WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

ENROLLED

House Bill No. 2482

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


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

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

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

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

(e) “Person with a severe disability” means an
individual who has a severe physical or mental impair-
ment which seriously limits one or more functional
capacities (such as mobility, work tolerance, self-care,
self-direction, or interpersonal, communication or work
skilled) in terms of an employment outcome; and who will require multiple vocational rehabilitation services over an extended period of time.


(a) Within the available funds as appropriated by the Legislature, the division of rehabilitation services shall establish a model supported employment program in an unserved area of the state. The model program shall be selected through a request for proposal process including proposal review and selection by the West Virginia division of rehabilitation services in cooperation with the state developmental disabilities planning council.

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

1. Job development services to secure competitive jobs;
2. Services to assist the person with a severe disability in maintaining his or her supported employment position; and
3. Employment services not funded through the West Virginia division of rehabilitation services federal Title I and Title VI, Part C programs.

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

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

§18-101-4. Eligibility; primary focus.

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

(b) To be eligible for the supported employment program, a person must have a severe disability as 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