

MINUTES OF THE HOUSE COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE

The meeting was called to order by Chairperson Anthony R. Brown, at 2:15 p.m. on February 21, 2011, in Room 785 of the Docking State Office Building.

All members were present except:

Representative Frownfelter	Excused
Representative Kleeb	Excused
Representative Slattery	Excused
Representative Finney	Excused
Representative Tietze	Excused
Representative Tyson	Excused

Committee staff present:

Renae Jefferies, Office of the Revisor of Statutes
Ken Wilke, Office of the Revisor of Statutes
Reed Holwegner, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Joyce Bishop, Committee Assistant

Conferees appearing before the Committee:

Askia, Adams, Citizen
Pam Clair, Client, Johnson County Developmental Supports
Michael Donnelly, on behalf of Robert Siedlecki, Acting Secretary, SRS
Rocky Nichols, Executive Director, Disability Rights Center of Kansas
Rick Cagan, Executive Director, National Alliance on Mental Health
Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas
Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities
Kathy Lobb, Legislative Liaison, Self Advocate Coalition of Kansas
Karie Bacon, Employment Liaison, Kansas Commission on Disability Concerns

Others attending:

See attached list.

Chairperson Brown opened the hearing on **HB 2336, Kansas employment first initiative act; persons with disabilities.**

Renae Jefferies gave the Revisor's overview on the bill (Attachment 1).

Chairperson Brown requested the fiscal note be copied and distributed to all committee members (Attachment 2).

Chairperson Brown asked for testimony from proponents.

Askia Adams, Citizen (Attachment 3).

Pam Clair, Citizen, Johnson County Developmental Supports (Attachment 4).

Michael Donnelly, on behalf of Robert Siedlecki, Acting Secretary, SRS (Attachment 5).

Rocky Nichols, Executive Director, Disability Rights Center of Kansas (Attachment 6).

Rick Cagan, Executive Director, National Alliance on Mental Health (Attachment 7).

Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas (Attachment 8).

Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities (Attachment 9).

Kathy Lobb, Legislative Liaison, Self Advocate Coalition of Kansas (Attachment 10).

Karie Bacon, Employment Liaison, Kansas Commission on Disability Concerns (Attachment 11).

CONTINUATION SHEET

The minutes of Commerce & Economic Development Committee at 10:30 a.m. on February 21, 2011, in Room 785 of the Docking State Office Building.

The following individuals submitted written testimony only as proponents of the bill:

Tom Lange, Executive Director, Interhab ([Attachment 12](#)).

Jim Yonally, Lobbyist, National Multiple Sclerosis Society, Mid America Chapter ([Attachment 13](#)).

Joe Steffy, Owner & Operator, Poppin Joe's Kettle Corn ([Attachment 14](#)).

Jane Adams, Executive Director, Keys for Networking, Inc. ([Attachment 15](#))

Wendy Parent-Johnson, PhD. D. D., Kansas University Center on Developmental Disabilities ([Attachment 16](#)).

Lynn Kohr, Citizen ([Attachment 17](#))

There were no opponents.

Chairperson Brown closed the hearing on the bill.

The meeting adjourned at 3:23 p.m.

HOUSE COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE

1:30pm,

Room 785, Docking State Office Building

GUEST LIST

DATE: February 21, 2011

NAME	REPRESENTING
Jim Yonally	KS Chapter Nat'l MS Society
Rocky Nichols	DRC Kansas
Nick Wood	DRC Kansas
Jane Rhys	KCDD
SKI Adams	self advocate
Kerrie Bacon	Kansas Commission on Disability Concerns
Matt Foss	SACK
Sara Duck	assistive Technology for Kansas
Beth Stockwell	JCDS
PROCLAIR	SELF
Vicki Taylor	JCDS
Rick Cagan	NAMI Kansas
MICHAEL CRAY	ARE of DG CO.

Office of Revisor of Statutes
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Topeka, Kansas 66612-1592
Telephone (785) 296 -2321 FAX (785) 296-6668

MEMORANDUM

To: House Committee on Commerce and Economic Development
From: Renae Jefferies, Assistant Revisor
Date: February 17, 2011
Subject: HB 2336

HB 2336 creates the Kansas Employment First Initiative Act and establishes the Kansas Employment First Oversight Commission.

Section 1, page 1, sets out the state's policy that competitive and integrated employment of persons with disabilities be a first option of state agencies and those entities that contract with the state support.

Section 2, page 2, would require all state agencies to follow the policy for employment by coordinating and collaborating efforts among the state agencies. In addition, state agencies would have to share data and information whenever possible across systems in order to track progress of the state agencies. State agencies would be authorized to adopt rules and regulations to implement the act.

Section 3, pages 1-2, creates the Kansas Employment First Oversight Commission which would establish measurable goals and objectives to insure implementation of the act. The Commission would be required to track measurable progress of public agencies. All state agencies would be required to cooperate with and provide data to the Commission. The Commission would be made up of five members, four of which are persons with disabilities.

Each member of the committee shall be paid mileage and expenses under K.S.A. 75-3212. The Commission would be required to issue an annual report to the Governor and the State Legislature which details progress towards goals and objectives and identifies barriers for achieving outcomes and effective strategies and policies to help realize the goals of the

Employment First Initiative Act.

The Department of Social and Rehabilitation Services would be the lead agency responsible for compiling data and coordinating the preparation of the annual report.

The bill if enacted would take effect upon publication in the statute book.



February 21, 2011

The Honorable Anthony Brown, Chairperson
House Committee on Commerce and Economic Development
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Brown:

SUBJECT: Fiscal Note for HB 2336 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2336 is respectfully submitted to your committee.

HB 2336 would enact the Kansas Employment First Initiative Act. The bill would establish that it is the public policy of the State of Kansas that competitive and integrated employment is the first option when serving persons with disabilities who are of working age to obtain employment with the state and any of its contractors. This policy would apply to programs that support the employment of persons with disabilities and directs all state agencies to follow this policy and ensure that it is effectively implemented in their programs and services. The bill would require all state agencies to coordinate their efforts and collaborate within and amongst each agency to ensure that programs, policies, procedures, and funding support competitive and integrated employment of individuals with disabilities. The bill would further require agencies to, whenever feasible, share data and information across systems in order to track progress toward full implementation of the Act.

The bill would establish a five-member oversight commission charged with the establishment of measurable goals and objectives for the State of Kansas to ensure implementation of the Act and to track the implementation progress of public agencies. The oversight commission would consist of four persons with a disability who are knowledgeable of disability issues and who are not state employees. The Speaker of the House, the Minority Leader of the House, the President of the Senate, and the Minority Leader of the Senate would each appoint one of these members. The fifth member could not be a state employee but would be required to be experienced with employment services programs. This member would be appointed by the Governor. All members of the oversight commission would serve a two-year term and would be paid mileage and other expenses.

The Governor would designate one member to convene and organize the first meeting of the oversight commission, during which the commission would elect a chairperson and vice-chairperson. The oversight commission would meet at least four times a year. All actions of the oversight commission would be taken by a majority of the members and a quorum would consist of three members. The commission would issue an annual report on or before January 1 of each

House Commerce & Economic
Development Committee

Date: 02/21/2011

Attachment #: 2-1

year that details the progress toward the goals and full implementation of the Act. The report would also identify barriers to achieving the outcomes, along with effective strategies and policies to help realize the Employment First Initiative. This annual report is to be presented to the Governor and members of the Legislature and all state agencies are directed to cooperate with the oversight commission on the creation and dissemination of the annual report. The Department of Social and Rehabilitation Services (SRS) would be the lead agency responsible for compiling data and coordinating the preparation of the annual report at the direction of the oversight commission.

Estimated State Fiscal Effect				
	FY 2011 SGF	FY 2011 All Funds	FY 2012 SGF	FY 2012 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$51,993	\$51,993
FTE Pos.	--	--	--	0.50

Since the particular actions and policies required to implement the act are not specified, there is no way to determine whether there would be any long-term statewide fiscal considerations attributed to this bill. However, the operating cost of the commission is estimated at \$51,993 from the State General Fund in FY 2012. SRS would be the lead agency responsible for compiling data and coordinating the preparation of the annual report at the direction of the oversight commission. The agency estimates the need for 0.50 additional FTE position to support the proposed functions of the commission. Salary and fringe benefit costs for this half-time position are estimated at \$40,578. Normal operating costs and data collections costs are estimated at \$6,815. Finally, travel and per diem costs for the commission are estimated at \$4,600. Functions for this initiative and commission do not meet the allowable uses of federal vocational rehabilitation dollars; therefore, the funding is calculated at 100.0 percent from the State General Fund. SRS estimates similar expenditures for fiscal years beyond FY 2012, unless the established commission sets additional requirements. Any fiscal effect associated with HB 2336 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Pat Higgins, Administration
Dan Lewien, SRS
Jeff Russell, Legislative Services

House Commerce & Economic
Development Committee
Date: 02/21/2011
Attachment #: 2-2

Good afternoon Chairman Brown and Committee,

My name is Askia Adams; I am thirty-three years old and would like to encourage you to support the Employment First bill currently in the House. This bill has personal importance to me since I have a disability and am currently looking for a new job. I was a coordinator for five years for a program intended to provide loans to purchase equipment for individuals with disabilities to go to work. We made little if any loans, not because individuals did not need equipment to go to work, but because the underlying issue was finding a job in the first place.

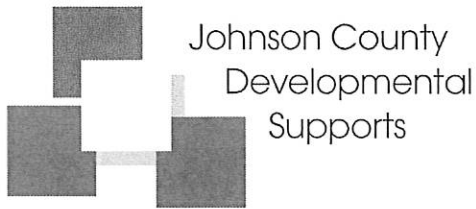
Let me start by telling you a little bit about myself, and why the issue of employment is so important to me. I am thirty-three years old and like many people my age for five years I had a great job. For five years I worked for the state of Kansas assisting Kansans with disabilities to purchase equipment that would allow them to go to or return to work. Unfortunately, even though we had funds so people could work The numbers of individuals who utilized The program was minimal because The underlying problem was not finding funding for equipment once they found a job, but finding a job in The first place. Personally, I truly understand this struggle. Being a person with a disability there are some challenges I face and have observed in finding employment that the non-disabled person does not.

