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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

Com. Sub. for
HOUSE BILL NO. 2482

(By Delegate Mr. Speaker, Mr. Chambers, & Delegates
Mazzatosta, D. Miller, Bennett, Collins, Frealy & White)



Passed April 10, 1993

In Effect ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 2482

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATES MEZZATESTA,
D. MILLER, BENNETT, COLLINS, FEALY AND L. WHITE)

[Passed April 10, 1993; in effect ninety days from passage.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article ten-i, relating to providing supported employment services to persons with disabilities through the West Virginia division of rehabilitation services; setting forth findings; defining terms; establishing a model supported employment program; specifying services which may be provided under the program; setting forth eligibility criteria; setting forth the eligibility requirements and primary focus of the program; and providing for the administration and implementation of the program.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article ten-i, to read as follows:

ARTICLE 10I. WEST VIRGINIA SUPPORTED EMPLOYMENT PROGRAM.

§18-10I-1. Findings.

- 1 (a) The West Virginia Legislature acknowledges that
- 2 persons with severe disabilities can be productive,

3 contributing members of the community, and that
4 supported employment is a way of accomplishing the
5 goal of employment for many persons with severe
6 disabilities.

7 (b) If persons with disabilities are afforded opportu-
8 nities to work in socially valued jobs with dignity,
9 opportunities for advancement, and fair pay and
10 compensation, then West Virginians with disabilities
11 will lead more independent and productive lives, pay
12 taxes, and decrease their need for public assistance.
13 Studies have shown that supported employment is cost
14 effective, and it is in the interest of the Legislature and
15 the citizens of West Virginia to experiment within
16 limited resources, through a model program of sup-
17 ported employment for persons with severe disabilities.

§18-10I-2. Definitions.

1 (a) "Competitive work" means work performed weekly
2 on a part-time or full-time basis, as determined in each
3 individualized written rehabilitation program, and for
4 which compensation is consistent with the wage stand-
5 ards provided for in the Fair Labor Standards Act.

6 (b) "Division of rehabilitation services" means the
7 state agency created by section one, article ten-a,
8 chapter eighteen of this code.

9 (c) "Integrated work setting" means job sites where
10 one or more non-handicapped or non-disabled individu-
11 als interact with one or more handicapped or disabled
12 employees on a regular basis in the performance of their
13 respective job duties.

14 (d) "Supported employment" means competitive work
15 in an integrated work setting with on-going support
16 services for persons with a severe disability for whom
17 competitive employment has not traditionally occurred
18 or has been interrupted or intermittent as a result of
19 severe handicaps.

20 (e) "Person with a severe disability" means an
21 individual who has a severe physical or mental impair-
22 ment which seriously limits one or more functional
23 capacities (such as mobility, work tolerance, self-care,
24 self-direction, or interpersonal, communication or work

25 skills) in terms of an employment outcome; and who will
26 require multiple vocational rehabilitation services over
27 an extended period of time.

§18-10I-3. Supported employment program.

1 (a) Within the available funds as appropriated by the
2 Legislature, the division of rehabilitation services shall
3 establish a model supported employment program in an
4 unserved area of the state. The model program shall be
5 selected through a request for proposal process includ-
6 ing proposal review and selection by the West Virginia
7 division of rehabilitation services in cooperation with the
8 state developmental disabilities planning council.

9 (b) The model supported program and existing
10 supported employment programs approved by the West
11 Virginia division of rehabilitation services shall promote
12 employment services to eligible individuals including:

13 (1) Job development services to secure competitive
14 jobs;

15 (2) Services to assist the person with a severe
16 disability in maintaining his or her supported employ-
17 ment position; and

18 (3) Other employment services not funded through the
19 West Virginia division of rehabilitation services federal
20 Title I and Title VI, Part C programs.

21 (c) An existing sheltered workshop shall implement
22 the model program selected to be established, with the
23 advice and consultation of the state developmental
24 disabilities planning council.

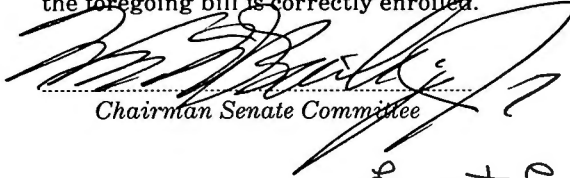
25 (d) The division of rehabilitation services shall
26 administer the supported employment program.

§18-10I-4. Eligibility; primary focus.

1 (a) The primary focus of the supported employment
2 program is providing employment supports for persons
3 with severe disabilities who have never worked or have
4 only worked intermittently due to their disability.

5 (b) To be eligible for the supported employment
6 program, a person must have a severe disability as
7 defined in section one of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



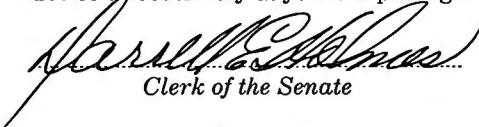
Chairman Senate Committee



Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

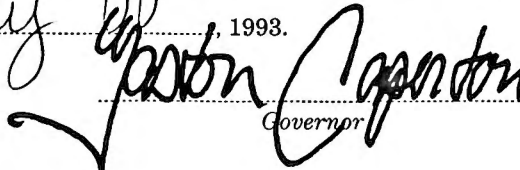


President of the Senate



Speaker of the House of Delegates

The within is approved this the 12th day of May 1993.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/93

Time 3:30pm