



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5354

Introduced 2/9/2024, by Rep. Lindsey LaPointe

SYNOPSIS AS INTRODUCED:

820 ILCS 97/6 new
820 ILCS 97/10
820 ILCS 97/15
820 ILCS 97/20
820 ILCS 97/25
820 ILCS 97/30
820 ILCS 97/35
820 ILCS 97/40

Amends the Customized Employment for Individuals with Disabilities Act. Changes the name of the Customized Employment Pilot Program to the Customized Employment Demonstration Program. Provides that the program shall consist of components consistent with specified standards published by the Workforce Innovation Technical Assistance Center and the Youth Technical Assistance Center under grants from the federal Department of Education. Provides that the Division of Rehabilitation Services of the Department of Human Services shall collect data concerning the successes and challenges of the program and shall submit an annual report to the Governor and the General Assembly on March 1st of each year beginning in 2026 until the program terminates. Defines "customized employment".

LRB103 37230 SPS 67349 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Customized Employment for Individuals with
5 Disabilities Act is amended by changing Sections 10, 15, 20,
6 25, 30, 35, and 40 and by adding Section 6 as follows:

7 (820 ILCS 97/6 new)

8 Sec. 6. Definition. As used in this Act, "customized
9 employment" means competitive integrated employment for an
10 individual with a significant disability that is based on an
11 individualized determination of the strengths, needs, and
12 interests of the individual with a significant disability,
13 designed to meet the specific abilities of the individual with
14 a significant disability and the business needs of the
15 employer, establishes a relationship between the employer and
16 the employee that is negotiated to meet the needs of both
17 parties, and is based on an exchange of specific contributions
18 by the employee for pay by the employer that is at or above the
19 applicable minimum wage.

20 (820 ILCS 97/10)

21 Sec. 10. Customized Employment Demonstration Pilot
22 Program. The Department of Human Services, through its

1 Division of Rehabilitation Services and in collaboration with
2 the Division of Developmental Disabilities, shall establish a
3 5-year Customized Employment Demonstration ~~Pilot~~ Program that
4 serves a minimum of 40 ~~25~~ individuals by July 1, 2025, with a
5 goal of serving at least 100 individuals by July 1, 2027 ~~the~~
6 ~~second year of the Pilot Program.~~

7 The Demonstration program shall comply with the document
8 titled "The Essential Elements of Customized Employment for
9 Universal Application", published June 2017 by the Workforce
10 Innovation Technical Assistance Center and the Youth Technical
11 Assistance Center under grants from the federal Department of
12 Education. The Demonstration ~~The Pilot~~ Program shall include
13 the following components for each participant:

14 (1) "Phase One: Consultation and Initiation" means
15 pre-discovery activities introducing the participant to
16 customized employment activities, roles and
17 responsibilities, and expected outcomes and introducing
18 the customized employment provider to the participant and
19 the participant's support team, including family,
20 guardians, friends, colleagues, advocates,
21 community-based service agencies, and others as determined
22 by the participant or the participant's guardian. If the
23 participant or participant's guardian chooses to proceed
24 with the customized employment provider, the Division of
25 Rehabilitation Services shall develop an Initial Discovery
26 Action Plan ~~An intensive discovery phase during which the~~

1 ~~unique needs, abilities, and interests of the individual~~
2 ~~will be explored by the individual at his or her direction~~
3 ~~with assistance from family, friends, colleagues,~~
4 ~~advocates, community-based service agencies, and others as~~
5 ~~determined by the individual.~~

6 (2) "Phase Two: Discovery" means a person-centered
7 planning process that shall be used to determine the
8 participant's interests, skills, preferences, and ideal
9 employment conditions that shall guide the development of
10 a customized job. The unique needs, abilities, and
11 interests of the participant shall be explored by the
12 participant at his or her direction or the direction of
13 his or her guardian, with assistance from family, friends,
14 colleagues, advocates, community-based service agencies,
15 and others as determined by the participant or the
16 participant's guardian. The exploration of the unique
17 needs of the participant shall include the participant's
18 assistive technology needs and the participant's need for
19 work incentives benefits counseling. During this phase, a
20 plan for completing the discovery process shall be
21 developed that contains a timeline for completing the
22 discovery process, assignment of who shall gather which
23 piece of information, how the information shall be
24 gathered, who shall receive the information, and who shall
25 make up the core support team for the participant. The
26 plan for completing the discovery service shall be shared

1 and discussed by the customized employment provider with
2 the participant and the Division of Rehabilitation
3 Services, and the service provider shall bill for this
4 service. A Discovery Profile, containing all of the
5 information learned from the discovery process, shall be
6 shared and discussed by the provider with the participant,
7 the participant's guardian, and Division of Rehabilitation
8 Services, and the service provider shall bill for this
9 service ~~A customized person centered planning process~~
10 ~~based upon information gathered during the discovery phase~~
11 ~~that involves capturing, organizing, and presenting the~~
12 ~~information in a blueprint for the job search.~~

13 (3) "Phase Three: Customized Employment Planning"
14 means an opportunity to use the information learned during
15 the discovery process to develop a plan for competitive
16 and integrated employment for the participant ~~An employer~~
17 ~~negotiation process in which job duties and employee~~
18 ~~expectations are negotiated to align the skills and~~
19 ~~interests of the individual with the needs of an employer.~~
20 ~~The negotiation process may result in agreement on options~~
21 ~~such as (i) carving out a job for the individual, (ii)~~
22 ~~creating a new job description, (iii) creating a new job,~~
23 ~~(iv) job sharing, and (v) agreeing on job supports,~~
24 ~~transportation needs, assistive technology, work hours,~~
25 ~~location, or supervision needs.~~

26 (4) "Phase Four: Job Development and Negotiation"

1 means a process of working collaboratively with the
2 participant, the participant's guardian, and the
3 customized employment employer to negotiate a customized
4 job, including, terms of employment, conditions necessary
5 for success, and the specific unmet needs of the employer
6 that shall be fulfilled by the participant's contributions
7 ~~A flexible timeline for a comprehensive discovery,~~
8 ~~planning, and job placement process to accommodate the~~
9 ~~unique needs of the individual.~~

10 "(5) Phase Five: Post-Employment Support and
11 Monitoring" means support and monitoring from the
12 customized employment service to ensure satisfactory
13 results for both the participant and the employer.