Going to work is not simple when one has to juggle several extra pieces of the employment puzzle. These extra pieces include rehab services, social security, benefits counselors, service providers etc. Let me share my story to illustrate the challenges faced by people with disabilities desiring to work. I was twenty-six years old; I graduated from college with a bachelor's degree in elementary education. I worked with my local rehab services office to find a job. They connected me with a job placement specialist to assist me in my search. The specialist tried to assist in my quest to find a job. I still faced challenges even though I worked with rehab services. My placement specialist may have found me a job, but it may not have fit my skills or abilities. It is not a question of my coach's commitment. The issue is sometimes coaches do not take the time to get to know the individual. My coach knew that I was looking for a job, but did not listen close enough to gain a clear picture of my skills.

I searched for work on my own in addition to working with my job coach. I found leads that fit my skills, abilities, and interests much better than what my job coach found. I found a few jobs leads, but nothing really fit me. Each week when I met with my job coach she asked me what job leads I had found and what I was doing to find a job. I felt like I was doing everything I could, but not getting any help from my job coach. In some ways I did the coach's job. I found leads and eventually my own job.

Finding a job was just the first challenge I faced when it came to finding employment. The nature of my disability requires me to need personal care attendants. I visited with my independent living counselor to determine how going to work would affect my waiver and attendant care services. My counselor told me I would lose my services because I made too much money. I was lost and did not know what to do. I wanted to accept the job offer, yet I could not afford to have my personal care attendants cut. What could I do? Fortunately, I knew whom to talk with to find guidance in navigating my way to protect my services. I accepted the job.

In May of 2004 I was hired by the state assistive technology cooperative to set up a loan program intended to assist Kansans with disabilities in acquiring the equipment required for them to go to work. For five years I tried to set up this loan program, but the underlying problem was employment. In The state of Kansas we have no real framework that promotes employment for individuals with disabilities. Yes, The state has several different groups who are dedicated to employment for persons with disabilities, however these groups are loosely connected at best. There is a lack of focus when it comes to true employment for Kansans with disabilities! The greatest step our state could take to advance employment for this population is developing a comprehensive plan for real employment with that as its only focus.



February 21, 2011

To: House Commerce and Economic Development Committee

From: Pam Clair, Job Seeker
Johnson County Developmental Supports (JCDS)

RE: House Bill 2336 An Act establishing the Kansas employment initiative and creating the Kansas employment first oversight commission

Chairman Brown and members of the Committee, thank you for letting me speak with you today. I want to let you know how important it is to me to have a job in the community. When I first graduated from high school, I worked at the workshop for about five years. Since that time, I have had several different community jobs and am much happier with myself and my life when I am working and getting a paycheck. I enjoy being a responsible person and when I have a job it makes me feel like everyone else. During the times when I have been unemployed, I have not been as happy because I don't have enough to do to keep me busy and I don't have very much money.

I would not have been able to experience community employment without the help of a job coach. Over the years, I have had several different coaches who have helped me find a job and have taught me what I need to know to do the job and feel comfortable with my supervisor and co-workers. I am currently working at Taco Bell and have been there for over two years. I usually work 10-12 hours each week and want a different job because I want to work more hours and would like to try something new. I need help from a job coach to find a job that I'm qualified for and to help me with job applications and interviews. When I find a new job, my job coach will need to show me what I need to do and stay with me until I no longer need help.

I think everyone should be able to work and have the opportunity that I have had to earn a paycheck and feel good about their life. Please support the Kansas Employment First Initiative.

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT
DATE: 02/21/2011
ATTACHMENT: 4-1

**Robert Siedlecki, Acting Secretary
Department of Social And Rehabilitation Services**

**House Committee on Commerce
and Economic Development
February 21, 2011**

**Kansas Employment First
Initiative Act (HB 2336)**

**Rehabilitation Services
Michael Donnelly, Director**

For Additional Information Contact:
Gary Haulmark, Director of Legislative Affairs
Docking State Office Building, 6th Floor North
(785) 296-3271

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT
DATE: 02/21/2011
ATTACHMENT: 5-1

House Committee on Commerce and Economic Development February 21, 2011

Kansas Employment First Initiative Act (HB 2336)

Chairman Brown and members of the Committee, thank you for the opportunity to appear before you today to discuss the Kansas Employment First Initiative Act. I will also provide a brief update about the SRS services and initiatives that focus on employment of Kansans with disabilities.

SRS strongly supports the principles of the Kansas Employment First Initiative Act. People with disabilities should have equal opportunity to pursue competitive, integrated employment – real jobs in their communities at wages commensurate with their non-disabled peers. There should also be an expectation of employment for people with disabilities, just as employment is an expectation for all working age adults. Further, SRS supports the principle that state programs, policies and funding should support competitive, integrated employment as the optimal outcome of services provided.

Employment is the critical path out of poverty for people with disabilities. Without the opportunity to become self-sufficient through employment, people with disabilities face difficult economic challenges. For example:

- 34% of Kansans with disabilities live below 150% of the federal poverty level, compared to 16% of their non-disabled peers. (American Community Survey/U.S. Census Bureau)
- People with disabilities are likely to experience a variety of material hardships, such as inability to pay for a place to live or pay for utilities. 62% of people with disabilities experience food insecurity with hunger. (Mathematica Policy Research/Center for Studying Disability)
- For youth with disabilities who begin receiving Supplemental Security Income (SSI) before age 18, there's a lifetime of poverty. They spend an average of 27 years receiving benefits – and those benefits average only \$498 a month. (The Social Security Advisory Board, September 2006)
- Only 10% of Kansans with developmental disabilities are in supported or competitive employment, ranking Kansas 46th in the nation in terms of supporting meaningful employment. (United Cerebral Palsy: The Case for Inclusion 2008)

However, in contrast, when people with disabilities become employed, they reduce their reliance on various forms of public assistance such as SSI, housing supports, food stamps, energy assistance, and medical services. People with disabilities who are employed spend their income in local communities on housing, groceries, gasoline, services, and taxes. Thus they contribute to the health of the economy. A study of persons who achieved employment through vocational rehabilitation (VR) services found that the employment of people with disabilities has a positive or multiplier impact on the economy. Conducted by the Center for Economic Development and Business Research at Wichita State University, the study showed that for each dollar earned as a result of a person with a disability going to work, there is about \$1.66 in total earnings through the economy. For each person employed, there are about 1.85 total jobs created in the overall economy.

Summary of SRS programs and initiatives that support employment of people with disabilities

February 21, 2011

HB 2336

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT

DATE: 02/21/2011

ATTACHMENT: 5-2

SRS has provided employment supports and related services to individuals with disabilities for many years through multiple programs. SRS currently has four programs that focus on employment services, three of which serve only persons with disabilities.

Economic and Employment Supports (EES) operates the Temporary Assistance to Needy Families (TANF) program that includes employment-related services. Disability is one of the barriers to employment documented for the TANF population. Job clubs, placement services and other support services are provided to assist eligible individuals to gain employment and reduce their reliance on cash, food and medical assistance.

Community Supports and Services (CSS) manages the Home and Community Based Services programs that include services to support persons with disabilities to live and work in the community. The Developmental Disabilities (DD) Waiver most directly affects work opportunities for individuals with developmental disabilities. DD Providers often provide a work-related day service or supports that empower an individual in a job in their community. Wages vary as providers sometimes utilize their sub-minimum wage certificates to set wages as allowed under Section 14(c) of the Fair Labor Standards Act. Others are competitive, integrated jobs in the community that are paid at minimum wage or higher depending on the position. Many individuals with developmental disabilities are employed in sheltered workshops where wages may range from a minimal piece rate, to sub-minimum wages or competitive wages depending on the business model implemented.

Mental Health Services also has an emphasis on assisting persons with severe and persistent mental illnesses to achieve successful employment outcomes. Research demonstrates that employment is a significant contributor to the recovery of persons with mental illness. This is recognized in Kansas mental health reform statute which defines community based mental health services to include access to securing employment services. In addition, SRS' contract with community mental health centers (CMHCs) includes competitive employment of persons with a severe and persistent mental illness (SPMI) as one of the contract's outcomes. SRS pays enhanced Medicaid rates for CMHCs who demonstrate fidelity to the evidence-based practice of supported employment.

Vocational rehabilitation (VR) is the primary SRS program designed to assist persons with disabilities to obtain, maintain or regain employment. VR serves persons with disabilities whose disability results in a substantial impediment to employment and who need VR services to get or keep a competitive, integrated job. VR services are not limited to the type of disability a person has, nor are services limited by the type of job they choose to pursue. VR services can include services to prepare an individual to obtain a job, to assist the person in finding the job and to help them be successful once they get the job. Services can include post-secondary education or training, assistive technology, medical services, transportation, job finding services, on-the-job supports and many other types of services. In Federal Fiscal Year 2010 VR assisted 13,361 individuals to pursue employment under an individualized plan for employment. As a result of services received, 1,452 achieved competitive, integrated employment. Nearly 18% of those jobs were in professional/technical/managerial positions; 14% in office work; 13% in food service; 11% in health care; and the remainder in a wide range of work categories such as sales, production, transportation and cleaning. Wages earned as a result of VR services vary widely but averaged \$9.98 statewide.

Initiatives focus on employment as the first option and optimal outcome

The Great Expectations Initiative is underway to promote the competitive integrated employment of Kansans with significant intellectual disabilities. This is a systems change demonstration initiative intended to reduce the number of persons participating in sheltered employment or non-work day activities. Promoting employment as a positive alternative to waiting for waiver day services, it is also intended to reduce demand for services from the HCBS DD waiver. Following a competitive bid process, direct service contracts were awarded to the Sedgwick County Developmental Disability Organization, Wichita; and the Disability Planning Organization of Kansas, Salina. These contracts will allow for best practice and innovative service delivery models to be tested in urban, mid-size and rural Kansas communities. Results will be evaluated for replication and potential impact on state level policies and funding priorities. The University of Kansas Center on Developmental Disabilities is providing technical assistance and evaluation services.

