



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

**EXECUTIVE ORDER
No. 2015 - 15**

EMPLOYMENT FIRST IN MICHIGAN

WHEREAS, Section 1 of Article V of the Michigan Constitution vests the executive power of the state of Michigan in the Governor; and

WHEREAS, the state of Michigan recognizes that an individual's employment and work result 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, an individual's employment and work also promote inclusion in other community activities; and

WHEREAS, the state of Michigan recognizes that a diverse workforce enriches local communities and enhances economic development; and

WHEREAS, the state of Michigan recognizes that competitive employment within an integrated setting is the first priority and optimal outcome for persons with disabilities, regardless of level or type of disability; and

WHEREAS, the state of Michigan recognizes intermediate steps and services may be needed to assist persons with disabilities along the path to the optimal outcome or to honor the choices and goals of the individual; and

WHEREAS, the mission of Employment First in Michigan is to establish the expectation and promote opportunities for all working-age individuals with disabilities in Michigan to gain competitive employment within an integrated setting, with or without supports, and to engage businesses and organizations that value the contributions of employees with disabilities; and

WHEREAS, the state of Michigan will promote the dignity, self-esteem, and economic self-sufficiency of working-age individuals with disabilities by providing access to meaningful and productive paid employment;

NOW, THEREFORE, I, Brian Calley, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. IMPLEMENTATION OF EMPLOYMENT FIRST

A. All state departments and agencies that provide services and support to persons with disabilities, and all state departments and agencies that provide employment, economic development, or other related services, shall implement Employment First in Michigan by coordinating efforts and collaborating to ensure that state programs, policies, procedures, and funding support competitive employment within an integrated setting as the first priority and optimal outcome for persons with disabilities.

B. All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward full implementation of this Order.

C. All state agencies are encouraged to adopt measurable goals and objectives to promote assessment of progress in implementing this Order.

D. Oversight for implementation of this Order shall be placed within the State Rehabilitation Council as established under Executive Order 2012-15, MCL 445.2033, and pursuant to the Rehabilitation Act of 1973, 29 U.S.C. § 701, et. seq.

E. Nothing in this Order shall be construed to limit or disallow any disability benefits to which a person with a disability who is unable to be employed as contemplated by this Order would otherwise be entitled.

F. Nothing in this Order should be construed to limit the ability of a person with a disability to select an employment option that they determine to be the best choice for themselves.

G. Nothing in this Order shall be construed to require any employer to give preference to hiring persons with disabilities.

H. Nothing in this Order shall be construed to grant any individual or entity a judicially enforceable right or cause of action.

I. If the terms of this Order are inconsistent with federal law or regulations governing interpretation, definitions, etc., an agency or department may modify its programs, policies, procedures, and funding support as necessary to comply with federal requirements.

J. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

II. DEFINITIONS

For purposes of the implementation of this Order, the following definitions apply:

A. "Employment First" is a national movement affirming the philosophy that competitive employment in an integrated setting is the first priority and optimal outcome in the provision of services for persons with disabilities.

B. "Employment" means a job available in the general workforce and in which the employee is included on the payroll of the business, industry, community rehabilitation organization or staffing agency, or is a self-employed business owner.

C. "Disability" means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such impairment.

D. "Integrated setting" means:

- With respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals; and
- With respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

E. "Competitive employment" means:

- In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and
- 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 that or similar work performed by individuals who are not disabled.

F. "Intermediate steps and services" may include, but are not limited to, facility-based programs, internships, and job training programs.

This Order shall become effective upon filing.

Given under my hand and the Great Seal of the state of Michigan this 18th day of November, in the Year of our Lord Two Thousand Fifteen



Brian Calley
BRIAN CALLEY
GOVERNOR - Acting

BY THE GOVERNOR:

Guthrie Johnson
SECRETARY OF STATE

FILED WITH SECRETARY OF STATE
ON 11/18/15 AT 1:34 pm