

## SC Employment First

### South Carolina General Assembly 124th Session, 2021-2022

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#### H. 3244

#### STATUS INFORMATION

General Bill

Sponsors: Reps. Collins, Cobb-Hunter, Huggins, Thayer, Anderson, Caskey, Govan and S. Williams

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Introduced in the House on January 12, 2021

Introduced in the Senate on March 3, 2021

Last Amended on May 12, 2021

Currently residing in conference committee

Summary: Employment First Initiative Act

#### HISTORY OF LEGISLATIVE ACTIONS

| Date      | Body   | Action Description with journal page number   |
|-----------|--------|---|
| --        |        |   |
| 12/9/2020 | House  | Prefiled  |
| 12/9/2020 | House  | Referred to Committee on <b>Labor, Commerce and Industry</b>  |
| 1/12/2021 | House  | Introduced and read first time ( <a href="#">House Journal-page 128</a> )   |
| 1/12/2021 | House  | Referred to Committee on <b>Labor, Commerce and Industry</b><br>( <a href="#">House Journal-page 128</a> )              |
| 1/13/2021 | House  | Member(s) request name added as sponsor: Huggins  |
| 2/2/2021  | House  | Member(s) request name added as sponsor: Thayer   |
| 2/18/2021 | House  | Member(s) request name added as sponsor: Anderson   |
| 2/24/2021 | House  | Committee report: Favorable with amendment <b>Labor, Commerce and Industry</b> ( <a href="#">House Journal-page 3</a> ) |
| 2/25/2021 | House  | Member(s) request name added as sponsor: Caskey, Govan, S.Williams  |
| 3/2/2021  | House  | Amended ( <a href="#">House Journal-page 35</a> )   |
| 3/2/2021  | House  | Read second time ( <a href="#">House Journal-page 35</a> )  |
| 3/2/2021  | House  | Roll call Yeas-106 Nays-9 ( <a href="#">House Journal-page 36</a> )   |
| 3/3/2021  | House  | Read third time and sent to Senate<br>( <a href="#">House Journal-page 12</a> )   |
| 3/3/2021  | Senate | Introduced and read first time ( <a href="#">Senate Journal-page 11</a> )   |
| 3/3/2021  | Senate | Referred to Committee on <b>Labor, Commerce and Industry</b>  |

([Senate Journal-page 11](#))

|           |        |  |
|-----------|--------|--|
| 4/27/2021 | Senate | Committee report: Favorable with amendment <b>Labor, Commerce and Industry</b> ( <a href="#">Senate Journal-page 6</a> )                     |
| 5/6/2021  | Senate | Committee Amendment Adopted ( <a href="#">Senate Journal-page 22</a> )   |
| 5/6/2021  | Senate | Amended ( <a href="#">Senate Journal-page 22</a> )   |
| 5/6/2021  | Senate | Read second time ( <a href="#">Senate Journal-page 22</a> )  |
| 5/6/2021  | Senate | Roll call Ayes-44 Nays-0 ( <a href="#">Senate Journal-page 22</a> )  |
| 5/7/2021  |        | Scrivener's error corrected  |
| 5/11/2021 | Senate | Read third time and returned to House with amendments ( <a href="#">Senate Journal-page 12</a> )   |
| 5/12/2021 | House  | Senate amendment amended ( <a href="#">House Journal-page 67</a> )   |
| 5/12/2021 | House  | Returned to Senate with amendments ( <a href="#">House Journal-page 67</a> )   |
| 5/12/2021 | House  | Roll call Yeas-108 Nays-3 ( <a href="#">House Journal-page 71</a> )  |
| 5/12/2021 | Senate | Non-concurrence in House amendment ( <a href="#">Senate Journal-page 25</a> )  |
| 5/13/2021 | House  | House insists upon amendment and conference committee appointed Reps. Cogswell, Collins, Jefferson ( <a href="#">House Journal-page 48</a> ) |
| 5/13/2021 | Senate | Conference committee appointed Shealy, Bennett, Sabb ( <a href="#">Senate Journal-page 29</a> )  |

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## VERSIONS OF THIS BILL

[12/9/2020](#)

[2/24/2021](#)

[3/2/2021](#)

[4/27/2021](#)

[5/6/2021](#)

[5/7/2021](#)

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

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May 12, 2021

### H. 3244

Introduced by Reps. Collins, Cobb-Hunter, Huggins, Thayer, Anderson, Caskey, Govan and S. Williams

S. Printed 5/6/21--S.

Read the first time March 3, 2021.