A Capacity-Building Initiative has also been established to improve employment and independent living services for Kansans who are blind or visually impaired. SRS is partnering with the Envision Vision Rehabilitation Center, Wichita; Alphapointe, Kansas City; and a consortium of centers for independent living headed by the Prairie Independent Living Resource Center, Hutchinson. These community organizations have received funding to hire credentialed staff, improve outreach to persons who are blind or visually impaired, and to provide the variety of direct services necessary to assist individuals to be successful in their employment and independent living goals.

The Employment First Workgroup was established in July 2008. Membership includes DD providers, consumer representatives, the Kansas Health Policy Authority, SRS, the Department of Commerce and the Department of Education. The group has developed core Employment First principles and a mission statement: *The State of Kansas will establish integrated, competitive employment at a commensurate wage as the first priority for working age people with developmental disabilities.* The workgroup makes recommendations for SRS and other state agencies related to ensuring that state policies and programs emphasize employment.

Executive Order 10-10 issued in August 2010 calls upon all state agencies to increase coordination and collaboration to provide Kansans with disabilities "optimum opportunity to be competitively employed in equal numbers to their peers without disabilities and to help Kansans with disabilities meet the human resource needs of Kansas businesses." The Executive Order includes specific task statements, such as: developing a shared vision; identifying/revising potential disincentives to competitive employment; coordinating among state programs to maximize the employment of Kansans with disabilities; implementing new initiatives; determining baseline data; and issuing an annual report. Lead responsibility for coordination of these efforts was assigned to SRS. Several meetings have been held to begin collecting information and create greater awareness of the issues impacting employment of people with disabilities.

SRS is committed to improving opportunities for gainful employment of individuals with disabilities. We continue to work together with our many partners to ensure not only the opportunity to work, but that success is achieved.

I will be happy to answer any questions you may have. Thank you.



EQUALITY • LAW • JUSTICE

**Testimony to the House Commerce and Economic Development Committee
Support of HB 2336 - The Employment 1st Initiative Act
February 21, 2011**

Chairman Anthony Brown and members of the Committee, my name is Rocky Nichols, Executive Director of the Disability Rights Center of Kansas (DRC). DRC is the federally mandated, officially designated protection and advocacy organization for Kansans with disabilities. One critical role of DRC, as empowered by federal law, is to advocate people with disabilities, including educating the public and policymakers on needed disability policy changes.

HB 2336 will look very familiar to you. **This year's HB 2336 is the identical policy to last year's HB 2669, which passed this committee unanimously and passed the House 121 to 1.** Unfortunately, due to some uncontrollable delays, last year's HB 2669 passed the House after turnaround, arriving in the Senate too late for that chamber to work the bill. This year's HB 2336 is still a policy that is non-controversial. **We are asking this Committee to work this as soon as possible, and hopefully before turnaround, so that the Senate can have the time to reach the same enlightened position that the House has already reached on this policy.**

There is no substantive difference between this year's and last year's bills. The Revisor did massage the language a bit to make it read more clearly. We thank the Revisor for his efforts. In doing this, however, there was an inadvertent technical error, which is easily fixed. Attached to my testimony is an amendment that fixes this technical error. We are testifying in support of the bill with this technical amendment.

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT
DATE: 02/21/2011
ATTACHMENT: 6-1

With this technical amendment, HB 2336 is the identical policy to last year's bill (HB 2669), which this Committee endorsed unanimously.

This policy is simple, yet powerful. In short, it is transformative:

- **The more people with disabilities that are engaged in competitive, integrated employment, the greater their wages & independence, which means:**
 - they have more disposable income to help fuel the Kansas economy and they pay more in taxes. They can become a *Kansas taxpayer* and not a *tax consumer*.
 - they have less reliance on welfare and public benefits programs. This reduces the cost to a variety of government programs funded by taxpayer dollars.
- **This policy promotes independence and dignity for people with disabilities.**

The Employment First bill is the right public policy for the state of Kansas. It does three main things:

- 1) Sets as the official policy of the state of Kansas that integrated, competitive employment shall be considered the first option. This policy applies to the state services and supports that help find people with disabilities employment. Kansas current ranks nearly last in the nation in the percentage of people with disabilities who are in competitive, integrated employment.
- 2) Ensures coordinated efforts among agencies to increase collaboration and ensure that state programs, policies, procedures and funding support this state policy regarding competitive and integrated employment.
- 3) Sets up an oversight commission to help set the goals, outcomes and objectives toward meeting this policy, and makes an annual report to the legislature in this regard. This commission is important because it is the accountability component and checkpoint that ensures the policy enacted by the Legislature is actually realized.

Why is Kansas nearly dead last in competitive, integrated employment for persons with disabilities? A key reason is that we don't have an official state policy. This bill sets that official state policy. In a vacuum, and with no official

policy, it is difficult for government programs to focus. This bill creates that focus. This bill gets all the programs headed in the same direction.

Also, we have reconfirmed with KHPA that they still will dedicate funding from a federal grant to fund the commission's travel reimbursement costs, if it requires any funding for this at all. With this Committee's astute changes to the bill last year, the chance of the Commission costing anything dramatically decreased. You heard from several people last year that if they were approved to serve on the Commission that they would not even submit a travel reimbursement request. Conference calls are also available. However, if there is any minor travel reimbursement cost for this Commission, the federal grant under KHPA is available. Please know that I would put the same caveat on this federal funding as I put on any federal funding, which of course is that federal grants can be modified in the future. However, what we do know is that enacting an employment first policy and having the accountability measures through your Commission to ensure it is properly carried out is good for taxpayers and good for people with disabilities.

Thank you for your time and attention to this bill.

Technical Amendment

HOUSE BILL No. 2336

By Committee on Federal and State Affairs

2-14

AN ACT establishing the Kansas employment first initiative act and creating the Kansas employment first oversight commission.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This act shall be known as and cited as the Kansas employment first initiative act.

(b) It is hereby declared to be the policy of the state of Kansas that competitive and integrated employment shall be considered its first option when serving persons with disabilities who are of working age to obtain employment ~~for state employment and for those entities that contract with state agencies to provide employment for persons with a disability.~~ This policy applies to programs and services that provide services and supports to help obtain support the employment of for persons with disabilities. All state agencies shall follow this policy and ensure that it is effectively implemented in their programs and services.

Sec. 2. (a) All state agencies shall coordinate efforts and shall collaborate within and among such agencies to ensure that state programs, policies, procedures and funding support competitive and integrated employment of individuals with disabilities. All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward full implementation of the act.

(b) State agencies are authorized to adopt rules and regulations to implement this act.

Sec. 3. (a) There is hereby established a Kansas employment first oversight commission consisting of five members. The commission shall consist of the following members who shall serve for a two-year term:

(1) Four members who are persons with a disability or who are knowledgeable of disability issues and who are not state employees, of whom:

(A) One shall be appointed by the speaker of the house of representatives;

(B) one shall be appointed by the minority leader of the house of representatives;

(C) one shall be appointed by the president of the senate; and

(D) one shall be appointed by the minority leader of the senate;

(2) one member who is experienced with employment service programs and who is not a state employee shall be appointed by the governor.

(b) The governor shall designate one member to convene and organize the first meeting of the commission at which the commission shall elect a chairperson and a vice-chairperson from among its members. The commission shall meet at least four times a year and, additionally, whenever called by the chairperson. A quorum shall consist of three members. All actions of the commission shall be taken by a majority of the members of the commission.

(c) Each member of the commission shall be paid mileage and other expenses as provided by K.S.A. 75-3212, and amendments thereto.

(d) The commission shall establish measurable goals and objectives for the state of Kansas to ensure implementation of this act. The commission shall track the measurable progress of public agencies in implementing this act. All state agencies shall fully cooperate with and provide data and information to assist the commission in carrying out its duties.

(e) The commission shall issue an annual report on or before January 1 each year which shall be presented to the governor and members of the state legislature. The report shall detail progress toward the goals and objectives and full implementation of this act. All state agencies shall cooperate with the commission on the creation and dissemination of the annual report. The report also shall identify barriers to achieving the outcomes along with the effective strategies and policies that can help realize the employment first initiative.

(f) The department of social and rehabilitation services shall be the lead agency responsible for compiling data and coordinating the preparation of the annual report at the direction of the commission.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT

DATE: 02/21/2011

ATTACHMENT: 6-4



House Committee on Commerce & Economic Development

Testimony on House Bill 2336

February 21, 2011

Presented by:
Rick Cagan, Executive Director

NAMI Kansas is a statewide grassroots membership organization dedicated to improving the lives of individuals with mental illness. Our members are individuals who are living with mental illnesses and the family members who provide care and support. NAMI Kansas provides peer support through a statewide network of local affiliates. We sponsor educational programs targeted at consumers of mental health services, their family members, and the general public. We advocate for individuals who are living with mental illness to ensure their access to treatment and supportive services.

NAMI Kansas has signed on to the Employment First initiative and we eagerly support the intent of HB 2336 to maximize competitive and integrated employment for individuals with disabilities. We urge your support of the amendment submitted by the Disability Rights Center.

One in four adults experiences a mental health disorder in a given year. One in seventeen lives with a serious mental illness, such as schizophrenia, major depression or bipolar disorder.¹ Approximately 95,000 adults in Kansas are affected by a serious mental illness.²

The unemployment rate of persons with severe mental illnesses remains extraordinarily high – up to 80-90 percent, according to some estimates. Persons with mental illnesses are one of the largest populations receiving federal disability payments. They are more likely to begin receiving disability payments at a younger age and to maintain their disabled status longer than persons with other types of disabilities. Notwithstanding changes to federal disability income and employment programs in the last ten years, significant barriers to employment remain.

In the U.S., the annual indirect cost of mental illnesses was estimated to be \$79 billion in 1999, a figure which has certainly increased in the last 12 years. 80% of that amount reflects the loss of productivity as a result of illnesses.³

Early treatment of mental illnesses reduces the extent of disability and recurrence of symptoms. 66 percent of Americans believe that treatment and support can help people with mental illnesses lead normal lives. Recovery rates with treatment and medication have been noted at 80 percent for bipolar disorder, 65-80 percent for major depression, and 60 percent for schizophrenia. Individuals living in recovery are contributing members of their community and can work and pay taxes.

