

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO  
UNOFFICIAL PREAMENDED VERSION

LLS NO. 18-0765.01 Brita Darling x2241

SENATE BILL 18-145

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SENATE SPONSORSHIP

Kefalas,

HOUSE SPONSORSHIP

Ginal, Arndt

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**Senate Committees**  
Business, Labor, & Technology

**House Committees**

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A BILL FOR AN ACT

101 CONCERNING THE IMPLEMENTATION OF EMPLOYMENT FIRST  
102 ADVISORY PARTNERSHIP RECOMMENDATIONS TO ADVANCE  
103 COMPETITIVE INTEGRATED EMPLOYMENT FOR PERSONS WITH  
104 DISABILITIES.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires the department of labor and employment and the state medical services board in the department of health care policy and financing to promulgate rules that require all providers of supported

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

employment services for persons with disabilities to complete training or earn a national certification relating to employment services. The rules must specify time frames for completion of the training or certification.

The bill requires that the department of labor and employment's fee schedule for rehabilitation services include the discovery process as an alternative comprehensive assessment if appropriate for persons with disabilities.

The bill lists annual employment data, reported by county, that the department of health care policy and financing must collect.

The bill permits the department of labor and employment, annually, to enter into a contract or renew an existing contract with a vendor or vendors to provide training for persons with disabilities and their families, educators, case managers, and employers concerning best practices in employment first implementation. State funding for the contract is contingent upon the department receiving at least 75% of the contract amount through gifts, grants, or donations.

The bill corrects the repeal provision language for the employment first advisory partnership and its duties.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4           (a) Despite having the ability and desire, eighty-five percent of  
5 adults with intellectual and developmental disabilities are either  
6 unemployed or underemployed due to barriers to competitive integrated  
7 employment;

8           (b) Colorado's low unemployment rate makes it difficult for many  
9 employers to fill staffing needs, and some of these needs could be met  
10 through employing persons with disabilities;

11           (c) In 2016, Senate Bill 16-077 created the Employment First  
12 Advisory Partnership and charged the members of the partnership with  
13 developing a strategic plan, including relevant policy changes, to expand  
14 competitive integrated outcomes for persons with disabilities;

15           (d) In its November 2017 preliminary report, the Employment

1 First Advisory Partnership made several recommendations for working  
2 through public-private partnerships, including creating a Colorado  
3 Business Leadership Network, which utilizes business-to-business  
4 engagement to drive performance outcomes through disability inclusion,  
5 and developing and implementing an outreach program to employers,  
6 educators, case managers, and persons with disabilities and their families  
7 regarding employment first;

8 (e) Implementing the Employment First Advisory Partnership's  
9 2017 recommendations will benefit persons with disabilities and further  
10 the work of the public-private partnerships, employers, and the state of  
11 Colorado by:

12 (I) Increasing the number of people entering the workforce who  
13 contribute to Colorado's tax base;

14 (II) Increasing the number of persons with disabilities in  
15 competitive integrated employment, thereby reducing dependence on  
16 public assistance programs; and

17 (III) Increasing the effectiveness of the service systems currently  
18 serving persons with disabilities who are seeking meaningful  
19 employment;

20 (f) Collecting and reporting disability services and employment  
21 data is necessary to determine progress toward eliminating segregation in  
22 services and increasing the number of persons with disabilities in  
23 competitive integrated employment;

24 (g) Persons with disabilities and potential employers would  
25 benefit from minimal requirements for basic training or certification in  
26 best practices for supported employment services professionals; and

27 (h) The discovery process, which is a best-practice assessment

1 tool for persons with the most significant disabilities should be utilized,  
2 when appropriate, as an alternative to existing assessments provided by  
3 publicly funded employment services for persons with disabilities.

4 (2) Therefore, the General Assembly declares that implementing  
5 recommendations of the Employment First Advisory Partnership relating  
6 to data collection; training for supported employment professionals;  
7 appropriate use of the discovery process as an assessment for persons  
8 with disabilities; and training and outreach for employers, educators, case  
9 managers, and persons with disabilities and their families in employment  
10 first opportunities and best practices is necessary to increase opportunities  
11 for persons with disabilities and to build on the progress made through  
12 employment first initiatives.

