

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 443

5 By: Senator G. Leding  
6 By: Representative Vaught  
7

## For An Act To Be Entitled

9 AN ACT REGARDING EMPLOYMENT FIRST; TO CREATE THE  
10 ARKANSAS EMPLOYMENT FIRST ACT; TO ESTABLISH THE  
11 ARKANSAS OFFICE OF EMPLOYMENT FIRST; TO ESTABLISH THE  
12 EMPLOYMENT FIRST ADVISORY COMMITTEE; TO ESTABLISH THE  
13 EMPLOYMENT FIRST BUSINESS PARTNER PROGRAM; AND FOR  
14 OTHER PURPOSES.  
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16

## Subtitle

18 TO CREATE THE ARKANSAS EMPLOYMENT FIRST  
19 ACT; TO ESTABLISH THE ARKANSAS OFFICE OF  
20 EMPLOYMENT FIRST; TO ESTABLISH THE  
21 EMPLOYMENT FIRST ADVISORY COMMITTEE; AND  
22 TO ESTABLISH THE EMPLOYMENT FIRST  
23 BUSINESS PARTNER PROGRAM.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code Title 20, Chapter 14, is amended to add an  
29 additional subchapter to read as follows:

30 Subchapter 10 – Arkansas Employment First Act  
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32 20-14-1001. Title.

33 This subchapter shall be known and may be cited as the "Arkansas  
34 Employment First Act".  
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36 20-14-1002. Legislative findings and intent - Purpose.



1           (a) The General Assembly finds that:

2                   (1) Employment is the most direct and cost-effective means to  
3 assist an individual in achieving independence and fulfillment while  
4 increasing state revenue and minimize state expenditures;

5                   (2) Individuals with disabilities are confronted by unique  
6 barriers to employment that inhibit their opportunities to compete in the  
7 labor force;

8                   (3) The value of meaningful work has significance and importance  
9 to all working-age individuals, including without limitation individuals with  
10 disabilities and veterans with service-connected disabilities;

11                   (4) Some adults with intellectual and developmental disabilities  
12 are either unemployed or underemployed due to many employment barriers and  
13 disincentives, despite their abilities, desires, and willingness to work in  
14 their communities;

15                   (5) Public policy designed to increase competitive integrated  
16 employment for individuals with disabilities must address these employment  
17 barriers by promoting best practices relating to:

18                           (A) Youth transition;

19                           (B) Employer engagement;

20                           (C) Service system enhancements, including without  
21 limitation the adoption of employment first policies; and

22                           (D) Training and support for individuals with  
23 disabilities and those delivering support services;

24                   (6) The adoption of employment first policies is consistent with  
25 the:

26                           (A) Workforce Innovation and Opportunity Act, Pub. L. No.  
27 113-128;

28                           (B) Final rule by the Centers for Medicare and Medicaid  
29 Services setting forth requirements for home and community-based services;  
30 and

31                           (C) United States Supreme Court decision in Olmstead v.  
32 L.C., 527 U.S. 581 (1999), requiring that individuals with disabilities  
33 receive services in the most integrated setting appropriate to the needs of  
34 the individual;

35                   (7) Free-market principles can guide employers to use innovative  
36 methods for employing individuals with disabilities; and

1           (8) Employment first policies encourage economic growth by  
2 promoting freedom of employment and strengthening support and relationships  
3 for employers to hire individuals with disabilities.

4           (b) The intent of this subchapter is to:

5                   (1) Provide a framework for a long-term commitment to improving  
6 employment outcomes for individuals with disabilities in this state;

7                   (2) Encourage competitive employment as a preferred option for  
8 individuals with disabilities receiving publicly funded benefits;

9                   (3) Encourage a collaborative effort between state agencies and  
10 organizations to achieve better employment outcomes for individuals with  
11 disabilities; and

12                   (4) Increase:

13                           (A) The number of individuals entering the workforce and  
14 contributing to Arkansas's tax base and economy;

15                           (B) The self-worth and dignity of individuals with  
16 disabilities who are gainfully employed alongside individuals without  
17 disabilities;

18                           (C) Opportunities to do meaningful and gainful work, which  
19 will decrease dependency on government assistance;

20                           (D) Opportunities for postsecondary education, including  
21 college and vocational training; and

22                           (E) The effectiveness of service systems currently serving  
23 individuals with disabilities who are seeking meaningful employment.

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25           20-14-1003. Definition – Arkansas Office of Employment First.

26                   (a) As used in this subchapter, "individuals with disabilities" means  
27 the same as defined by the Americans with Disabilities Act of 1990, 42 U.S.C.  
28 § 12101 et seq., as it existed on January 1, 2023.