One key component of a recovery-oriented treatment system is an emphasis on employment. Most individuals with severe mental illness want to work and believe that work is an important goal in their recovery. When work is identified as a recovery goal, this is usually understood to mean competitive employment, defined as community jobs for which any person may apply, which involves work in an integrated setting with regular contact with non-disabled employees, and that pays at least the minimum wage. Unfortunately, assistance with employment is a major unmet need in a number of mental health programs. In some areas of the country, fewer than 15 percent of mental health consumers are competitively employed at any time.

Fortunately, 13 of the 27 Community Mental Health Centers in Kansas have a program implementing a federally-recognized evidence based practice known as supported employment. Supported employment is a well-defined approach to helping people with disabilities participate in the competitive labor market, helping them find meaningful jobs, and providing ongoing support from a team of professionals. Research indicates that between 40 and 60 percent of persons enrolled in supported employment programs obtain competitive employment compared to only a 20 percent outcome for those not enrolled in such programs. Duration of employment and wages also favor supported employment. Persons employed for a meaningful length of time demonstrate significant improvements in self-esteem and symptom management compared to others who do not have this same experience.

HB 2336 as amended establishes an important foundational policy for the state of Kansas and for people living with disabilities. For individuals living with mental illnesses, it represents a constructive element of recovery. For employers, this policy represents an opportunity to tap into a dedicated and over looked segment of the labor market. The state of Kansas benefits from having more people gainfully employed and contributing to their communities and to the tax base.

Thank you for the opportunity to provide these comments.

¹ National Institute of Mental Health. NIMH: The numbers count— Mental disorders in America. National Institute of Health. Available at <http://www.nimh.nih.gov/publicat/numbers.cfm>.

² Holzer, III, C.E. and Nguyen, H.T., psy.utmb.edu.

³ U.S. Department of Health and Human Services. *Mental Health: A Report of the Surgeon General*. Rockville, MD: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, 1999, pp. 408-409, 411.

House Commerce and Labor Committee
In Support of HB 2336
February 21, 2011

Mr. Chairman, members of the committee, thank you for this opportunity to speak in support of HB 2336.

My name is Shannon Jones. I am the director of the Statewide Independent Living Council of Kansas (SILCK). The SILCK envisions a world in which people with disabilities are valued equally and participate fully. To realize that vision, the SILCK works closely with the 12 Centers for Independent Living to promote productivity and economic self sufficiency for people with all types of disabilities.

For the past 20 years, the SILCK has hosted the Kansas Disability Caucus, bi-annually. Attendance at this event tops 600 Kansans with all types of disabilities, of all ages from every county in the state of Kansas. I will never forget my first experience at the Caucus. In every region of the state folks talked about wanting to go to work, yet the Social Security system had determined them too disabled to work and IF they went to work they would no longer have health care coverage. It was a Catch 22! The SS system literally held people hostage and determined that they would live a life of poverty forever. And why? Because they had a disability!

Fortunately, in Kansas, the Legislature and the Governor took advantage of the opportunity offered in the Ticket to Work/Work Incentives Act (TWWIA) and was awarded funding to implement the Medicaid Buy-in program in October, 2000.

Since FY 2000, the Kansas Medicaid Buy-in program or Working Healthy has witnessed continuous growth. Over time enrollees have increased their earnings, paid taxes and substantially decreased their medical expenditures.

Nationwide, unemployment for people with disabilities is approximately 70%. According to the 2006 *American Community Survey (ACS)*, 45.3 % of Kansans with disabilities, ages 21 through 64 are employed, compared to 79.9 % of people in the same age range without disabilities. The 2006 ASC also reports that 34% of Kansans with disabilities live below 150% of the Federal Poverty Level, compared to 16% of their non-disabled peers. And United Cerebral Palsy (UCP) reported in *The Case for Inclusion 2008* that only 10% of Kansans with developmental disabilities are in supportive or competitive employment, ranking Kansas 46th in the nation in terms of supporting meaningful employment.

With these startling statistics, the SILCK feels the time is right and strongly supports HB 2336. Now is the time to call on all state agencies to review their policies, practices and procedures to ensure a consistent focus on competitive, integrated employment as the

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT

DATE: 02/21/2011

ATTACHMENT: 8-1

optimal outcome for people with all types of disabilities while promoting an 'Employment First' policy.

Part of the economic downturn we are experiencing now relates to the unemployment or underemployment of people with disabilities. Individuals with disabilities have low incomes, no assets, and no or limited housing and transportation options. As a result, they rely heavily on publicly funded systems for support, including programs such as food stamps, energy assistance, MediKan and Medicaid, Social Security, subsidized housing and transportation, etc.

Promoting competitive, integrated employment or self-employment, and offering these as the first option for individuals with all types of disabilities, including those with developmental disabilities, will result in less dependence on these publicly financed programs for some people, and a complete break from these financial supports for others.

On a more humane level, it is through work that most people become engaged in their communities. Unemployment and segregated employment isolate individuals with disabilities from their communities, limits their access to the income necessary to participate in community activities, allows them to focus on their limitations and needs rather than what they can offer, and discourages the personal growth that comes with new and varying experiences.

HB 2336 calls for state agencies to:

- Inventory state plans, strategic plans, and mission and vision statements, to ensure competitive, integrated, employment of people with disabilities is encouraged and supported.
- Identify policies and procedures within agencies that are a disincentive to competitive, integrated employment of people with disabilities, and revise these so that they support competitive, integrated employment.
- Implement changes necessary to coordinate employment programs across agencies to maximize the employment of Kansans with disabilities, as well as tap into an under-utilized source of labor.
- Explore the possibility of implementing new initiatives that will increase the number of Kansans with disabilities who are competitively employed.
- Identify mechanisms for determining baseline data of how many people with disabilities are currently employed in Kansas, how many become employed, and the fiscal impact of their being employed
- Report annually to the Governor the number of employed Kansans with disabilities and the fiscal impact for the state.

In conclusion, the SILCK whole heartedly supports HB 2336 and urges this committee to report it favorably for passage.

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT
DATE: 02/21/2011
ATTACHMENT: 8-2



Kansas Council on Developmental Disabilities

SAM BROWNBACK, Governor
KRISTIN FAIRBANK, Chairperson
JANE RHYS, Ph. D., Executive Director
jrhys@kcdd.org

Docking State Off. Bldg., Rm 141,
915 SW Harrison Topeka, KS 66612
785/296-2608, FAX 785/296-2861
<http://kcdd.org>

"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

House Committee on Commerce and Economic Development Regarding H.B. 2336

February 21, 2011

Mr. Chairman, Members of the Committee, thank you for the opportunity of appearing before you today regarding House Bill 2336. We support House Bill 2336 with the balloon amendment offered by Rocky Nichols of the Disability Rights Center. The Kansas Council on Developmental Disabilities is a federally mandated and funded entity under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000. We receive no state funds.

The Council has been active in employment of persons with developmental disabilities for over 20 years, funding various employment programs including a well-attended summit and also providing grants to persons who have a developmental disability to start their own business. I have provided posters that show individuals with a disability working in the community. Bea, the young lady at the top of the green poster, started her business with funding from the Council. Other grantees have businesses such as kettle corn, lawn care, honey and honey products (not only honey sticks but also lotions that contain honey), pet care products, and document shredding.

Having a job is something that helps define who we are. When you meet a person for the first time, in addition to where are you from, we often ask, "What do you do?" People are proud of having a job, whether it is teacher, farmer, business owner, carpenter, etc. People with disabilities are no different. They are also defined in part by what they do.

In the "Case for Inclusion 2010" by United Cerebral Palsy, research is presented that shows Kansas ranking 46th in employment of persons who have a developmental disability in 2009. We have supportive or competitive employment for only 10% of this population. We are saddened by this

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT
DATE: 02/21/2011
ATTACHMENT: 9-1

statistic and concerned that it shows that Kansas does do well getting persons who have a developmental disability employed. House Bill 2336 would make it the policy of Kansas that these individuals, just like the rest of us, can and should be getting a job. It is not about the poor economy because we did not become 46th in the nation overnight, it has taken several years for us to get in this position. It is about the values that Kansas has and the unused workforce who we should be putting to work.

Last week I was provided information on the national workforce. In 2010 there were 10% more people entering the work force than leaving the workforce. Projections are that by 2020 there will be 15% fewer entering the workforce than exiting and the workforce will become much more diverse and older. Kansas is trying to attract new businesses to our state. To do this, we need more available workers. We have a population of persons with disabilities who can and want to work. We must make it the policy of Kansas that we help them find employment!

Again, we thank you for permitting us to testify and would be happy to answer any questions.

Jane Rhys, Ph.D., Executive Director
Kansas Council on Developmental Disabilities
Docking State Office Building, Room 141
915 SW Harrison
Topeka, KS 66612-1570
785 296-2608
jrhys@kcdd.org