## **A BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "EMPLOYMENT FIRST INITIATIVE ACT" BY ADDING CHAPTER 5 TO TITLE 41 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO ESTABLISH POLICIES SUPPORTIVE OF COMPETITIVE AND INTEGRATED EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES, TO CREATE RELATED RESPONSIBILITIES FOR STATE AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE, TO CREATE THE "SOUTH CAROLINA EMPLOYMENT FIRST OVERSIGHT COMMISSION", AND TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE COMMISSION.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 41 of the 1976 Code is amended by adding:

### **"CHAPTER 5 Employment First Initiative Act**

Section [41-5-110](#). This chapter must be known and may be cited as the 'Employment First Initiative Act'.

Section [41-5-120](#). As used in this chapter:

- (1) 'Competitive integrated employment' means work in the competitive labor market that is:
  - (a) performed on a full-time or part-time basis in an integrated setting; and
  - (b) for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities.
- (2) 'Integrated setting' means, with respect to an employment outcome, a setting typically found in the community in which employed individuals with disabilities interact with individuals without disabilities, other than individuals who are providing

services to employees with disabilities, to the same extent that individuals without disabilities in comparable positions interact with other people.

Section [41-5-130](#). All state agencies and political subdivisions of this State are encouraged to consider adopting a policy that encourages competitive integrated employment for individuals with disabilities.

Section [41-5-140](#). All state agencies are encouraged to:

- (1) coordinate efforts and collaborate within and among themselves to ensure that state programs, policies, procedures, and funding support the competitive and integrated employment of individuals with disabilities;
- (2) share data and information across systems in order to track progress toward full implementation of this chapter, whenever feasible, and in accordance with all applicable state and federal confidentiality laws; and
- (3) adopt rules and promulgate regulations to implement the provisions of this chapter.

Section [41-5-150](#). (A) There is hereby established the 'South Carolina Employment First Oversight Commission' consisting of seventeen members. The commission consists of the following members who serve for a three-year term with a limit of two consecutive terms:

- (1) one must be appointed by the Governor from Protection and Advocacy for People with Disabilities;
- (2) one must be appointed by the Governor from the South Carolina Developmental Disabilities Council;
- (3) one must be appointed by the Governor from Able South Carolina;
- (4) one must be appointed by the Governor from the South Carolina University Center for Excellence in Developmental Disabilities;
- (5) one must be appointed by the Governor from a cross-disability, consumer-run, private entity;
- (6) two members representing the business community appointed by the Governor;
- (7) the State Superintendent of Education or his designee, serving ex officio;

(8) the Director of the South Carolina Department of Employment and Workforce or his designee, serving ex officio;

(9) the Director of the South Carolina Department of Disabilities and Special Needs or his designee, serving ex officio;

(10) the Director of the South Carolina Department of Mental Health or his designee, serving ex officio;

(11) the Director of the South Carolina Vocational Rehabilitation Department or his designee, serving ex officio;

(12) the Director of the South Carolina Commission for the Blind or his designee, serving ex officio; and

(13) four members, each of whom has a disability or substantial knowledge of disability issues and who is employed by a governmental or private entity which provides an employment service to individuals with disabilities, provided at least two of these members must have a disability. Of the members appointed pursuant to the item:

(a) one must be appointed by the Speaker of the House of Representatives;

(b) one must be appointed by the Minority Leader of the House of Representatives;

(c) one must be appointed by the President of the Senate; and

(d) one must be appointed by the Minority Leader of the Senate.

(B) The Governor shall designate one member to convene and organize the first meeting of the commission. During this meeting, the commission shall elect a chairperson and a vice chairperson from among its members.

(C) All actions of the commission must be taken by a majority of the members of the commission present and voting.

(D) Members of the commission may not receive compensation, mileage, subsistence, or per diem for their service to the commission.

Section [41-5-160](#). Within six months after the first meeting required in Section [41-5-150\(B\)](#), the commission shall establish evidence-based measurable goals and objectives to encourage implementation of this chapter. The commission shall track the measurable progress of state agencies in implementing this chapter. All state

agencies are encouraged to assist the commission in carrying out its duties by fully cooperating with each other and the commission, and by providing data and information in accordance with all applicable state and federal confidentiality laws.

Section [41-5-170](#). The commission annually shall, before January first, issue a report to the Governor and members of the General Assembly which details progress toward the goals and objectives of the commission and progress toward the full implementation of this chapter. The report also shall identify barriers to achieving the outcomes and effective strategies and policies that can help realize the employment first initiative. All state agencies are encouraged to cooperate with the commission on the creation and dissemination of the annual report.

Section [41-5-180](#). The commission may seek the guidance and expertise of all stakeholders, including individuals with disabilities, organizations that advocate on behalf of individuals with disabilities, providers of services to individuals with disabilities, local government, and business associations."

SECTION 2. This act takes effect upon approval by the Governor.