

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 719, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "37.980. 1. The office of administration shall submit a report to the general assembly before
5 December thirty-first of each year, beginning in 2023, describing the progress made by the state
6 with respect to the directives issued as part of the "Missouri as a Model Employer" initiative
7 described in executive order 19-16.

8 2. The report shall include, but not be limited to, the data described in the following
9 subdivisions, which shall be collected through voluntary self-disclosure. To the extent possible, for
10 each subdivision, the report shall include general data for all relevant employees, in addition to data
11 comparing the employees of each agency within the state workforce:

12 (1) The baseline number of employees in the state workforce who disclosed disabilities
13 when the initiative began;

14 (2) The number of employees in the state workforce who disclose disabilities at the time of
15 the compiling of the annual report and statistics providing the size and the percentage of any
16 increase or decrease in such numbers since the initiative began and since the compilation of any
17 previous annual report;

18 (3) The baseline percentage of employees in the state workforce who disclosed disabilities
19 when the initiative began;

20 (4) The percentage of employees in the state workforce who disclose disabilities at the time
21 of the compiling of the annual report and statistics providing the size of any increase or decrease in
22 such percentage since the initiative began and since the compilation of any previous annual report;

23 (5) A description and analysis of any disparity that may exist from the time the initiative
24 began and the time of the compiling of the annual reports, and of any disparity that may exist from
25 the time of the most recent previous annual report, if any, and the time of the current annual report,
26 between the percentage of individuals in the state of working age who disclose disabilities and the
27 percentage of individuals in the state workforce who disclose or have disabilities; and

28 (6) A description and analysis of any pay differential that may exist in the state workforce
29 between individuals who disclose disabilities and individuals who do not disclose disabilities.

Action Taken _____ Date _____

1 3. The report shall also include descriptions of specific efforts made by state agencies to
2 recruit, hire, advance, and retain individuals with disabilities including, but not limited to,
3 individuals with the most significant disabilities, as defined in 5 CSR 20-500.160. Such
4 descriptions shall include, but not be limited to, best, promising, and emerging practices related to:
5 (1) Setting annual goals;
6 (2) Analyzing barriers to recruiting, hiring, advancing, and retaining individuals with
7 disabilities;
8 (3) Establishing and maintaining contacts with entities and organizations that specialize in
9 providing education, training, or assistance to individuals with disabilities in securing employment;
10 (4) Using internships, apprenticeships, and job shadowing;
11 (5) Using supported employment, individual placement with support services, customized
12 employment, telework, mentoring and management training, stay-at-work and return-to-work
13 programs, and exit interviews;
14 (6) Adopting, posting, and making available to all job applicants and employees reasonable
15 accommodation procedures in written and accessible formats;
16 (7) Providing periodic disability awareness training to employees to build and sustain a
17 culture of inclusion in the workplace, including rights to reasonable accommodation in the
18 workplace;
19 (8) Providing periodic training to human resources and hiring managers in disability rights,
20 hiring, and workplace policies designed to promote a diverse and inclusive workforce; and
21 (9) Making web-based hiring portals accessible to and usable by applicants with
22 disabilities."; and
23

24 Further amend said bill, Page 5, Section 208.066, Line 25, by inserting after all of said section and
25 line the following:

26
27 "208.146. 1. The program established under this section shall be known as the "Ticket to
28 Work Health Assurance Program". Subject to appropriations and in accordance with the federal
29 Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170,
30 the medical assistance provided for in section 208.151 may be paid for a person who is employed
31 and who:

32 (1) Except for earnings, meets the definition of disabled under the Supplemental Security
33 Income Program or meets the definition of an employed individual with a medically improved
34 disability under TWWIIA;
35 (2) Has earned income, as defined in subsection 2 of this section;
36 (3) Meets the asset limits in subsection 3 of this section; and
37 (4) Has ~~[net]~~ income, as ~~[defined]~~ determined in subsection 3 of this section, that does not
38 exceed ~~[the limit for permanent and totally disabled individuals to receive nonspenddown MO~~
39 ~~HealthNet under subdivision (24) of subsection 1 of section 208.151; and~~

1 ~~(5) Has a gross income of~~ two hundred fifty percent ~~[or less]~~ of the federal poverty level,
 2 excluding any earned income of the worker with a disability between two hundred fifty and three
 3 hundred percent of the federal poverty level. ~~[For purposes of this subdivision, "gross income"~~
 4 ~~includes all income of the person and the person's spouse that would be considered in determining~~
 5 MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of
 6 subsection 1 of section 208.151. ~~Individuals with gross incomes in excess of one hundred percent of~~
 7 ~~the federal poverty level shall pay a premium for participation in accordance with subsection 4 of~~
 8 ~~this section.]~~

9 2. For income to be considered earned income for purposes of this section, the department
 10 of social services shall document that Medicare and Social Security taxes are withheld from such
 11 income. Self-employed persons shall provide proof of payment of Medicare and Social Security
 12 taxes for income to be considered earned.