Subrankings of States in Four Key Outcomes And Data Elements

<i>Allocating Resources to Those in the Community (Non-ICF-MR)</i>			<i>Supporting Individuals in the Community and Home-like Settings</i>			<i>Keeping Families Together through Family Support</i>			<i>Supporting Meaningful Work</i>		
% of ID/DD Expenditures on non-ICF-MR	Rank		% Living in Settings with 1-3 Residents	Rank		Families Supported with Family Support per 100k of Population	Rank		% in Supportive or Competitive Employment	Rank	
100% Alaska	1		98% Nevada	1		537 New Mexico	1		77% Oklahoma	1	
99% Vermont	2		98% Vermont	2		348 New Hampshire	2		61% Washington	2	
99% New Hampshire	3		95% Arizona	3		309 Arizona	3		51% Connecticut	3	
99% Michigan	4		95% New Hampshire	4		308 Montana	4		48% Vermont	4	
98% Oregon	5		93% Idaho	5		261 South Dakota	5		45% Louisiana	5	
98% Arizona	6		90% California	6		228 Alaska	6		44% Massachusetts	6	
97% Rhode Island	7		90% Kentucky	7		228 New Jersey	6		38% Maryland	7	
95% Colorado	8		89% Washington	8		227 Connecticut	8		38% Pennsylvania	7	
94% Hawaii	9		89% New Mexico	9		224 California	9		35% Alaska	9	
94% New Mexico	10		89% Alaska	10		216 Massachusetts	10		35% Colorado	9	
93% Maryland	11		88% Hawaii	11		216 New York	10		34% New Mexico	11	
90% Minnesota	12		87% Georgia	12		214 Vermont	12		34% Oregon	11	
90% Montana	13		85% West Virginia	13		213 Hawaii	13		32% Utah	13	
89% Alabama	14		85% Colorado	14		211 South Carolina	14		30% South Dakota	14	
88% California	15		81% Delaware	15		206 Delaware	15		29% Nebraska	15	
87% Kansas	16		81% New Jersey	16		199 Wisconsin	16		29% New Hampshire	15	
86% Nevada	17		81% Florida	17		199 Wyoming	16		28% Iowa	17	
86% Wisconsin	18		81% Ohio	18		185 Pennsylvania	18		26% Delaware	18	
86% Wyoming	19		80% South Carolina	19		181 Louisiana	19		26% Georgia	18	
84% Maine	20		80% Maryland	20		157 Minnesota	20		24% Michigan	20	
84% Georgia	21		80% Tennessee	21		139 Maryland	21		23% Virginia	21	
84% South Dakota	22		80% Montana	22		139 Mississippi	21		22% Florida	22	
83% West Virginia	23		79% Alabama	23		131 Oklahoma	23		22% Indiana	22	
82% Missouri	24		79% Oregon	24		129 Kansas	24		22% Ohio	22	
82% Connecticut	25		79% Virginia	25		129 Missouri	24		21% Kentucky	25	
82% Massachusetts	26		78% North Carolina	26		123 West Virginia	26		21% Maine	25	
82% Washington	27		78% Michigan	27		117 Washington	27		21% Wyoming	25	
82% Delaware	28		73% Massachusetts	28		113 Florida	28		20% Rhode Island	28	
80% Florida	29		77% Missouri	29		113 Michigan	28		20% Tennessee	28	
78% Pennsylvania	30		76% Iowa	30		105 Ohio	30		20% Texas	28	
78% Idaho	31		76% Utah	31		105 Tennessee	30		19% North Carolina	31	
75% Ohio	32		74% Connecticut	32		103 Nevada	32		16% Nevada	32	
75% Nebraska	33		73% Maine	33		100 Texas	33		16% Wisconsin	32	
75% Oklahoma	34		73% New York	34		95 North Dakota	34		15% Idaho	34	
75% Tennessee	35		72% Kansas	35		87 Illinois	35		15% Minnesota	34	
74% Dist. of Columbia	36		71% Louisiana	36		76 Georgia	36		15% Mississippi	34	
73% Indiana	37		71% Indiana	37		74 Colorado	37		15% North Dakota	34	
73% South Carolina	38		69% Pennsylvania	38		69 Rhode Island	38		14% Arizona	38	
72% Utah	39		68% Oklahoma	39		67 Iowa	39		14% Montana	38	
70% Kentucky	40		67% North Dakota	40		66 Indiana	40		14% New Jersey	38	
70% New York	41		67% Nebraska	41		62 Alabama	41		13% California	41	
70% Virginia	42		66% Wisconsin	42		52 Utah	42		13% Illinois	41	
70% North Carolina	43		66% Dist. of Columbia	43		50 Idaho	43		12% New York	43	
66% North Dakota	44		65% South Dakota	44		49 North Carolina	44		12% South Carolina	43	
66% Arkansas	45		65% Minnesota	45		42 Kentucky	45		11% West Virginia	45	
63% Iowa	46		63% Texas	46		41 Maine	46		10% Dist. of Columbia	46	
61% Illinois	47		62% Rhode Island	47		38 Virginia	47		10% Kansas	46	
61% New Jersey	48		59% Wyoming	48		35 Oregon	48		9% Missouri	48	
59% Texas	49		54% Arkansas	49		32 Nebraska	49		8% Hawaii	49	
53% Louisiana	50		50% Illinois	50		28 Arkansas	50		5% Alabama	50	
30% Mississippi	51		44% Mississippi	51		0 Dist. of Columbia	51		2% Arkansas	51	
77% US Average			81% US Average			144 US Average			21% US Average		

**Day Activities Of Adults
in CDDO Areas
Date Of Report: February 04, 2011**

Served

Agency based non-work activities 20 or more hours per week	1,493
Agency based non-work activities less than 20 hours per week	1,472
Attends school, 50% or more each day, with people who are not DD	113
Attends school, less than 50% of the day, with people who are not DD	456
Competitive employment 20 or more hours per week	299
Competitive employment less than 20 hours per week	631
Generic community activities 20 or more hours per week	880
Generic community activities less than 20 hours per week	2,644
Other	827
Work environment designed for person with DD, 20 or more hours per week	2,269
Work environment designed for person with DD, less than 20 hours per week	1,193

Individuals can have up to three activities

*Data submitted by CDDOs
SRS Division of Health Care Policy
Policy Evaluation, Research & Training
February 4, 2011*



Self Advocate Coalition of Kansas

Promoting Empowerment
and Independence

2518 Ridge Court #236
Lawrence, KS 66046
1-888-354-7225
785-749-5588
fax 785-843-3728
www.sackonline.org

I would like to thank the Representatives on this committee for the chance to offer testimony today.

My name is Kathy Lobb, and I am the Legislative Liaison for the Self Advocate Coalition of Kansas, better known as SACK.

I would like you to know that we are in full support of the Employment First Bill (HB 2336, DRC amended version of the bill) establishing the Employment First Initiative in Kansas.

Employment is an important part of adulthood, whether or not you have a disability. It gives people a chance to lift themselves out of poverty, and it gives them a sense of self worth. Too many day services for people with disabilities, however, don't focus on helping people find competitive jobs in the community.

The Employment First Initiative would help right that wrong.

The Employment First Initiative would help to turn people who use taxpayer dollars into taxpayers like myself.

The Employment First Initiative would help people who need supports to become more self reliant and independent.

I have worked in the community, and it has changed my life. I am now a homeowner; I am a taxpayer; and, I am a member of my community.

Please help other people with disabilities achieve what I have been able to do and sign House Bill 2336, the Employment First Initiative, into law.

Thank you,

Kathy Lobb



Martha Gabehart, Executive Director

Sam Brownback, Governor

Martha Gabehart, Executive Director
Kansas Commission on Disability Concerns (KCDC)
Testimony by Kerrie Bacon, Employment Liaison

House Commerce and Economic Development
In Support of HB 2336
February 21, 2011

Thank you Mr. Chairman and committee members for the opportunity to testify in support of HB 2336 which establishes the employment first policy and the Employment First Oversight Commission. I am Kerrie Bacon, Employment Liaison of the Kansas Commission on Disability Concerns (KCDC) and filling in for Martha Gabehart, Executive Director of KCDC.

KCDC is a catalyst for change in government for people with disabilities. We work with the governor, legislature and agencies on issues that affect people with disabilities. Our issue today is employment for people with disabilities. KCDC believes people with disabilities should work and play an active role in society. When people with disabilities work and are self-sufficient, they receive fewer government services and pay taxes, which also increase state revenues.

HB 2336 establishes:

- 1) A state policy that integrated, competitive employment is the first option for people with disabilities and
- 2) The Employment First Oversight Commission.

The policy will require all state programs that provide services to people with disabilities to refocus their programs to support integrated, competitive employment. KCDC believes this policy will move more people with disabilities off government services and into their communities as active, taxpaying citizens.

KCDC encourages you to pass this bill favorably out of committee. Thank you for this opportunity.



INDEPENDENCE INCLUSION INNOVATION

February 21, 2011

TO: Representative Anthony Brown, Chair and
Members, House Committee on Commerce and Economic Development

FR: Tom Laing, Executive Director, InterHab

RE: House Bill 2336, "The Employment First Initiative"

The membership of InterHab applauds this effort to highlight the importance of creating opportunities for employment of Kansans with developmental disabilities. This is a policy matter in which Legislative support and guidance is imperative.

We urge the committee's recognition that the community DD network currently offers a wide range of employment and training services to persons with developmental disabilities. The range includes serving and supporting those with limited skills or experience –valuable opportunities to discover individual interests and to develop work-skills – and the range also includes job placement, from the actual location of jobs, to the training to meet the job's requirements, the placement into jobs, and the supports when needed to help each person succeed in those jobs.

We appreciate that this bill envisions a mission which we share, in which each person makes it in his or her own way, and own time, each directed to their own employment goals. By calling out competitive employment as the priority of the State, we encourage a higher aspiration for our society as well as for each person. By also recognizing the individualized pace and goals and interests of each person, we can also recognize and respect their choices as well.

We appreciate the work of the Employment First task Force, and for this committee's thoughtful consideration of this proposed legislation.

Our organization believes that the active and involved presence of the legislature is vital in the formulation and enforcement of policies which promote productive employment opportunities for persons with disabilities. We urge that this bill be adopted, and moved forward, and that this committee lead efforts among all House members to become more involved in support for employment needs of persons with developmental disabilities.

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT
DATE: 02/21/2011
ATTACHMENT: 12-1

Written Testimony In Support of HB 2336

February 21, 2011

Respectfully Submitted by the National Multiple Sclerosis Society, Mid America Chapter

The National MS Society Mid America Chapter serves the needs of more than 40,000 Kansans who are affected by MS. Multiple sclerosis (MS) is a neurological disease affecting the central nervous system which results in mild, moderate or severe symptoms like numbness, paralysis, cognitive issues, and vision problems. MS onset occurs at the prime of life, typically being diagnosed in people ages 20-50; however, with improved diagnostic capabilities we are seeing much younger onset becoming more prevalent. It affects women more often than men (2/3 are women) and it is a predominantly Caucasian disease. A hallmark of MS is its unpredictability – it does not manifest exactly the same in everyone and even one person's experience with their own symptoms is unpredictable from one day to the next. For example, a person may experience a really bad day when they are unable to function due to numbness or fatigue (described like a "melting" or "fading" kind of fatigue), or an exacerbation can occur leaving a person unable to perform activities of daily living for a limited period of time.