13 **SECTION 2.** In Colorado Revised Statutes, 8-84-106, **amend**  
14 (3)(b)(IV); and **add** (3)(b)(III.5) as follows:

15 **8-84-106. Rehabilitation of persons with disabilities - rules.**

16 (3) (b) The department shall:

17 (III.5) (A) PROMULGATE RULES IN CONJUNCTION WITH THE STATE  
18 MEDICAL SERVICES BOARD, NO LATER THAN JULY 1, 2019, REQUIRING ALL  
19 VENDORS OF SUPPORTED EMPLOYMENT SERVICES, INCLUDING SUPPORTED  
20 EMPLOYMENT PROFESSIONALS WHO PROVIDE INDIVIDUAL COMPETITIVE  
21 INTEGRATED EMPLOYMENT OUTCOMES, AND EXCLUDING THOSE  
22 PROFESSIONALS EXCLUSIVELY PROVIDING GROUP OR OTHER CONGREGATE  
23 SERVICES, TO OBTAIN A NATIONALLY RECOGNIZED SUPPORTED  
24 EMPLOYMENT TRAINING CERTIFICATE OR NATIONALLY RECOGNIZED  
25 SUPPORTED EMPLOYMENT CERTIFICATION. THE DEPARTMENT'S RULES  
26 MUST INCLUDE TIME FRAMES FOR COMPLIANCE WITH THE TRAINING OR  
27 CERTIFICATION REQUIREMENT FOR EXISTING STAFF AND FOR NEWLY HIRED

1 STAFF AND REQUIREMENTS FOR SUPERVISION OF NEWLY HIRED STAFF  
2 UNTIL THE STAFF MEMBER HAS COMPLETED THE TRAINING OR  
3 CERTIFICATION.

4 (B) THE TRAINING OR CERTIFICATION REQUIREMENT IN  
5 SUBSECTION (3)(b)(III.5)(A) OF THIS SECTION IS CONTINGENT UPON  
6 APPROPRIATIONS TO THE DEPARTMENT OF HEALTH CARE POLICY AND  
7 FINANCING FOR REIMBURSEMENT TO VENDORS OF SUPPORTED  
8 EMPLOYMENT SERVICES FOR THE COST OF TRAINING AND CERTIFICATION  
9 PURSUANT TO SECTION 25.5-10-204.

10 (IV) Establish a fee schedule for goods and services that is  
11 designed to ensure reasonable cost to the program. THE FEE SCHEDULE  
12 ESTABLISHED BY THE DEPARTMENT MUST INCLUDE THE DISCOVERY  
13 PROCESS, AS DEFINED IN SECTION 8-84-301, AS AN ALTERNATIVE  
14 ASSESSMENT PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION.

15 **SECTION 3.** In Colorado Revised Statutes, 25.5-10-204, **amend**  
16 (1)(g)(III) and (2) introductory portion; and **add** (2)(k) as follows:

17 **25.5-10-204. Duties of the executive director - state board**  
18 **rules.** (1) In order to implement the provisions of this article 10, the  
19 executive director shall, subject to available appropriations, carry out the  
20 following duties:

- 21 (g) Facilitate employment first policies and practices by:
- 22 (III) Establishing annual reporting of THE FOLLOWING DATA,  
23 REPORTED BY COUNTY, FOR INDIVIDUALS ELIGIBLE FOR SUPPORTED  
24 EMPLOYMENT SERVICES, INCLUDING BUT NOT LIMITED TO HOME- AND  
25 COMMUNITY-BASED WAIVER SERVICES:

26 (A) The number of individuals employed IN GROUP EMPLOYMENT,  
27 THE SECTOR OF EMPLOYMENT, THE MEAN WAGE PER HOUR EARNED, AND

1 THE MEAN HOURS WORKED PER WEEK;

2 (B) The number of individuals employed in competitive integrated  
3 employment, ~~wages~~ THE SECTOR OF EMPLOYMENT, THE MEAN WAGE per  
4 hour earned, and THE MEAN hours worked per week; ~~for individuals~~  
5 ~~served by the division~~;

6 (C) THE NUMBER OF INDIVIDUALS EMPLOYED AND SERVED IN  
7 PREVOCAIONAL SERVICES, THE SECTOR OF EMPLOYMENT, THE MEAN  
8 WAGE PER HOUR EARNED, THE MEAN HOURS WORKED PER WEEK, AND THE  
9 MEAN SERVICE HOURS PER WEEK;

10 (D) THE NUMBER OF INDIVIDUALS SERVED IN COMMUNITY-BASED  
11 NONWORK AND THE MEAN SERVICE HOURS PER WEEK;

12 (E) THE NUMBER OF INDIVIDUALS SERVED IN SPECIALIZED  
13 HABILITATION SERVICES AND THE MEAN SERVICE HOURS PER WEEK;

14 (F) THE NUMBER OF INDIVIDUALS EMPLOYED OR SERVED, AS  
15 APPLICABLE, IN ANY OTHER EMPLOYMENT SERVICES OR DAY SERVICES  
16 MODEL, THE SECTOR OF EMPLOYMENT, AND THE MEAN WAGE PER HOUR  
17 WORKED, MEAN HOURS WORKED PER WEEK, OR THE SERVICE HOURS PER  
18 WEEK, AS APPLICABLE; \_\_\_\_\_

19 (G) THE NUMBER OF INDIVIDUALS ELIGIBLE FOR EMPLOYMENT  
20 SERVICES, REGARDLESS OF WHETHER THE INDIVIDUAL IS UTILIZING  
21 EMPLOYMENT SERVICES; AND

22 (H) THE NUMBER OF INDIVIDUALS SERVED EARNING LESS THAN  
23 MINIMUM WAGE.

