



FILED
STATE RECORDS

SEP 30 2024

DEPARTMENT OF STATE

State of New York

Executive Chamber

No. 40

EXECUTIVE ORDER

COMMITTING NEW YORK TO BE AN EMPLOYMENT FIRST STATE TO INCREASE COMPETITIVE INTEGRATED EMPLOYMENT FOR NEW YORKERS WITH DISABILITIES

WHEREAS, the State of New York has a vested interest in eliminating barriers to employment and recognizes that economic stability including gainful employment is a social determinant of health and an individual's employment results in tangible and intangible benefits, including the enhancement of independence and economic self-sufficiency, as well as purpose, dignity, self-esteem, and a sense of accomplishment and pride; and

WHEREAS, the State of New York recognizes intermediate steps and services, such as career planning, training, career exploration, internships, community experiences, soft skills development, career-specific training, and general workforce preparation activities, may be needed to assist persons with disabilities along the path to their desired employment outcome or to honor the choices and goals of the individual;

WHEREAS, the State of New York supports the expectation that working-aged people with disabilities will gain competitive integrated employment and contribute to the state's economy, with or without supports; and

WHEREAS, the State of New York recognizes the importance of informed choice and person-centered planning where the person fully participates in planning, preparing, and seeking employment opportunities; and

WHEREAS, the State of New York recognizes that young people with disabilities need educational, vocational, and pre-employment transition services and supports to help them succeed in the workforce; and

WHEREAS, the State of New York values businesses that recognize the talents and skills people with disabilities bring to their workforce; and

WHEREAS, the State of New York will adopt and implement the Employment First Principles set forth in this Order as part of a national movement to prioritize competitive integrated employment as the preferred outcome when planning or providing services and supports to New Yorkers with disabilities who are of working age;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York, do hereby order as follows:

A. Definitions

1. "State Agency" shall have the same meaning as that term in Section 74 of Public Officers Law.
2. "Disability" shall have the same meaning as that term in Section 292(21) of the Executive Law.
3. "Integrated" means:
 - a. With respect to the provision of services, a setting typically found in the community in which the persons receiving services interact with people with and without disabilities, and
 - b. With respect to an employment outcome, a setting typically found in the community in which applicants or eligible individuals interact with people without disabilities, other than the individuals without disabilities who are providing services to those applicants or eligible individuals, to the same extent that individuals without disabilities in comparable positions interact with other persons.

4. "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.

B. Responsibilities

1. The Governor's Chief Disability Office (CDO) will be responsible for coordinating New York's Employment First initiatives.
2. In collaboration with the CDO, each State Agency shall work to ensure the following Employment First Principles become a routine part of its operations:
 - o Disability in no way diminishes the rights of people to live independently in their communities, enjoy self-determination, make informed choices, pursue meaningful careers and relationships, contribute to society, and be fully included and integrated in the economic, political, social, cultural, and educational mainstream of American society.
 - o Dignified workforce participation is a fundamental aspect of life for people with and without disabilities, improving economic self-sufficiency, creating a sense of purpose, fostering independence, shaping who we are and how we fit into our community.
 - o People with disabilities, including those with the most significant disabilities, can obtain competitive integrated employment within the general workforce, working side-by-side with co-workers without disabilities, when provided the appropriate level of individualized services and supports, if needed.
 - o Competitive integrated employment is the intended outcome for all working age New Yorkers with disabilities.
 - o All students with disabilities should receive the education, training, and services necessary to achieve competitive integrated employment as adults. This includes pre-employment services and transition plans for students leaving school, as required by the Individuals with Disabilities in Education Act.
 - o Person-centered planning and valuing of individual voice are priorities and should be incorporated into policy, program design, implementation, and service delivery. The participation of personal and systems advocates, and community stakeholders is welcomed.
 - o The workforce should reflect the diverse makeup of the community in which it resides.
 - o Public awareness of the value of employing people with disabilities should be increased, including engagement with New York employers to help improve diversity, equity, inclusion, and accessibility as a solution to their workforce needs and expand employment opportunities for New Yorkers
 - o Informed choice, respect for privacy and confidentiality, availability of assistive technology, and the inclusion of evidence-based practices in the pursuit of competitive integrated employment are essential.
 - o People with disabilities receiving public benefits should be supported in efforts to work toward financial independence, including through a collaboration of state partners, financial literacy, benefits planning, and advisement as appropriate.

C. Reporting

1. The CDO, in collaboration with the Office for People with Developmental Disabilities, Department of Health, Office of Mental Health, Office for Addiction Services and Supports, Office for Children and Family Services, Department of Labor, Office of Temporary and Disability Assistance, and the State Education Department, shall evaluate current practices and formulate a plan by October 1, 2025, designed to remove barriers and adopt practices, procedures, or rules to ensure that competitive integrated employment is considered as the first option and preferred outcome in the planning and the delivery of services. Plans will include how the agency will develop a person-centered planning process to identify a desired employment outcome or path to competitive integrated employment for any person of working age served by that agency. The CDO will develop a form and format for state agencies to evaluate current procedures.

2. The CDO in coordination with state agencies identified under paragraph one of this section shall review and update recommendations annually to ensure continued progress toward achieving the goal of competitive integrated employment for individuals with disabilities. Such agencies shall draft an annual progress report and make recommendations to the CDO concerning the implementation of the Employment First principles by October 1st of each year.

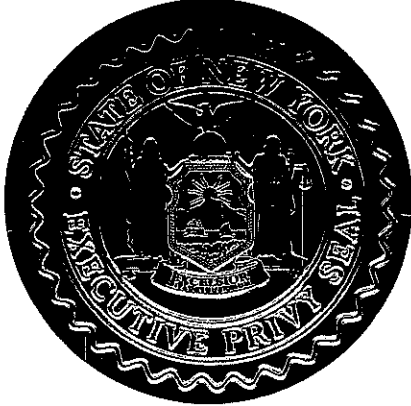
D. Training

The CDO will develop a training curriculum in Employment First Principles. Training will include information about how State Agencies can offer employment services to assist people with disabilities in obtaining employment services that best meet their needs.

E. Consultation

The CDO shall work to continue the development and implementation of policies to meet the goals of this Executive Order in consultation with the heads of State Agencies and the Commissioner of the State Education Department.

This Executive Order shall revoke and supersede Executive Order 136 issued on September 1, 2014; provided, however, that until such time as State Agencies adopt a plan pursuant to the Employment First Principles in this order the State Agency shall maintain all policies enacted pursuant to Executive Order 136.



GIVEN under my hand and the Privy Seal of the State in the City of Albany this 30th day of September in the year two thousand twenty-four.

Ruth Hochul

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "W. P. L.", written over a horizontal line.

Secretary to the Governor