We are submitting testimony today in support of the Employment first bill, HB 2336. Employment initiatives are of enormous concern to the people living with MS and their families. At the time of diagnosis, the vast majority of people is either working full-time or have been previously. Then 10-15 years later, less than half are able to maintain their same full-time employment. We hear story after story from people in Kansas living with MS about employment issues. For some, it takes absolutely every bit of energy to make it through their work day, and then little if any is left for their families at the end of the day. For some, they have been forced to change jobs due to the physical demands required (i.e. travel). One gentleman, David, is a lawyer, and could not continue his successful practice as physical demands led to too many problems with his MS. The MS Society helped two of David's sons with scholarships to begin college, but this barely scratches the surface of their needs – and David's mind is sharp and he is able to contribute. Amy, a hospital employee living with MS, is currently working on her Masters Degree (while working) in hopes of landing a job with more desk time and less time walking the floor for long shifts. Karen has a great job and she and her husband depend on her salary to support their three children – and Karen is struggling with day to day challenges of her demanding role in sales and managing her MS. Karen recently approached a vocational rehabilitation professional in hopes of finding support towards earning a higher degree that would give her more opportunity to be behind a desk, but the VR was unable to provide assistance in her situation. Tina is a Georgetown-trained lawyer who is receiving in-home support to manage her MS but desperately searching for ways to utilize her education, training and keep her mind sharp. Blake was diagnosed with MS and has struggled to continue working in construction as the physical demands are difficult and his balance is an issue. Blake has a young daughter and needs his insurance so he feels trapped as he never imagined he couldn't depend on his own body to cooperate.

People across the board are happier when they are contributing to the greater society in some way. MS illustrates a vast array of people who are able to contribute to the Kansas economy in very meaningful ways – but in many cases, require modifications or support in identifying what and how.

We support HB 2336 because it is important that employment initiatives are a front-line discussion. At any social gathering, you will always be asked by someone "What do you do?" or "Where do you work?" Many people identify themselves by the work they do. We advocate that people with MS, and other disabilities, have the same opportunities to realize their personal potential, whenever possible. HB 2336 is beneficial for people living with disabilities and for our Kansas economy.

Respectfully submitted by,

Amy Goldstein, Director of Programs, National Multiple Sclerosis Society, Mid America Chapter

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT

DATE: 02/21/2011

ATTACHMENT: 13-1

House Committee on Commerce and Economic Development
Regarding H.B. 2336

February 21, 2011

A mainstream approach to my life: Poppin Joe's Kettle Korn.

Self-employment works for me - with significant disabilities. I have strengths, interests, and preferences and I have the ability to work when given choices, respect, support, hope and opportunities. And yes, I also have labels, down syndrome, autism, epilepsy and little to no verbal communication. These labels are what keeps people like me from being employed.

In 2005, I became the owner of Poppin Joe's Kettle Korn. I have grown my business to gross sales last year of \$60,000. Poppin Joe's hires up to six part time employees and pays taxes. I have some help like other business owners - a manager, book keeper, laborers.

The community outcomes for me are tremendous. People look for me - POPPIN JOE! Everyone in my community of Louisburg knows me and greets me. Some even include me in their activities. I rent a small home there. It's a place where I belong and am accepted.

I was invited to be on an Employment Panel for a Congressional committee briefing for Autism last summer in Washington DC. Awesome!

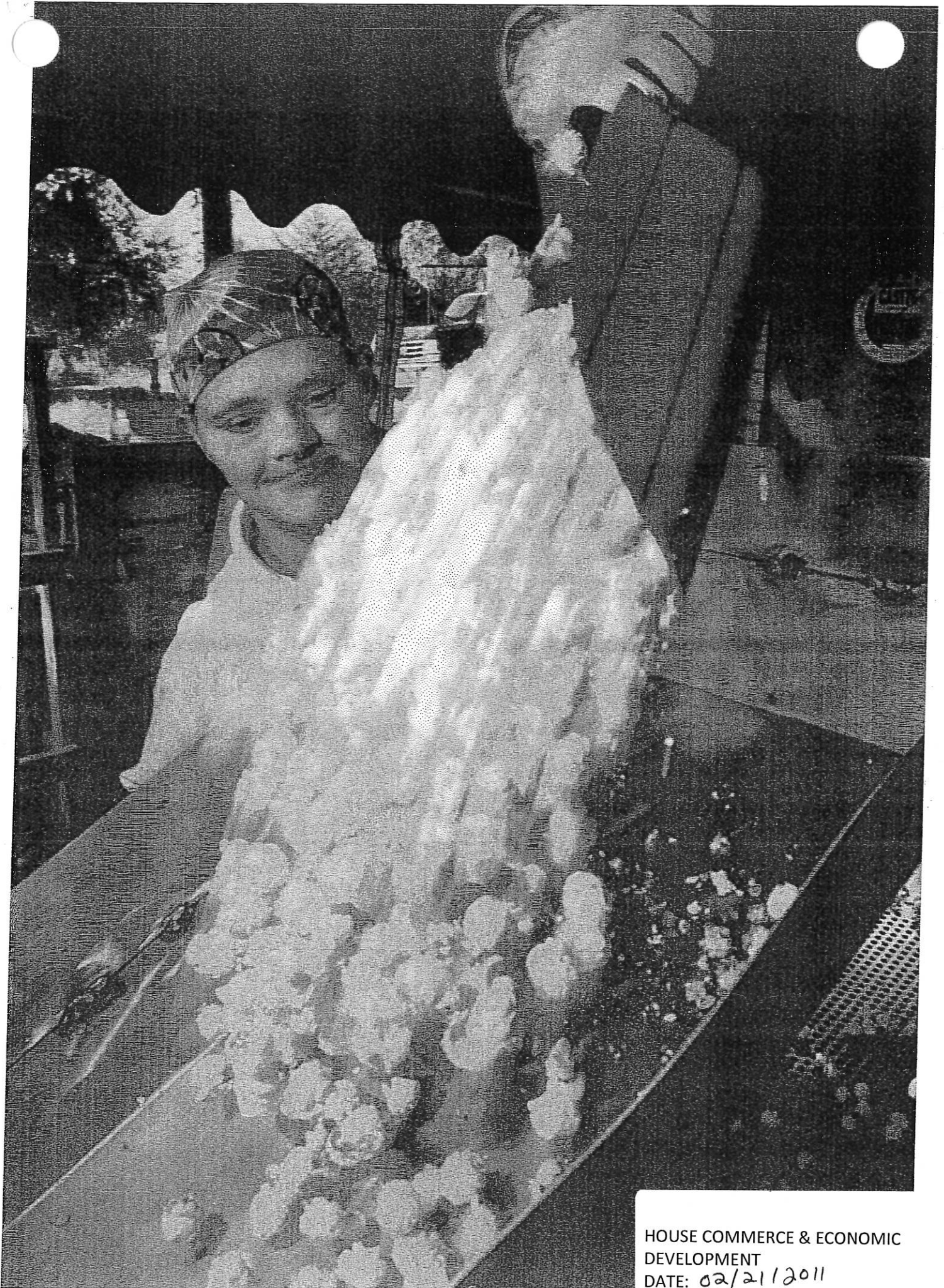
Please know that opportunity awaits all who are willing to see the value in the strengths and giftedness of people like me in the workforce. We are an untapped resource in Kansas. Thank you for supporting employment first.

Joe Steffy, 25 years old
owner and operator of Poppin Joe's Kettle Korn since 2005
Louisburg, KS 66053

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT

DATE: 02/21/2011

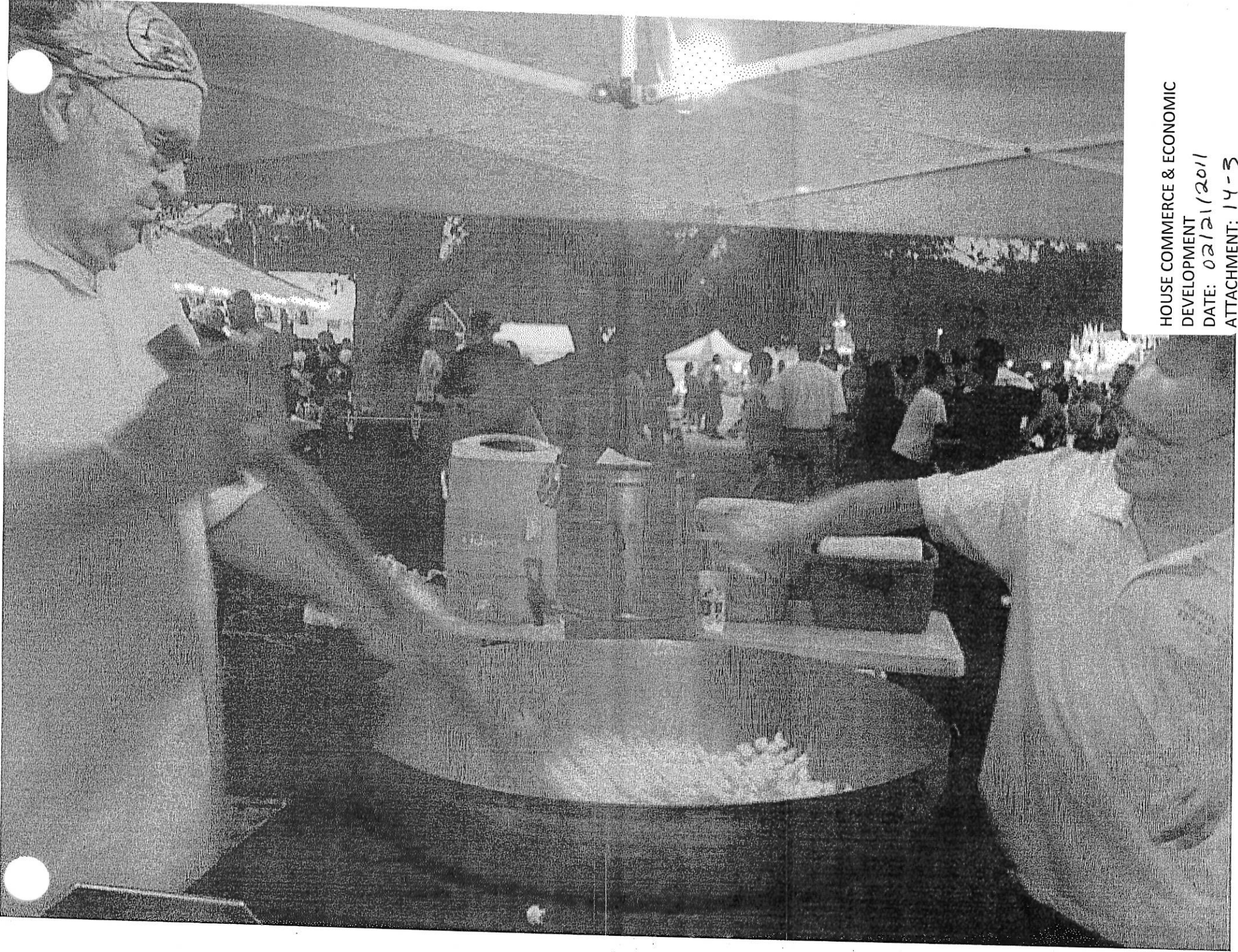
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HOUSE COMMERCE & ECONOMIC
DEVELOPMENT

