



SPONSOR: Rep. Heffernan & Sen. McDowell
Reps. Baumbach, Brady, Jaques, Viola; Sen. Hocker

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 241

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 7, Subchapter V of Title 19 of the Delaware Code by making deletions as shown by
2 strike through and insertions as shown by underline as follows and re-designate accordingly:

3 § 745 Establishment of Employment First Oversight Commission.

4 (a) There is hereby established an Employment First Oversight Commission under the purview of the State
5 Council for Persons with Disabilities, which shall facilitate the full, effective and timely implementation of this subchapter.

6 (b) The Commission shall consist of ~~13~~ members, who are residents of this State, or work in the State and whose
7 employment agency shall either represent or advocate for the employment of persons with disabilities.

8 (1) Four members who are persons with a disability and who are knowledgeable of disability issues whom
9 shall be recommended by the Commission, 1 of whom shall be a veteran and 1 of whom shall be a member of the State
10 Council for Persons with Disabilities, and ~~of whom~~ including all of the following:

11 a. One shall be appointed by the Speaker of the House of ~~Representatives~~; Representatives.

12 b. One shall be appointed by the Minority Leader of the House of ~~Representatives~~; Representatives.

13 c. One shall be appointed by the President Pro Tempore of the ~~Senate~~; and Senate.

14 d. One shall be appointed by the Minority Leader of the ~~Senate~~; Senate.

15 (2) One member who is experienced with employment service programs and who is not a state employee and
16 who shall be appointed by the chair of the State Council for Persons with ~~Disabilities~~; Disabilities.

17 (3) A representative of the Division of Industrial Affairs, appointed by the Secretary of ~~Labor~~; Labor.

18 (4) A representative of the Division of Vocational Rehabilitation, appointed by the Secretary of ~~Labor~~; Labor.

19 (5) The Secretary of Education or a designee appointed by the ~~Secretary~~; Secretary.

20 (6) The Secretary of Health and Social Services or a designee appointed by the ~~Secretary~~; Secretary.

21 (7) The Director of the Division of Developmental Disabilities Services or a designee appointed by the
22 ~~Director~~; Director.

23 (8) The Chair of the Developmental Disabilities Council or a designee appointed by the ~~Chair~~; Chair.

24 (9) The Secretary of the Department of Human Resources or a designee appointed by the ~~Secretary~~; and
25 Secretary.

26 (10) The Executive Director of the Delaware Community Legal Aid Society Inc. or a designee appointed by
27 the Executive Director.

28 (11) The Director of the Division for the Visually Impaired or a designee appointed by the Director.

29 (12) The Director of the Division of Substance Abuse and Mental Health or a designee appointed by the
30 Director.

31 (13) Other councils, committees, agencies, organizations and individuals as approved by both the
32 Employment First Oversight Commission and the affected council, committee, agency, organization or individual.

33 ~~(e) Except as provided in subsections (d) and (e) of this section, each member shall serve a term of 3 years, and~~
34 ~~may succeed himself or herself for 1 additional term; provided, however, that where a member was initially appointed to fill~~
35 ~~a vacancy, such member may succeed himself or herself for only 1 additional full term. Any person appointed to fill a~~
36 ~~vacancy on the Commission shall hold office for the remainder of the unexpired term of the former member. Each term of~~
37 ~~office shall expire on the date specified in the appointment; however, the member shall remain eligible to participate in~~
38 ~~Commission proceedings unless and until such member's successor is duly appointed.~~

39 ~~(d) The terms of the members of the Commission shall be staggered. Four members shall serve an initial term of 3~~
40 ~~years, 4 members shall serve an initial term of 2 years, and the remaining members shall serve an initial term of 1 year.~~
41 ~~Thereafter, all terms shall be for 3 years.~~

42 ~~(e) A person, who has never served on the Commission, may be appointed to the Commission for 2 consecutive~~
43 ~~terms; but no such person shall thereafter be eligible for 2 consecutive appointments. No person, who has been twice~~
44 ~~appointed to the Commission or who has served on the Commission for 6 years within any 9 year period, shall again be~~
45 ~~appointed to the Commission until an interim period of at least 1 term has expired since such person last served.~~

46 (f) Members of the Commission shall serve without compensation.

47 (g) Any member, who is absent without adequate reason for 3 consecutive meetings, or who fails to attend at least
48 half of all regular business meetings during any calendar year, shall be subject to suspension or removal from the
49 Commission.

50 § 746 Commission organization; meetings; officers; quorum.

51 (a) The Commission shall hold regularly scheduled business meetings at least once in each quarter, and at such
52 times as the chairperson deems necessary, or at the request of a majority of the members of the Commission.

53 (b) The Commission ~~annually~~ shall elect a chairperson and vice-chairperson. Each officer shall serve for ~~1~~ a 2
54 year term, ~~and shall not succeed himself or herself for more than 2 consecutive terms.~~ Each officer may be reelected for an
55 additional consecutive term.

SYNOPSIS

This bill expands the Employment First Oversight Commission by adding the Director of the Division for the Visually Impaired as a member, the Director of the Division of Substance Abuse and Mental Health, and other councils, committees, agencies, organizations and individuals as approved by both the Employment First Oversight Commission and the affected council, committee, agency, organization or individual.

This bill further expands the officer's services from 1 year to 2 years and allows them to be reelected for an additional consecutive term.