



SPONSOR: Rep. Heffernan & Rep. K. Johnson & Rep. Hensley

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2  
TO  
HOUSE BILL NO. 122

1 AMEND House Bill No. 122 on line 19 by deleting "July 1, 2023" as it appears therein and inserting in lieu  
2 thereof "January 31, 2024".

3 FURTHER AMEND House Bill No. 122 on lines 23-24 by striking the words "develop and implement" as they  
4 appear therein and insert in lieu thereof the following: "oversee the development and implementation of".

5 FURTHER AMEND House Bill No. 122 on line 24 by deleting "July 1, 2023" as it appears therein and inserting  
6 in lieu thereof "January 31, 2024".

7 FURTHER AMEND House Bill No. 122 on line 25 by inserting between "title." and "The Employment First  
8 Oversight" the following: "The plan shall be developed by a task force comprised of representatives appointed by the  
9 Commission consisting of representatives from the Commission, the State Council for Persons with Disabilities, the  
10 Division of Industrial Affairs, the Division of Vocational Rehabilitation, the Division of Developmental Disabilities  
11 Services, the Developmental Disabilities Council, family members and individuals currently being served by sheltered  
12 workshops, service providers who have experience in transitioning from providing sheltered workshop services to  
13 providing competitive employment in integrated settings for persons with disabilities, current sheltered workshop  
14 providers, the Disabilities Law Program of the Community Legal Aid Society, Inc., and a range of national experts on the  
15 use of transitioning services out of 14(c) in order to determine what model of service might work best for Delaware.".

16 FURTHER AMEND House Bill No. 122 on by deleting line 26 in its entirety and inserting in lieu thereof the  
17 following:  
18 "Commission plan shall be completed and provided to the General Assembly by January 31, 2024 and include all of the  
19 following:".

20 FURTHER AMEND House Bill No. 122 on line 32 by inserting after "setting" and before "." the following: ", and  
21 assure adequate funding is available for more intensive services that may be necessary in the future".

22 FURTHER AMEND House Bill No. 122 on line 33 by inserting the following and redesignating accordingly:

23 “(d) Individualized person-centered planning for people currently participating in programs authorized under  
24 Section 14(c) of the federal Fair Labor Standards Act, 29 U.S. C. 214(c), during the phase out process designed to address  
25 individual wishes and service needs with respect to avoiding disruption of location and relationships with friends where  
26 feasible.”

27 FURTHER AMEND House Bill No. 122 on line 40 by adding after “activities” and before “.” The following:  
28 “including those that may lose a job opportunity as a result of a minimum wage increase”.

29 FURTHER AMEND House Bill No. 122 by deleting lines 48 through 54 in their entirety.

#### SYNOPSIS

This Amendment strengthens the role of stakeholders in developing the 14(c) phase out plan by requiring the Employment First Commission to appoint a task force comprised of stakeholders, including national subject-matter experts, to develop the phase out plan as opposed to merely consulting with stakeholders. The Amendment also adds a requirement that the phase out plan include consideration of current sheltered workshop employees’ wishes to continue working in or near the same location and people with whom the employee is friendly or familiar. This amendment changes the date by which the Employment First Oversight Commission shall develop their implement their plan from July 1, 2023 to January 31, 2024 in order to afford ample time to convene and complete the tasks necessary. This amendment also includes in the plan assurance of adequate funding to support those employers once an individual is hired and the number of individuals who may lose a job opportunity as a result of a minimum wage increase. Finally, the amendment requires that the Commission provide the plan to the General Assembly.