DATE: 02/21/2011

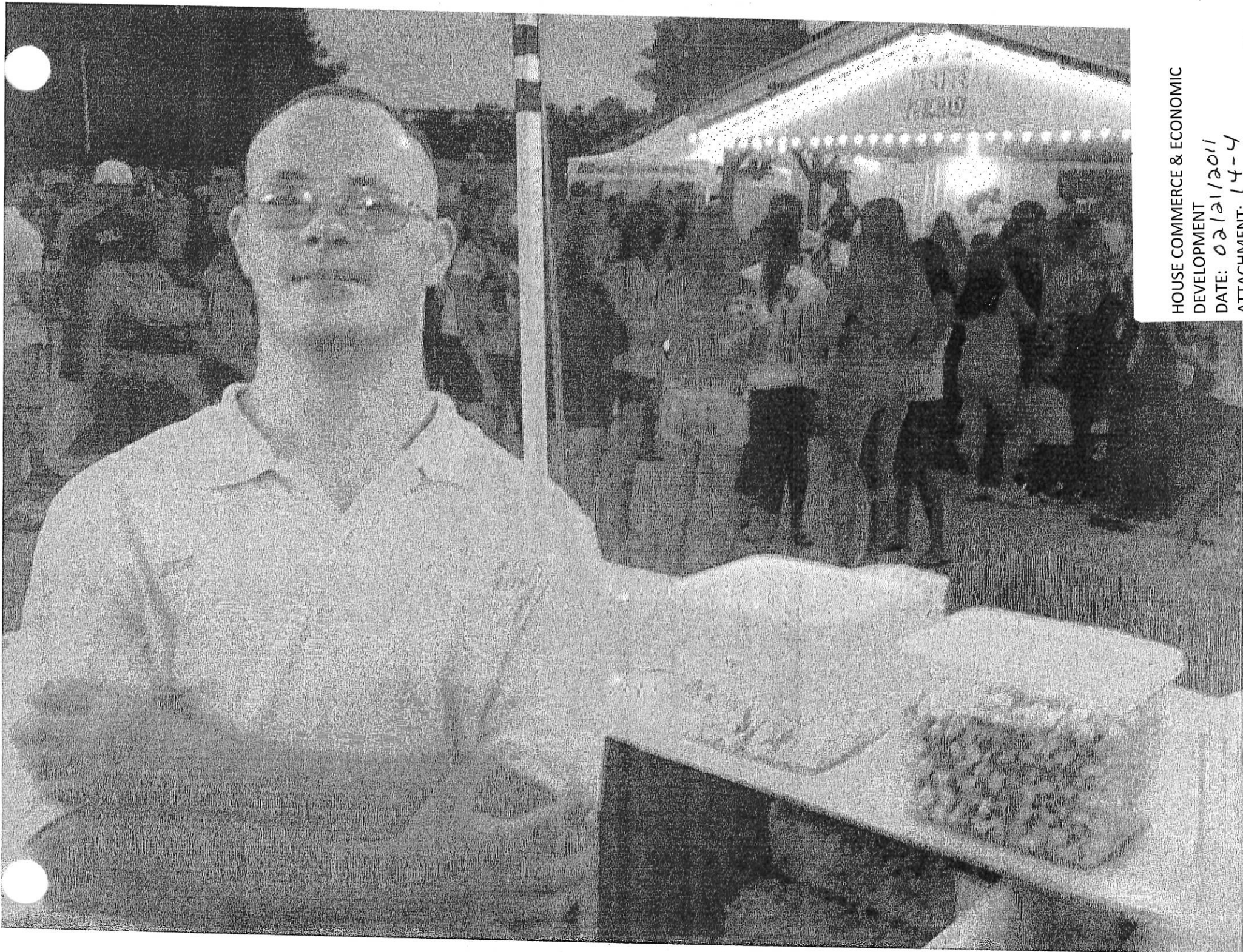
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HOUSE COMMERCE & ECONOMIC
DEVELOPMENT

DATE: 02/21/2011

ATTACHMENT: 14-3



HOUSE COMMERCE & ECONOMIC
DEVELOPMENT
DATE: 02/21/2011
ATTACHMENT: 14-4



HOUSE COMMERCE & ECONOMIC
DEVELOPMENT
DATE: 02/21/2011
ATTACHMENT: 14-5

**Testimony to the House Commerce and Economic Development
Committee
Support of HB 2336 - The Employment 1st Initiative Act
February 21, 2011**

Chairman Anthony Brown and members of the Committee, my name is Jane Adams, Ph.D., Executive Director of Keys for Networking, Inc. Keys is a statewide parent information exchange to promote physical and behavioral health for children and youth with serious emotional disabilities.

I am testifying in support of HB 2336 with the technical correction suggested by the Disability Rights Center. The Employment First bill is the right public policy for the state of Kansas. I understand the bill does three main things:

- 1) Sets as the official policy of the state of Kansas that integrated, competitive employment shall be considered the first option. This policy applies to the state services and supports that help find people with disabilities employment. Kansas current ranks nearly last in the nation in the percentage of people with disabilities who are in competitive, integrated employment.
- 2) Ensures coordinated efforts among agencies to increase collaboration and ensure that state programs, policies, procedures and funding support this state policy regarding competitive and integrated employment.
- 3) Sets up an oversight commission to help set the goals, outcomes and objectives toward meeting this policy, and makes an annual report to the legislature in this regard. This commission is important because it is the accountability component and checkpoint that ensures the policy enacted by the Legislature is actually realized.

Thank you for your time and attention to this bill.

Technical Amendment

HOUSE BILL No. 2336

By Committee on Federal and State Affairs

2-14

AN ACT establishing the Kansas employment first initiative act and creating the Kansas employment first oversight commission.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This act shall be known as and cited as the Kansas employment first initiative act.

(b) It is hereby declared to be the policy of the state of Kansas that competitive and integrated employment shall be considered its first option when serving persons with disabilities who are of working age to obtain employment ~~for state employment and for those entities that contract with state agencies to provide employment for persons with a disability.~~ This policy applies to programs and services that provide services and supports to help obtain support the employment of for persons with disabilities. All state agencies shall follow this policy and ensure that it is effectively implemented in their programs and services.

Sec. 2. (a) All state agencies shall coordinate efforts and shall collaborate within and among such agencies to ensure that state programs, policies, procedures and funding support competitive and integrated employment of individuals with disabilities. All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward full implementation of the act.

(b) State agencies are authorized to adopt rules and regulations to implement this act.

Sec. 3. (a) There is hereby established a Kansas employment first oversight commission consisting of five members. The commission shall consist of the following members who shall serve for a two-year term:

(1) Four members who are persons with a disability or who are knowledgeable of disability issues and who are not state employees, of whom:

- (A) One shall be appointed by the speaker of the house of representatives;
- (B) one shall be appointed by the minority leader of the house of representatives;
- (C) one shall be appointed by the president of the senate; and
- (D) one shall be appointed by the minority leader of the senate;

(2) one member who is experienced with employment service programs and who is not a state employee shall be appointed by the governor.

(b) The governor shall designate one member to convene and organize the first meeting of the commission at which the commission shall elect a chairperson and a vice-chairperson from among its members. The commission shall meet at least four times a year and, additionally, whenever called by the chairperson. A quorum shall consist of three members. All actions of the commission shall be taken by a majority of the members of the commission.

(c) Each member of the commission shall be paid mileage and other expenses as provided by K.S.A. 75-3212, and amendments thereto.

(d) The commission shall establish measurable goals and objectives for the state of Kansas to ensure implementation of this act. The commission shall track the measurable progress of public agencies in implementing this act. All state agencies shall fully cooperate with and provide data and information to assist the commission in carrying out its duties.

(e) The commission shall issue an annual report on or before January 1 each year which shall be presented to the governor and members of the state legislature. The report shall detail progress toward the goals and objectives and full implementation of this act. All state agencies shall cooperate with the commission on the creation and dissemination of the annual report. The report also shall identify barriers to achieving the outcomes along with the effective strategies and policies that can help realize the employment first initiative.

(f) The department of social and rehabilitation services shall be the lead agency responsible for compiling data and coordinating the preparation of the annual report at the direction of the commission.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT

DATE: 02/21/2011

ATTACHMENT: 15-2

To: Representative Anthony Brown, Chair
House Commerce and Economic Development Committee

From: Wendy Parent-Johnson, Ph.D.
Kansas University Center on Developmental Disabilities

Date: February 21, 2011

RE: House Bill 2336, Kansas Employment First bill

I am submitting my written comments today in support of the DRC amended version of HB 2336. I commend the Committee's efforts to address a significant problem in Kansas, namely the high unemployment rates of persons with disabilities, and to demonstrate the essential leadership to reverse these trends in Kansas. I share with you my experiences as a national leader with more than 25 years of experience in the area of integrated competitive employment for individuals with significant disabilities.

Employment First is an exciting new public policy that is gaining increased momentum at the state and federal levels. It establishes the idea that integrated competitive employment is the first option for all individuals regardless of disability level or support needs. This is significant in that it changes the way we think and overtime changes the way we do things with funding streams and service delivery practices eventually following suit. To date, numerous states have implemented some type of Employment First activity; however, Kansas will be the first to consider legislation that translates Employment First policy into concrete and measurable practice and ultimately outcomes.

