

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3796

By: Hefner

AS INTRODUCED

An Act relating to labor; creating the Rethinking
Paying Subminimal Wage to Persons with Disabilities
Task Force; providing the purpose for the Task Force;
providing for membership; providing rules for
reporting; providing for codification; and providing
an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 365 of Title 40, unless there is
created a duplication in numbering, reads as follows:

A. There is hereby created until May 31, 2025, the Rethinking
Paying Subminimal Wage to Persons with Disabilities Task Force.

B. The Task Force shall study and develop a plan to phase out
the practice of paying workers with disabilities subminimum wages
under 14(c) certificate programs in Oklahoma. The Task Force shall
study, review, and make recommendations on the following, with a
focus on transitioning workers with disabilities currently being
paid subminimum wages under 14(c) certificates to competitive,
integrated employment at or above minimum wage, and when

1 appropriate, alternative meaningful day programs for those not able
2 or wanting to move to competitive, integrated employment:

3 1. Identify potential obstacles and negative impacts of phasing
4 out subminimum wages and 14(c) use in Oklahoma; and

5 2. Develop a plan for phasing out subminimum wages and 14(c)
6 use in Oklahoma that:

7 a. reduces potential negative impacts and maximizes the
8 potential for successful transition to competitive,
9 integrated employment,

10 b. includes alternative meaningful day programs for those
11 individuals who do not wish to transition to
12 competitive, integrated employment or for those for
13 whom it is not appropriate, and

14 c. establishes an appropriate timeline for phasing out
15 subminimum wages.

16 C. The Task Force shall consist of twenty (20) members as
17 follows:

18 1. The Director of the Department of Human Services
19 Developmental Disabilities Services Division or his or her designee;

20 2. The Director of the Oklahoma Department of Rehabilitation
21 Services or his or her designee;

22 3. The Secretary of Commerce and Workforce Development;

23 4. The State Purchasing Director;
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1 5. The State Director of the Oklahoma Department of Career and
2 Technology Education;

3 6. A representative of the Oklahoma State Chamber, appointed by
4 the Governor;

5 7. A member of the Oklahoma House of Representatives, appointed
6 by the Speaker of the House of Representatives;

7 8. A member of the Oklahoma State Senate, appointed by the
8 President Pro Tempore of the Senate;

9 9. A representative of Oklahoma Community-Based Providers,
10 appointed by the Governor;

11 10. A director of a sheltered workshop program with an active
12 14(c) certificate, appointed by the Governor;

13 11. A director of a program who previously held a 14(c)
14 certificate and successfully transitioned to community integrated
15 employment, appointed by the Speaker of the House of
16 Representatives;

17 12. A representative of the federally funded protection and
18 advocacy system for Oklahoma known as the Oklahoma Disability Law
19 Center, appointed by the President Pro Tempore of the Senate;

20 13. A self-advocate who is currently enrolled or was previously
21 employed at subminimum wage, appointed by the Board of the Oklahoma
22 Developmental Disabilities Council;

1 14. A self-advocate who has successfully transitioned from
2 subminimum wage to competitive, integrated employment, appointed by
3 the Board of the Oklahoma Developmental Disabilities Council.

4 15. A parent or family member of a person with a disability who
5 is currently enrolled or was previously employed at subminimum wage,
6 appointed by the Speaker of the House of Representatives;

7 16. A parent or family member of a person with a disability who
8 has successfully transitioned from subminimum wage to competitive,
9 integrated employment, appointed by the President Pro Tempore of the
10 Senate;

11 17. A private employer who employs individuals with
12 disabilities, appointed by the Governor;

13 18. A representative of the Oklahoma state chapter of the
14 Association of People Supporting Employment First, appointed by the
15 Governor;

16 19. The Director for Learning and Leadership/University Center
17 for Excellence in Developmental Disabilities; and

18 20. A director of an agency specializing in employment services
19 for the blind, appointed by the Speaker of the House of
20 Representatives.

21 D. The member of the House of Representatives and the member of
22 the Senate shall serve as co-chairs of the Task Force. Appointments
23 to the Task Force shall be made within thirty (30) days after the
24 effective date of this act. Meetings of the Task Force shall be
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1 held at the call of either co-chair of the Task Force. Members
2 shall serve at the pleasure of their appointing authorities. A
3 majority of the members of the Task Force shall constitute a quorum
4 to transact business, but no vacancy shall impair the right of the
5 remaining members to exercise all of the powers of the Task Force.
6 Except as otherwise provided, a vacancy on the Task Force shall be
7 filled by the original appointing authority. If the original
8 appointing authority fails to make an appointment within thirty (30)
9 days after the effective date of this act, a majority of the members
10 of the Task Force who have been appointed may fill the vacancy to
11 the open position. Staff support for the Task Force shall be
12 provided by the staff of the Oklahoma House of Representatives and
13 the Oklahoma State Senate. The Oklahoma Department of Career and
14 Technology Education, Oklahoma State Regents for Higher Education,
15 Office of Disability Concerns, Oklahoma Department of Rehabilitation
16 Services, Oklahoma Health Care Authority, Department of Human
17 Services, and the State Use Committee of the Office of Management
18 and Enterprise Services shall provide support and information as
19 requested by the Task Force.

20 E. Members of the Task Force shall receive no compensation for
21 serving on the Task Force, but may receive travel reimbursement,
22 contingent on the availability of private funds for this purpose.

23 F. The Task Force may seek the assistance of the Legislative
24 Service Bureau or the State Board of Education to contract with an
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1 independent consultant as necessary to fulfill the duties specified
2 in this section, contingent on the availability of funds.

3 G. The Task Force shall submit a final report by January 1,
4 2025, to the Governor, the President Pro Tempore of the Senate, and
5 the Speaker of the House of Representatives.

6 SECTION 2. This act shall become effective November 1, 2024.

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