

AN ACT concerning employment.

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

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

(820 ILCS 97/6 new)

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

(820 ILCS 97/10)

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

Division of Rehabilitation Services and in collaboration with the Division of Developmental Disabilities, shall establish a 5-year Customized Employment Demonstration ~~Pilot~~ Program that serves a minimum of 40 ~~25~~ individuals by July 1, 2025, with a goal of serving at least 75 individuals by July 1, 2027 ~~the second year of the Pilot Program~~.

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

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

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

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

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

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

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

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

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

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

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

(820 ILCS 97/15)

Sec. 15. Selection of participants. Individuals shall be

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

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

(820 ILCS 97/20)

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

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

(820 ILCS 97/25)

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

- (1) assign at least one staff member who has received

a certificate of completion for training in community employment, with a specialization in customized employment, from a recognized and qualified training entity such as the Association of Community Rehabilitation Educators; and

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

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

(820 ILCS 97/30)

Sec. 30. Data collection and reporting. The Department shall collect data regarding the successes and challenges of the Demonstration Pilot Program and shall submit an annual report to the Governor and the General Assembly on March 1st of each year beginning in 2026 ~~2021~~ until the Demonstration Pilot Program terminates. The reports shall: (i) make a recommendation as to whether the Demonstration Pilot Program should be extended ~~continue~~ or become a statewide program; (ii) provide cost estimates, including the average per person costs; and (iii) recommend ways in which the Demonstration Pilot Program can be improved to better serve the needs of individuals with disabilities and employers. The data collected shall include, but not be limited to, for each individual served by the Demonstration Program:

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

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

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

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

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

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

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

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

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

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

(820 ILCS 97/35)

Sec. 35. Advice and recommendations. In the creation, operation, and administration of the Demonstration Pilot Program, the Department shall seek the advice and

recommendations of the State Rehabilitation Council, Illinois Council on Developmental Disabilities, the Illinois Task Force on Employment and Economic Opportunity for Persons with Disabilities, statewide disability advocacy groups, and organizations representing large, medium, and small businesses.

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

(820 ILCS 97/40)

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

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