13 3. (1) For purposes of determining eligibility under this section, the available asset limit
 14 and the definition of available assets shall be the same as those used to determine MO HealthNet
 15 eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of
 16 section 208.151 except for:

17 (a) Medical savings accounts limited to deposits of earned income and earnings on such
 18 income while a participant in the program created under this section with a value not to exceed five
 19 thousand dollars per year; ~~and]~~

20 (b) Independent living accounts limited to deposits of earned income and earnings on such
 21 income while a participant in the program created under this section with a value not to exceed five
 22 thousand dollars per year. For purposes of this section, an "independent living account" means an
 23 account established and maintained to provide savings for transportation, housing, home
 24 modification, and personal care services and assistive devices associated with such person's
 25 disability; and

26 (c) Retirement accounts including, but not limited to, individual accounts, 401(k) plans,
 27 403(b) plans, Keogh plans, and pension plans, provided that income from such accounts be
 28 calculated as income under subdivision (4) of subsection 1 of this section.

29 (2) To determine ~~[net]~~ income, the following shall be disregarded:

30 ~~(a) [All earned income of the disabled worker;~~

31 ~~(b)] The first [sixty-five dollars and one-half] fifty thousand dollars of [the remaining]~~
 32 ~~earned income of [a nondisabled spouse's earned income] the person's spouse;~~

33 ~~[(e)] (b) A twenty dollar standard deduction;~~

34 ~~[(d)] (c) Health insurance premiums;~~

35 ~~[(e)] (d) A seventy-five dollar a month standard deduction for the disabled worker's dental~~
 36 ~~and optical insurance when the total dental and optical insurance premiums are less than seventy-~~
 37 ~~five dollars;~~

38 ~~[(f)] (e) All Supplemental Security Income payments, and the first fifty dollars of SSDI~~
 39 ~~payments; and~~

1 ~~(g)~~ (f) A standard deduction for impairment-related employment expenses equal to one-
2 half of the disabled worker's earned income.

3 4. Any person whose ~~gross~~ income exceeds one hundred percent of the federal poverty
4 level shall pay a premium for participation in the medical assistance provided in this section. Such
5 premium shall be:

6 (1) For a person whose ~~gross~~ income is more than one hundred percent but less than one
7 hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of
8 the federal poverty level;

9 (2) For a person whose ~~gross~~ income equals or exceeds one hundred fifty percent but is
10 less than two hundred percent of the federal poverty level, four percent of income at one hundred
11 fifty percent of the federal poverty level;

12 (3) For a person whose ~~gross~~ income equals or exceeds two hundred percent but less than
13 two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent
14 of the federal poverty level;

15 (4) For a person whose ~~gross~~ income equals or exceeds two hundred fifty percent up to
16 and including three hundred percent of the federal poverty level, six percent of income at two
17 hundred fifty percent of the federal poverty level.

18 5. Recipients of services through this program shall report any change in income or
19 household size within ten days of the occurrence of such change. An increase in premiums resulting
20 from a reported change in income or household size shall be effective with the next premium
21 invoice that is mailed to a person after due process requirements have been met. A decrease in
22 premiums shall be effective the first day of the month immediately following the month in which the
23 change is reported.

24 6. If an eligible person's employer offers employer-sponsored health insurance and the
25 department of social services determines that it is more cost effective, such person shall participate
26 in the employer-sponsored insurance. The department shall pay such person's portion of the
27 premiums, co-payments, and any other costs associated with participation in the employer-
28 sponsored health insurance. If the department elects to pay such person's employer-sponsored
29 insurance costs under this subsection, the medical assistance provided under this section shall be
30 provided to an eligible person as a secondary or supplemental policy for only personal care
31 assistance services, as defined in section 208.900, and related costs and nonemergency medical
32 transportation to any employer-sponsored benefits that may be available to such person.

33 7. The department of social services shall provide to the general assembly an annual report
34 that identifies the number of participants in the program and describes the outreach and education
35 efforts to increase awareness and enrollment in the program.

36 8. The department of social services shall submit such state plan amendments and waivers to
37 the Centers for Medicare and Medicaid Services of the federal Department of Health and Human
38 Services as the department determines are necessary to implement the provisions of this section.

