

SB 810 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 4/29, 5/13

WHAT THE MEASURE DOES:

The measure directs the Department of Human Services (DHS) and the Department of Education (ODE) to appoint statewide and regional Employment First advisory committees to make recommendations to DHS regarding opportunities for individuals with intellectual or developmental disabilities (IDD) to obtain competitive integrated employment (CIE). It directs DHS and ODE to annually collect and report employment outcome data to the state advisory committee. The measure requires DHS to ensure that employment services and vocational rehabilitation are designed to help individuals obtain CIE and do not take place in sheltered work settings and directs DHS to collaborate with other state agencies to establish a State as Model Employer program. The measure modifies statutory definitions and provisions relating to employment and vocational services for individuals with IDD.

Detailed Summary:

Employment First Advisory Committees

- Directs DHS, in collaboration with ODE, to appoint a statewide Employment First advisory committee to advise DHS on strategies to increase opportunities for individuals with IDD to obtain CIE.
- Specifies the scope and membership of the advisory committee.
- Directs the advisory committee to meet quarterly, and to annually:
 - review employment outcome data;
 - make recommendations for development and implementation of a statewide Employment First strategic plan; and
 - make policy and budget recommendations to the Governor and state agencies.
- Requires DHS and ODE to annually collect and report to the advisory committee data on employment outcomes for individuals with IDD.
- Directs DHS and ODE to establish regional Employment First committees to develop local strategies and instructs regional committees to report to the statewide advisory committee.
- Requires DHS to establish and provide staff support for regional interagency coordination, appoint a statewide Employment First coordinator, provide technical assistance to ensure sufficient provider capacity, and enter into an interagency agreement with ODE for the coordination of services.
- Directs DHS and ODE to appoint statewide and regional representatives to meet quarterly to coordinate Employment First services.
- Permits DHS and ODE to adopt rules to carry out the provisions.
- Becomes operative January 1, 2026.

Employment and Vocational Rehabilitation Programs and Services

- Requires DHS to ensure that employment services and vocational rehabilitation for individuals with IDD are designed to help obtain CIE.
- Prohibits DHS for funding employment services or vocational rehabilitation services that are in sheltered work settings.
- Directs ODE to ensure that transition services for students with IDD do not take place in a sheltered work setting or mock sheltered work setting.

State as Model Employer Program

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- Directs DHS, in collaboration with other state agencies, to establish a State as Model Employer to develop accessible and inclusive hiring practices for individuals with IDD and assist state agencies in implementing the practices.
- Permits DHS to adopt rules as necessary to implement the program.
- Becomes operative January 1, 2026.

Miscellaneous

- Adds a definition of “competitive integrated employment” as defined in federal law, to mean employment for individuals with IDD that provide comparable compensation, the same work environment, and opportunities for advances that are comparable to those provided to employees who are not individuals with IDD.
- Removes references to “productivity,” and adds references to “community participation” when referring to employment of and services for individuals with IDD.
- Replaces references to “severe disability” with “significant disability” as defined by federal law.
- Replaces references to rehabilitation “facilities” with “programs” and removes references to sheltered employment.
- Takes effect the 91st day following adjournment sine die.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

SENATE VOTE: Ayes, 27; Nays, 1; Excused, 2

ISSUES DISCUSSED:

- Current program funding
- Existing policies and programs
- *Lane v. Brown* settlement agreement
- Ability of individuals to request certain work settings
- Legislative oversight

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Employment First, as defined by the [U.S. Department of Labor](#), is framework for employment laws and vocational rehabilitation programs that promotes competitive integrated employment (CIE) and community life for individuals with intellectual and developmental disabilities (IDD). The federal [Workforce Innovation and Opportunity Act \(WIOA\)](#) defines CIE as work for which an individual:

- is compensated at or above minimum wage and comparable to the rate paid to employees without IDD performing similar duties with similar training and experience;
- receives the same level of benefits provided to employees without IDD in similar positions;
- works where the employee interacts with other individuals without IDD; and
- is presented opportunities for advancement similar to other employees without IDD in similar positions.

[According to the Department of Human Services \(DHS\)](#), Oregon first adopted its [Employment First policy](#) in 2008. In 2012, a class-action lawsuit, [Lane v. Brown](#), alleged that the state’s continued operation of sheltered workshops, which are segregated work environments for individuals with IDD, violated the federal American with Disabilities Act of 1990. The state entered into a settlement agreement, agreeing to phase out the use of sheltered workshops and transition affected workers into jobs in the community at competitive wages, which ultimately resulted in the case being dismissed in 2022. In 2019, the Legislative Assembly passed [Senate Bill 494](#) which directed employers to phase-out the subminimum wage for workers with intellectual and developmental

disabilities and required equal pay by July 1, 2023.

PRELIMINARY