24 (2) The state board shall adopt such rules, in accordance with  
25 section 24-4-103, ~~C.R.S.~~, as are necessary to carry out the provisions and  
26 purposes of this ~~article~~ ARTICLE 10, including but not limited to the  
27 following subjects:

1           (k) (I) NO LATER THAN JULY 1, 2019, THE STATE BOARD, IN  
2           CONJUNCTION WITH THE DEPARTMENT OF LABOR AND EMPLOYMENT,  
3           SHALL REQUIRE A NATIONALLY RECOGNIZED SUPPORTED EMPLOYMENT  
4           TRAINING CERTIFICATE OR NATIONALLY RECOGNIZED SUPPORTED  
5           EMPLOYMENT CERTIFICATION FOR ALL VENDORS OF SUPPORTED  
6           EMPLOYMENT SERVICES, INCLUDING SUPPORTED EMPLOYMENT  
7           PROFESSIONALS WHO PROVIDE INDIVIDUAL COMPETITIVE INTEGRATED  
8           EMPLOYMENT OUTCOMES, AND EXCLUDING THOSE PROFESSIONALS  
9           EXCLUSIVELY PROVIDING GROUP OR OTHER CONGREGATE SERVICES. THE  
10           STATE BOARD'S RULES MUST INCLUDE TIME FRAMES FOR COMPLIANCE  
11           WITH THE TRAINING OR CERTIFICATION REQUIREMENT FOR EXISTING STAFF  
12           AND FOR NEWLY HIRED STAFF AND REQUIREMENTS FOR SUPERVISION OF  
13           NEWLY HIRED STAFF UNTIL THE STAFF MEMBER HAS COMPLETED THE  
14           TRAINING OR CERTIFICATION.

15           (II) THE TRAINING OR CERTIFICATION REQUIREMENT IN  
16           SUBSECTION (2)(k)(I) OF THIS SECTION IS CONTINGENT UPON  
17           APPROPRIATIONS TO THE DEPARTMENT OF HEALTH CARE POLICY AND  
18           FINANCING FOR REIMBURSEMENT TO VENDORS OF SUPPORTED  
19           EMPLOYMENT SERVICES FOR THE COST OF TRAINING AND CERTIFICATION.  
20           THE STATE BOARD SHALL ADOPT RULES FOR ADMINISTERING THE  
21           REIMBURSEMENT TO VENDORS, WHICH REIMBURSEMENT MUST BE THREE  
22           HUNDRED DOLLARS FOR EACH CERTIFICATION EXAM AND TWELVE  
23           HUNDRED DOLLARS FOR EACH TRAINING PROGRAM CERTIFICATE, WHICH  
24           INCLUDES REIMBURSEMENT FOR BOTH THE COST OF THE TRAINING AND  
25           WAGES PAID TO EMPLOYEES DURING TRAINING. THE STATE BOARD MAY  
26           INCREASE THE FIXED REIMBURSEMENT AMOUNT OVER TIME BASED ON  
27           INCREASES IN THE COST OF THE EXAM AND EMPLOYEE WAGES.

1 \_\_\_\_\_  
2           **SECTION 4.** In Colorado Revised Statutes, 8-84-304, **add** (4) as  
3 follows:

4           **8-84-304. Duties of the employment first advisory partnership**  
5 **- strategic plan - repeal.** (4) (a) THIS SECTION IS REPEALED, EFFECTIVE  
6 SEPTEMBER 1, 2021.

7           (b) PRIOR TO REPEAL OF THE EMPLOYMENT FIRST ADVISORY  
8 PARTNERSHIP, THE DEPARTMENT OF REGULATORY AGENCIES SHALL  
9 CONDUCT A SUNSET REVIEW PURSUANT TO THE PROVISIONS OF SECTION  
10 2-3-1203.

11           **SECTION 5.** In Colorado Revised Statutes, 2-3-1203, **amend**  
12 (12)(a)(VI) as follows:

13           **2-3-1203. Sunset review of advisory committees - legislative**  
14 **declaration - definition - repeal.** (12) (a) The following statutory  
15 authorizations for the designated advisory committees will repeal on  
16 September 1, 2021:

17           (VI) The employment first advisory partnership in the department  
18 of labor and employment described in ~~section 8-84-303, C.R.S.~~ SECTIONS  
19 8-84-303 AND 8-84-304.

20           **SECTION 6. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly (August  
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect  
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.