39 9. The provisions of this section shall expire August 28, 2025."; and

1 Further amend said bill, Page 6, Section 208.247, Line 42, by inserting after all of said section and
2 line the following:

3
4 "209.700. 1. This section shall be known and may be cited as the "Missouri Employment
5 First Act".

6 2. As used in this section, unless the context clearly requires otherwise, the following terms
7 mean:

8 (1) "Competitive integrated employment", work that:

9 (a) Is performed on a full-time or part-time basis, including self-employment, and for which
10 a person is compensated at a rate that:

11 a. Is no less than the higher of the rate specified in 29 U.S.C. Section 206(a)(1) or the rate
12 required under any applicable state or local minimum wage law for the place of employment;

13 b. Is no less than the customary rate paid by the employer for the same or similar work
14 performed by other employees who are not persons with disabilities and who are similarly situated
15 in similar occupations by the same employer and who have similar training, experience, and skills;

16 c. In the case of a person who is self-employed, yields an income that is comparable to the
17 income received by other persons who are not persons with disabilities and who are self-employed
18 in similar occupations or on similar tasks and who have similar training, experience, and skills; and

19 d. Is eligible for the level of benefits provided to other employees;

20 (b) Is at a location:

21 a. Typically found in the community; and

22 b. Where the employee with a disability interacts for the purpose of performing the duties of
23 the position with other employees within the particular work unit and the entire work site and, as
24 appropriate to the work performed, other persons, such as customers and vendors, who are not
25 persons with disabilities, other than supervisory personnel or persons who are providing services to
26 such employee, to the same extent that employees who are not persons with disabilities and who are
27 in comparable positions interact with these persons; and

28 (c) Presents, as appropriate, opportunities for advancement that are similar to those for other
29 employees who are not persons with disabilities and who have similar positions;

30 (2) "Customized employment", competitive integrated employment for a person with a
31 significant disability that is:

32 (a) Based on an individualized determination of the unique strengths, needs, and interests of
33 the person with a significant disability;

34 (b) Designed to meet the specific abilities of the person with a significant disability and the
35 business needs of the employer; and

36 (c) Carried out through flexible strategies, such as:

37 a. Job exploration by the person; and

38 b. Working with an employer to facilitate placement, including:

1 (i) Customizing a job description based on current employer needs or on previously
2 unidentified and unmet employer needs;

3 (ii) Developing a set of job duties, a work schedule and job arrangement, and specifics of
4 supervision, including performance evaluation and review, and determining a job location;

5 (iii) Using a professional representative chosen by the person or self-representation, if
6 elected, to work with an employer to facilitate placement; and

7 (iv) Providing services and supports at the job location;

8 (3) "Disability", a physical or mental impairment that substantially limits one or more major
9 life activities of a person, as defined in the Americans with Disabilities Act of 1990, as amended.

10 The term "disability" does not include brief periods of intoxication caused by alcohol or drugs or
11 dependence upon or addiction to any alcohol or drug;

12 (4) "Employment first", a concept to facilitate the full inclusion of persons with disabilities
13 in the workplace and community in which community-based, competitive integrated employment is
14 the first and preferred outcome for employment services for persons with disabilities;

15 (5) "Employment-related services", services provided to persons, including persons with
16 disabilities, to assist them in finding employment. The term "employment-related services"
17 includes, but is not limited to, resume development, job fairs, and interview training;

18 (6) "Integrated setting", a setting:

19 (a) Typically found in the community; and

20 (b) Where the employee with a disability interacts for the purpose of performing the duties
21 of the position with other employees within the particular work unit and the entire work site and, as
22 appropriate to the work performed, other persons, such as customers and vendors, who are not
23 persons with disabilities, other than supervisory personnel or persons who are providing services to
24 such employee, to the same extent that employees who are not persons with disabilities and who are
25 in comparable positions interact with these persons;

26 (7) "Outcome", with respect to a person entering, advancing in, or retaining full-time or, if
27 appropriate, part-time competitive integrated employment, including customized employment, self-
28 employment, telecommuting, or business ownership, or supported employment that is consistent
29 with a person's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and
30 informed choice;

31 (8) "Sheltered workshop", the same meaning given to the term in section 178.900;

32 (9) "State agency", an authority, board, branch, commission, committee, department,
33 division, or other instrumentality of the executive branch of state government;

34 (10) "Supported employment", competitive integrated employment, including customized
35 employment, or employment in an integrated setting in which persons are working toward a
36 competitive integrated employment, that is individualized and customized consistent with the
37 strengths, abilities, interests, and informed choice of the persons involved who, because of the
38 nature and severity of their disabilities, need intensive supported employment services and extended
39 services in order to perform the work involved;

1 (11) "Supported employment services", ongoing support services, including customized
2 employment, needed to support and maintain a person with a most significant disability in supported
3 employment, that:

4 (a) Are provided singly or in combination and are organized and made available in such a
5 way as to assist an eligible person to achieve competitive integrated employment; and

6 (b) Are based on a determination of the needs of an eligible person, as specified in an
7 individualized plan for employment;

8 (12) "Working age", sixteen years of age or older;

9 (13) "Youth with a disability", any person fourteen years of age or older and under eighteen
10 years of age who has a disability.