14 The Customized Employment Demonstration ~~Pilot~~ Program
15 shall be based on ~~implemented through~~ an individualized plan
16 for employment developed by the individual with a disability,
17 the community based agency, the individual's support team and
18 the vocational rehabilitation counselor employed by the
19 Division of Rehabilitation Services. The individual with a
20 disability may choose to have a personal representative
21 participate in the development of the individualized plan for
22 employment.

23 (Source: P.A. 101-368, eff. 1-1-20.)

24 (820 ILCS 97/15)

25 Sec. 15. Selection of participants. Individuals shall be

1 identified and referred to the Division of Rehabilitation
2 Services Department to participate in the Demonstration Pilot
3 Program by community-based agencies serving persons with
4 intellectual or developmental disabilities. A team of
5 individuals identified during the discovery phase shall be
6 created to work with the individual during the process. The
7 team shall include at least one qualified staff person as
8 described in Section 25. ~~Selection preference shall be given~~
9 ~~to individuals who are currently working in a sheltered~~
10 ~~workshop setting for a subminimum wage and individuals for~~
11 ~~whom it is likely that their current employment options will~~
12 ~~be limited to working in a sheltered workshop for a subminimum~~
13 ~~wage.~~

14 (Source: P.A. 101-368, eff. 1-1-20.)

15 (820 ILCS 97/20)

16 Sec. 20. Diversity. Participants in the Demonstration
17 Pilot Program shall reflect the geographical, racial, ethnic,
18 gender, and income-level diversity of the State.

19 (Source: P.A. 101-368, eff. 1-1-20.)

20 (820 ILCS 97/25)

21 Sec. 25. Community-based agencies and staff
22 qualifications. The Demonstration Pilot Program shall utilize
23 a minimum of 4 Illinois non-profit community-based agencies
24 that must:

1 (1) assign at least one staff member who has received
2 a certificate of completion for training in community
3 employment, with a specialization in customized
4 employment, from a recognized and qualified training
5 entity such as the Association of Community Rehabilitation
6 Educators; and

7 (2) have access to technical assistance on customized
8 employment from a recognized and qualified training entity
9 to work with each participant in the Demonstration ~~Pilot~~
10 Program.

11 (Source: P.A. 101-368, eff. 1-1-20.)

12 (820 ILCS 97/30)

13 Sec. 30. Data collection and reporting. The Division of
14 Rehabilitation Services ~~Department~~ shall collect data
15 regarding the successes and challenges of the Demonstration
16 ~~Pilot~~ Program and shall submit an annual report to the
17 Governor and the General Assembly on March 1st of each year
18 beginning in 2026 ~~2021~~ until the Demonstration ~~Pilot~~ Program
19 terminates. The reports shall: (i) make a recommendation as to
20 whether the Demonstration ~~Pilot~~ Program should be extended
21 ~~continue~~ or become a statewide program; (ii) provide cost
22 estimates, including the average per person costs; and (iii)
23 recommend ways in which the Demonstration ~~Pilot~~ Program can be
24 improved to better serve the needs of individuals with
25 disabilities and employers. The data collected shall include,

1 but not be limited to, for each individual served by the
2 Demonstration Program:

3 (1) The number of individuals with an intellectual disability;

4 (2) the number of individuals with a developmental disability;

5 (3) the number of individuals residing in a community
6 integrated living arrangement;

7 (4) the number of individuals residing in an intermediate care
8 facility for people with a developmental disability;

9 (5) the number of individuals residing in their family home;

10 (6) the number of individuals residing in a State operated
11 developmental center;

12 (7) the number of individuals residing in a community living
13 facility;

14 (8) the number of individuals who were working in a sheltered
15 workshop earning subminimum wage; and

16 (9) the average amount of time individuals in the
17 Demonstration Program spend in each customized employed phase
18 as described in Section 10.

19 (Source: P.A. 101-368, eff. 1-1-20.)

20 (820 ILCS 97/35)

21 Sec. 35. Advice and recommendations. In the creation,
22 operation, and administration of the Demonstration Pilot
23 Program, the Department shall seek the advice and
24 recommendations of the State Rehabilitation Council, Illinois
25 Council on Developmental Disabilities, the Illinois Task Force

1 on Employment and Economic Opportunity for Persons with
2 Disabilities, statewide disability advocacy groups, and
3 organizations representing large, medium, and small
4 businesses.

5 (Source: P.A. 101-368, eff. 1-1-20.)

6 (820 ILCS 97/40)

7 Sec. 40. The Department may adopt administrative rules
8 governing the Demonstration ~~Pilot~~ Program; however, the
9 Demonstration ~~Pilot~~ Program shall not be delayed pending the
10 adoption of rules.

11 (Source: P.A. 101-368, eff. 1-1-20.)