Since the 1970's, it has been well-documented that individuals with even the most severe disabilities can work competitively within their communities via supported employment services (Wehman, Inge, Revell, & Brooke, 2007). Further, numerous studies have found that supported employment programs can be not only financially advantageous for the worker with disabilities, but also cost-efficient for taxpayers and funding sources as well (Cimera, 2010). Despite this evidence, the majority (75%) of individuals with disabilities are unemployed (National Council on Disability, 2007) or enrolled in segregated workshop programs earning as little as 10% of minimum wage with little chances of movement to integrated employment (National Disability Rights Network, 2011). "Sheltered workshops are just another institution segregating our neighbors away because of our unwillingness to accept that our own preconceived ideas about the work place might be wrong. It's time to do things differently." (National Disability Rights Network, 2011, p. 51). This landmark legislation would do just that for the state of Kansas and fits right in line with the other institutional closings that have occurred in the past and are being considered currently in Kansas.

HOUSE COMMERCE & ECONOMIC
DEVELOPMENT
DATE: 02/21/2011
ATTACHMENT: 16-1

Why talk about work?

- Employers express positive attitudes toward workers with disabilities and are willing to hire employees with extensive support needs when they receive competent services from disability employment programs (Katz & Luecking, 2009).
- Individuals with disabilities tell us they want to work and have made employment their priority (Alliance for Full Participation, 2009; SACK, 2009).
- Supported and customized employment strategies are effective at meeting the hiring needs of the employer and the support needs of the employee resulting in a cost-efficient alternative to sheltered work and day services (Cimera, in press; Wehman, Inge, Revell, & Brooke, 2007).

What are the benefits?

Work is a valued activity in our society. It provides a meaningful activity to one's day and opens doors for developing relationships with others. Work provides an income to support living and participating in one's community. Individuals who work become tax paying citizens and contributors to the Kansas economy. Research on 231,204 individuals working competitively with supported employment services between 2002 and 2007 indicate a net benefit to taxpayers of \$3,016.08 per person; a benefit –cost ration of \$1.46. Variations across the United States and its territories range from \$3.57 to \$.37 with Kansas reporting a benefit-cost ratio of \$1.20. *In other words, for every dollar spent to support someone in supported competitive employment yields a return on investment of \$1.20.*

What are the realities?

In Kansas in 2006, only 10% of the individuals receiving day work services using developmental disability dollars were in supported competitive employment; less than half of the national average reported at 21.5% (Braddock, 2008). We are tied at 47th in statewide rankings of percent of people who are in supported employment versus sheltered work and day programs (Braddock, 2008). In comparisons with other states on use of Medicaid dollars for meaningful employment, Kansas ranked 46th in 2007 and 2008, a decline from 44th in 2006 (United Cerebral Palsy, 2009). Kansas Developmental Disability Agency outcome data for 2008 indicate that only 19% of individuals served received integrated employment services (Butterworth, Smith, Hall, Migliore, & Winsor, 2010). It is reported that approximately 1,010 individuals with developmental disabilities are working in part or full time competitive employment while 6,125 individuals with developmental disabilities are currently being served in day programs in Kansas (SRS, February, 2010). In addition, vocational rehabilitation data from 2006 indicate that while Kansas follows the national downward trend in supported employment numbers, our state is reported to have approximately half the number of supported employment closures when compared to the national average (Institute on Community Inclusion, Retrieved 3/24/08 from <http://www.statedata.info>). An analysis of Vocational Rehabilitation Case Closures for 2008 indicate that approximately one third (33.8%) of individuals with developmental disabilities in Kansas became employed (Butterworth, Smith, Hall, Migliore, & Winsor, 2010).

What are the implications?

The cumulative cost of funding supported employment are significantly lower than sheltered work and day programs; \$6,618 versus \$19,388 (Cimera, 2008). In other words, for every individual we pay to attend a sheltered work or day program, three individuals could have been funded in community integrated employment (Cimera, 2008). Kansas currently spends the majority of its dollars on funding sheltered work and day programs – on the population of people for whom supported employment was developed and has proven to be effective. Multiple systemic issues contribute to the problem. A statewide employment first policy would begin to shift these outcomes by establishing integrated competitive employment as the first option for people with disabilities. No one agency or organization can do it alone. This bill would put everyone on the same agenda, working towards the same goal, with supported competitive employment as the expected outcome and the focus of limited resources. A collaborative effort will direct our attention to the challenges we must address in order to make integrated competitive employment a reality for our citizens with disabilities. As a result, individuals with disabilities will be afforded the opportunity to experience the benefits that employment has to offer. In addition, the state of Kansas will experience a positive economic benefit as we make the change from costly sheltered work and day services to cost-efficient supported employment services.

Thank you for the opportunity to submit my comments to you today. Please contact me by phone or email at (785) 864-1062 or wparent@ku.edu if you have any questions or would like additional information.

Respectfully Submitted,

Wendy Parent-Johnson, Ph.D.

Why I Work

Lynn Kohr

This is in support of Employment 1st. This story is an example of why competitive, integrated employment needs to be first priority.

I have been coping with a mental illness for 27 years. This is what I have hung on to. Working does many good things for me. It gives me something to do. It enables me to refocus my attention away from my mental illness. It is a part of my identity and the extra income certainly comes in handy.

However, one of the first steps in working is finding that job. Hardly anyone gets the first job they apply for. Most people have to put in a lot of applications. And persistence helps. When I first got out of the nursing home here in Wichita about 20 years ago, I wanted a job. I had some experience working in veterinary clinics and had even gone to school for a time in the veterinary field. I decided that I wanted to work in a pet store. I looked around a little and set my sights on a particular pet store. I went in to apply but they had no applications and they weren't hiring. But I wanted to work there. So I took some paper and filled out my own version of an application and told them what all I knew about animals and why I thought I would be a good employee for them. Then I went back several times, dressing up every time. Usually

I was only able to talk to the cashiers, but they convinced the manager to hire me, and I got the job. I worked there for almost 5 years, until they closed the store.

Once getting the job, it is important to maintain the job. I find it to be extremely important that I keep up my support networks, especially seeing my doctor regularly. Supports can include family, friends, doctors, therapists, case managers, counselors, church, programs such as Breakthrough Club, Comcare, and the Mental Health Association, and LASTLY, my employer. It is important to me that my employer is not my one and only support. I decided to disclose to my bosses that I have a mental illness, feeling that it might ease their mind to know that they are not my only support. I have always found it helpful to disclose. When I went to apply for my current job, I told the manager that I have a mental illness. At first she seemed to hesitate, looking a bit uncomfortable so I followed with a kind of mini course about mental illness. After explaining about my schizoaffective disorder and my supports, I was hired on the spot and started the next day and have now worked there for 15 years! My bosses have been very supportive and have really been understanding about problems that I might be having. If I begin to experience symptoms, they know that I am feeling stressed and they do what they can to reduce that stress, whether it be cutting my hours or giving me more breaks than usual. I have stayed out of the hospital for quite a while and I think that is largely because of my job.

There are so many benefits to working; I have been working since high school. Work has always been important to me. At the beginning it was almost exclusively for the money. During those times it seemed easy and I did well at what I did. Eventually, work became a struggle as I began to contend with my mental illness. I was even unable to work for a time. During a hospitalization at the state hospital in Topeka, I wanted a chance to do something outside of the hospital itself. So I somehow got permission to get a job. And I got one at a local veterinary clinic, cleaning kennels, giving dog and cat baths and that sort of thing.

That brings me to my first great benefit from working. It gives me something to do. I don't know about you, but if I'm left to myself with nothing scheduled to do, I do just that – nothing. And before I know it I'm not doing so well – maybe some depression, maybe some confusion, maybe isolation, maybe paranoia. And that can snowball – even into hospitalization. I learned early on that I need to be doing something every day. That's why I have asked to work every weekend. Those particular days would be really long if I wasn't working.

My next great, and possibly the greatest benefit from working, is that it enables me to refocus my attention away from my mental illness. It

used to be that all I ever thought about was being mentally ill. It occupied my every waking moment – and even in my dreams. There was even a time that it seemed that it would be all I would ever be consumed with. I couldn't imagine anything else. While there are appropriate times to be thinking about my own mental illness, clearly, all day, every day, year in and year out, can be detrimental to my health at this point in my recovery. Work gives me a way out of all that. Sometimes when I am at home, I think a lot about how I am feeling, especially when I am depressed or paranoid. Once I get to work, however, I focus on helping customers and doing my job, which I really like. And when I am anxious about going to work, I always feel better once I start working. I currently work as a reptile specialist...yes, a reptile specialist. I even have my own pet reptile – a 5 foot long snake named "Fluffy". I usually carry around pictures of him and my cat, "Riley". Well, I don't have any kids... Anyway, the main focus of my job is customer service – which I love! And not just in the reptile department. I can work in any area of the store, except cashier. For me, that position is extremely stressful. Luckily, my bosses work around that and they would rather have me work customer service than put me on the register, anyway.

A third great benefit to working is the money. Even with benefits adjustments, I have always made more money when working than when not working. I no longer receive an SSI check, but at this point I still

get an SSDI check every month. With that and the money I make at my part-time job I am able to make house payments on a condo- it's not quite as glamorous as it sounds, it is half of a duplex. But it's mine!

My final great benefit is that work is now a part of my identity. Once, I was a patient. That's it – a patient. Slowly, I became a patient, first and foremost, and an employee. Now being a patient is not even first and foremost. Now there are many parts to my identity. And when someone asks that question, you know the one – “What do you do?” – I have a great answer, one that I am very happy with.

As you can see, work has been very beneficial to me. While sometimes jobs are hard to find, they are worth it. Employment programs are often essential to getting those jobs for persons who have a disability and need extra support. School is also important to consider. It can help identify interests and can teach the knowledge and skills helpful in getting and maintaining meaningful work. Work has been instrumental in my recovery. I would not be as happy as I am today, without my job. And I am happy, I and would like to celebrate my job with all of you.