11 3. All state agencies that provide employment-related services or that provide services or
12 support to persons with disabilities shall:

13 (1) Develop collaborative relationships with each other, confirmed by a written
14 memorandum of understanding signed by each such state agency; and

15 (2) Implement coordinated strategies to promote competitive integrated employment
16 including, but not limited to, coordinated service planning, job exploration, increased job training,
17 and internship opportunities.

18 4. All state agencies that provide employment-related services or that provide services or
19 support to persons with disabilities shall:

20 (1) Implement an employment first policy by considering competitive integrated
21 employment as the first and preferred outcome when planning or providing services or supports to
22 persons with disabilities who are of working age;

23 (2) Offer information on competitive integrated employment to all working-age persons
24 with disabilities. The information offered shall include an explanation of the relationship between a
25 person's earned income and his or her public benefits, information on Achieving a Better Life
26 Experience (ABLE) accounts, and information on accessing assistive technology;

27 (3) Ensure that persons with disabilities receive the opportunity to understand and explore
28 education and training as pathways to employment, including postsecondary, graduate, and
29 postgraduate education; vocational and technical training; and other training. State agencies shall
30 not be required to fund any education or training unless otherwise required by law;

31 (4) Promote the availability and accessibility of individualized training designed to prepare
32 a person with a disability for the person's preferred employment;

33 (5) Promote partnerships with private agencies that offer supported employment services, if
34 appropriate;

35 (6) Promote partnerships with employers to overcome barriers to meeting workforce needs
36 with the creative use of technology and innovation;

37 (7) Ensure that staff members of public schools, vocational service programs, and
38 community providers receive the support, guidance, and training that they need to contribute to
39 attainment of the goal of competitive integrated employment for all persons with disabilities;

1 (8) Ensure that competitive integrated employment, while the first and preferred outcome
2 when planning or providing services or supports to persons with disabilities who are of working age,
3 is not required of a person with a disability to secure or maintain public benefits for which the
4 person is otherwise eligible; and

5 (9) At least once each year, discuss basic information about competitive integrated
6 employment with the parents or guardians of a youth with a disability. If the youth with a disability
7 has been emancipated, state agencies shall discuss this information with the youth with a disability.
8 The information offered shall include an explanation of the relationship between a person's earned
9 income and his or her public benefits, information about ABLE accounts, and information about
10 accessing assistive technology.

11 5. Nothing in this section shall require a state agency to perform any action that would
12 interfere with the state agency's ability to fulfill duties and requirements mandated by federal law.

13 6. Nothing in this section shall be construed to limit or disallow any disability benefits to
14 which a person with a disability who is unable to engage in competitive integrated employment
15 would otherwise be entitled.

16 7. Nothing in this section shall be construed to eliminate any supported employment
17 services or sheltered workshop settings as options.

18 8. (1) Nothing in this section shall be construed to require any state agency or other
19 employer to give a preference in hiring to persons with disabilities or to prohibit any employment
20 relationship or program that is otherwise permitted under applicable law.

21 (2) Any person who is employed by a state agency shall meet the minimum qualifications
22 and requirements for the position in which the person is employed.

23 9. All state agencies that provide employment-related services or that provide services or
24 support to persons with disabilities shall coordinate efforts and collaborate within and among each
25 other to ensure that state programs, policies, and procedures support competitive integrated
26 employment for persons with disabilities who are of working age. All such state agencies, when
27 feasible, shall share data and information across systems in order to track progress toward full
28 implementation of this section. All such state agencies are encouraged to adopt measurable goals
29 and objectives to promote assessment of progress in implementing this section.

30 10. State agencies may promulgate all necessary rules and regulations for the administration
31 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
32 created under the authority delegated in this section shall become effective only if it complies with
33 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
34 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
35 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
36 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
37 adopted after August 28, 2023, shall be invalid and void."; and

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39 Further amend said bill by amending the title, enacting clause, and intersectional references
40 accordingly.