29                   (b) There is created an office to be known as the "Arkansas Office of  
30 Employment First" within the Department of Commerce.

31                   (c) The office shall:

32                           (1) Define Arkansas as an Employment First state related to the  
33 employment of individuals with disabilities; and

34                           (2) Develop and administer the Employment First Business Partner  
35 Program.

36                   (d) The office shall employ staff as necessary to carry out the duties

1 of the office.

2

3 20-14-1004. Employment First Advisory Committee.

4 (a) The Arkansas Office of Employment First shall establish an  
5 Employment First Advisory Committee that represents Arkansans with  
6 disabilities from both urban and rural areas.

7 (b)(1) The committee shall be comprised of twenty-one (21) unpaid  
8 advisory members and shall include the following:

9 (A) Six (6) self-advocates with disabilities, representing  
10 both urban and rural areas to be appointed through consultation with  
11 individuals involved in community self-advocate groups, parent networks, and  
12 other related entities;

13 (B) Two (2) family members or guardians of individuals  
14 with disabilities to be appointed through consultation with individuals  
15 involved in community self-advocate groups, parent networks, and other  
16 related entities; and

17 (C) One (1) member from each of the following agencies to  
18 be appointed by the director, president, or chief executive officer of the  
19 respective agency:

20 (i) Arkansas Rehabilitation Services;

21 (ii) Arkansas People First;

22 (iii) Division of State Services for the Blind;

23 (iv) Division of Developmental Disabilities

24 Services;

25 (v) Disability Rights Arkansas, Inc.;

26 (vi) Division of Workforce Services;

27 (vii) Arkansas Association of People Supporting

28 Employment First;

29 (viii) Governor’s Council on Developmental

30 Disabilities;

31 (ix) Arkansas Transit Association;

32 (x) The Provider-Led Arkansas Shared Savings Entity;

33 (xi) The Department of Education;

34 (xii) The Department of Finance and Administration;

35 and

36 (xiii) The Department of Veterans Affairs.

1           (2) The committee may include other organizations as it deems  
2 appropriate.

3           (c)(1) Members shall serve a term of five (5) years.

4           (2) The terms of service shall be staggered.

5           (3) A member may serve only two (2) terms.

6           (d) The Director of the Arkansas Office of Employment First shall call  
7 the first meeting.

8           (e)(1) The chair of the committee shall be initially appointed by the  
9 director for a five (5) year term.

10           (2) Subsequent chairs shall be selected by committee members.

11           (3) A chair may serve two (2) terms.

12           (f) If a vacancy occurs before a member's term expires, the director  
13 shall appoint a new member to complete the term.

14           (g) The committee shall:

15           (1) Develop interagency cooperative agreements to delineate the  
16 roles of each of the member agencies in implementing employment first  
17 policies;

18           (2) Establish benchmark data collection requirements on  
19 performance;

20           (3) Measure progress of individuals with disabilities obtaining  
21 employment, including without limitation the outcomes and challenges related  
22 to Employment First policies; and

23           (4) Report to the director and the Secretary of the Department  
24 of Commerce.

25           (h) The quorum to conduct business shall be fifty percent (50%) of the  
26 membership plus one (1) additional member.

27           (i) Members of the committee may receive reimbursement under § 25-16-  
28 902.

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30           20-14-1005. Employment First Business Partner Program.

31           (a) There is created within the Department of Commerce the "Employment  
32 First Business Partner Program" to be administered by the Arkansas Office of  
33 Employment First.

34           (b) The Arkansas Office of Employment First shall consult with the  
35 Employment First Advisory Committee to identify and maintain partnerships  
36 with:

- 1           (1) Businesses around this state;  
2           (2) The Office of Personnel Management; and  
3           (3) The Department of Transformation and Shared Services.

4           (c)(1) A business may apply to the Arkansas Office of Employment First  
5 to be designated as an Employment First Business Partner based upon  
6 compliance by the business with the following:

- 7                   (A) The employment of individuals with disabilities; and  
8                   (B) A compensation structure that guarantees minimum wage.

9           (2) For a designation as an Employment First Business Partner  
10 under subdivision (c)(1) of this section, the Arkansas Office of Employment  
11 First shall consider the following criteria:

12                   (A) Ten percent (10%) of the permanent employees of the  
13 business shall have a disability; and

14                   (B) The employees described under subdivision (c)(2)(A) of  
15 this section shall be:

16                           (i) Residents of this state; and

17                           (ii) Employed by the business for at least twelve  
18 (12) continuous months before the application for designation as an  
19 Employment First Business Partner by the business.

