



# State of New York

## Executive Chamber

No. 136

### EXECUTIVE ORDER

#### **ESTABLISHING THE NEW YORK EMPLOYMENT FIRST INITIATIVE TO INCREASE EMPLOYMENT OF NEW YORKERS WITH DISABILITIES**

**WHEREAS**, New Yorkers with disabilities represent a significant percentage of the state's overall population and experience disproportionately low levels of employment; and

**WHEREAS**, working-age New Yorkers, including those with disabilities, should be encouraged and supported in contributing to the state's economy; and

**WHEREAS**, competitive integrated employment is a component of community inclusion and improved quality of life for individuals with disabilities; and

**WHEREAS**, hiring an individual with a disability meets employer needs and contributes to a diverse workforce; and

**WHEREAS**, New York prioritizes competitive integrated employment as the preferred outcome for working age New Yorkers with disabilities; and

**WHEREAS**, New York seeks to increase the percentage of individuals with disabilities engaged in competitive, integrated employment;

**NOW, THEREFORE, I, ANDREW M. CUOMO**, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

#### **A. Definitions**

As used herein, the following terms shall have the following meanings:

1. "State agency" or "agency" shall mean any state agency, department, office, board, bureau, division, committee, council or office.

2. "Authority" shall mean a public authority or public benefit corporation created by or existing under any New York State law, with one or more of its members appointed by the Governor or serving as members by virtue of holding a civil office of New York State, other than an interstate or international authority or public benefit corporation, including any subsidiaries of such public authority or public benefit corporation.
3. "Competitive integrated employment" shall mean work:
  - a. in the competitive labor market that is 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 who are not disabled.
4. "Integrated setting" shall mean a work situation where each employed individual with a disability has equal opportunity to interact with co-workers without disabilities. Individuals who are paid to provide services to support the work of individuals with disabilities are not included when evaluating integration.

#### **B. Employment First Commission**

1. There is hereby established the Employment First Commission (the "Commission") to provide guidance and advice to the Governor regarding the competitive integrated employment of individuals with disabilities.
2. The members of the Commission shall be the Governor's Deputy Secretary for Health; the Governor's Deputy Secretary for Civil Rights; the Governor's Deputy Secretary for Human Services; the Chief Diversity Officer; the Counsel to the Governor; the Director of the Budget; the Commissioner for Developmental Disabilities; the Commissioner of Health; the Commissioner of Mental Health; the Commissioner of Alcoholism and Substance Abuse Services; the Commissioner of Children and Family Services; the Commissioner of Labor; the Commissioner of Economic Development; the Commissioner of Transportation; the Commissioner of Temporary and Disability Assistance; the Director of Veterans' Affairs; the Director of the State Office for Aging; and the Executive Director of the Justice Center for the Protection of People with Special Needs. Additional members may be appointed to the Commission at the discretion of the Governor.
3. The Commission shall work in consultation with the Commissioner of Education.
4. The Governor shall appoint the Chair of the Commission from among the members of the Commission.
5. Each member of the Commission may designate a staff member to represent him or her and participate in the Commission on his or her behalf. The Commission shall meet at the call of the Chair as often as is necessary and under circumstances as are appropriate to fulfill its duties under this section.

#### **C. Cooperation with the Commission**

1. Each agency and authority of the State of New York shall provide to the Commission such information, assistance and cooperation, including use of State facilities, that is reasonably necessary to accomplish the purposes of this Order.
2. Staff support necessary for the conduct of the Commission's work may be furnished by agencies and authorities (subject, as necessary, to the approval of the board of directors of such authorities).

**D. Duties and Purposes**

1. The Commission shall make recommendations to the Governor concerning the implementation of competitive, integrated employment as the first option for individuals with disabilities. In making such recommendations, the Commission's consideration shall include, but not be limited to, the following:
  - a. Reviewing available employment supports and services, including opportunities to align their policies and procedures to enhance access to such supports and services;
  - b. Identifying policies and procedures that create barriers or disincentives for employment of individuals with disabilities and ways to reduce or eliminate such barriers or disincentives;
  - c. Ensuring that the state's workforce development strategy provides for individuals with disabilities, including strategies to maximize opportunities to hire individuals with disabilities in the private sector, the public sector, and in entities contracting with the state;
  - d. Prioritizing opportunities for students with disabilities transitioning from educational settings to competitive integrated employment as the first option; and
  - e. Expanding the use of data to measure employment of New Yorkers with disabilities and developing a mechanism for reporting such data.
  
2. In carrying out its responsibilities under this Order, the Commission shall seek the guidance and expertise of stakeholders, including, but not limited to, individuals with disabilities, organizations that advocate on behalf of individuals with disabilities, providers of services to individuals with disabilities, associations concerned with employment for individuals with disabilities, business associations, chambers of commerce, academic institutions and local governments, and shall solicit input from the public.
  
3. The Commission shall commence its work immediately. On or before March 1, 2015, the Commission shall submit a final report to the Governor, setting forth its recommendations, at which time the Commission shall terminate its work and be relieved of all responsibilities and duties hereunder. Prior to such date, the Commission shall issue additional reports to the Governor of its activities, findings, recommendations, and coordination in furtherance of the purposes of this Order from time to time as directed by the Governor or the Governor's designee.



BY THE GOVERNOR

GIVEN under my hand and the Privy Seal of the  
State in the City of Albany this  
seventeenth day of September in the  
year two thousand fourteen.

A handwritten signature in black ink, appearing to read "Andrew Cuomo".

A handwritten signature in black ink, appearing to read "Louise Schwartzberg".  
Secretary to the Governor