Held in Sen. Approps)
- **AB 287 (Beall), Statutes of 2009** – Established the Employment First Committee as a standing committee of the Council. The EFC was tasked with recommending an employment first policy, identifying strategies and best practices, report on the state’s progress, and make recommendations for policy change for significantly increasing the numbers of people with I/DD in integrated competitive employment.
- **Employment First Report, 2011** – After an extensive stakeholder process through the Employment First Committee, the Council recommended to the Legislature and Governor language for an employment first policy, and strategy options to achieve better employment outcomes.
- **AB 254 (Beall), 2011** – Carried the employment first policy proposed by the Council. The bill received some stakeholder opposition and raised cost concerns. (Held in Assembly Appropriations).
- **AB 2338 (Chesbro), 2012** - Addressed the cost concerns of the Assembly Appropriations Committee by narrowly focusing on the policy. It also made changes to the proposed policy to address concerns of some stakeholders. (Held in Senate Appropriations).
- **AB 1041 (Chesbro), Statutes of 2013** - Virtually identical to AB 2338, this bill was signed into law by Governor Brown, establishing California’s Employment First Policy.