20           (3) The Arkansas Office of Employment First shall not require  
21 the business to provide personally identifiable information about employees.

22           (d)(1) The Arkansas Office of Employment First shall consider  
23 nominations of a business as an Employment First Business Partner from a  
24 member of the community where the business is located that show the  
25 compliance of the business with the requirements under subdivisions (c)(1)  
26 and (2) of this section.

27           (2)(A) For a designation as an Employment First Business Partner  
28 under subdivision (d)(1) of this section, the office shall consider whether  
29 the business meets the requirements of subsection (c) of this section.

30                   (B) If the Arkansas Office of Employment First determines  
31 that the nominated business meets the requirements, the Arkansas Office of  
32 Employment First shall provide notice to the business regarding the  
33 nomination to be awarded as an Employment First Business Partner, including  
34 without limitation the qualification criteria provided to the Arkansas Office  
35 of Employment First.

36                   (C) The nominated business shall have thirty (30) days

1 after receipt of the notice to:

2 (i) Certify to the Arkansas Office of Employment  
3 First that the information included in the nomination is true and accurate;

4 (ii) Correct information for consideration by the  
5 Arkansas Office of Employment First; and

6 (iii)(a) Indicate an intention to either accept or  
7 decline the nomination.

8 (b) The Arkansas Office of Employment First  
9 shall award the designation to a nominated business upon the businesses'  
10 acceptance of the nomination.

11 (c) The Arkansas Office of Employment First  
12 shall not award the designation to a nominated business if the business  
13 declines the nomination or does not respond to notice of the nomination  
14 within thirty (30) days.

15 (e) The following information is required for the application by or  
16 nomination of a business:

17 (1) The name of the business;

18 (2) The location of the business; and

19 (3) Contact information for the business.

20 (f)(1) After an initial designation as an Employment First Business  
21 Partner, a business shall certify annually that the business continues to  
22 meet the eligibility criteria.

23 (2) A business designated as an Employment First Business  
24 Partner shall allow the Arkansas Office of Employment First to conduct site-  
25 monitoring visits to ensure ongoing eligibility.

26 (3) If the business designated as an Employment First Business  
27 Partner fails to certify annually, the Arkansas Office of Employment First  
28 shall remove the Employment First Business Partner designation.

29 (4) A business designated as an Employment First Business  
30 Partner may elect to discontinue the Employment First Business Partner  
31 designation at any time by notifying the Arkansas Office of Employment First.

32 (g)(1) The Arkansas Office of Employment First shall:

33 (A) Develop a logo that identifies a business as receiving  
34 an Employment First Business Partner designation; and

35 (B) Adopt guidelines for the use of the logo, including  
36 without limitation advertising.

1           (2) The Arkansas Office of Employment First may allow a business  
2 designated as an Employment First Business Partner to display the logo upon  
3 designation.

4           (3) A business that has not been designated as an Employment  
5 First Business Partner or has elected to discontinue the designated status  
6 shall not display the logo.

7           (h) The Arkansas Office of Employment First shall adopt rules to  
8 implement this section.

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10           20-14-1006. Employment First Business Partner Program website.

11           (a) The Division of Workforce Services shall maintain a website for  
12 the Employment First Business Partner Program.

13           (b) The website shall:

14           (1) Provide a list of businesses, by county, that currently have  
15 an Employment First Business Partner designation;

16           (2) Be updated quarterly regarding the eligibility requirements  
17 for the Employment First Business Partner designation;

18           (3) Provide the method for application or nomination for the  
19 Employment First Business Partner Program; and

20           (4) Update annually a list of best practices for businesses  
21 regarding inclusion of individuals with disabilities.

22           (c) The website may provide links to the websites of organizations or  
23 resources that will aid a business in employing or supporting individuals  
24 with disabilities.

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26           20-14-1007. Reporting.

27           (a) By January 1, 2025, the Arkansas Office of Employment First shall  
28 report to the President Pro Tempore of the Senate and the Speaker of the  
29 House of Representatives on the status of the implementation of this  
30 subchapter, including without limitation the:

31           (1) Adoption of rules;

32           (2) Development of a logo; and

33           (3) Development of application procedures.

34           (b) Beginning in 2025 and thereafter, the office shall report in  
35 detail the progress and use of the Employment First Business Partner Program,  
36 including without limitation:



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- (1) The number of:
  - (A) Applications and nominations received;
  - (B) Nominations accepted and declined;
  - (C) Designations awarded; and
  - (D) Annual certifications; and
- (2) Any information deemed necessary to evaluate the success of  
the program.