



[Up^](#) [Add To My Favorites](#)

**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 4.5. SERVICES FOR THE DEVELOPMENTALLY DISABLED [4500 - 4885]** ( *Division 4.5 added by Stats. 1977, Ch. 1252.*  )

**CHAPTER 14. Employment [4868 - 4870.2]** ( *Chapter 14 added by Stats. 2009, Ch. 231, Sec. 2.*  )

**4868.** For purposes of this chapter, the following definitions shall apply:

- (a) "Competitive employment" means work 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 the same or similar work performed by individuals who are not disabled.
- (b) "Integrated employment" means "integrated work," as defined in Section 4851.
- (c) "Microenterprises" means small businesses owned by individuals with developmental disabilities who have control and responsibility for decisionmaking and overseeing the business, with accompanying business licenses, taxpayer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered integrated competitive employment.
- (d) "Self-employment" means an employment setting in which an individual works in a chosen occupation, for profit or fee, in the individual's own small business, with control and responsibility for decisions affecting the conduct of the business.
- (e) This section shall become operative on July 1, 2024.

*(Repealed (in Sec. 26) and added by Stats. 2023, Ch. 44, Sec. 27. (AB 121) Effective July 10, 2023. Operative July 1, 2024, by its own provisions.)*

**4868.5.** (a) There is in the California Health and Human Services Agency the Office of Employment First.

(b) The office's mission is to coordinate the Employment First Policy, as described in Section 4869, in order to reduce redundancy, ensure coordination of all employment support services across all agencies and departments, avoid fragmentation of services, guide strategic planning, and promote racial equity toward employment for individuals with developmental disabilities.

(c) The office shall have all of the following responsibilities:

- (1) Identify and disseminate best practices.
- (2) Develop effective strategies for partnerships with entities, including, but not limited to, employers, foundations, advocates, and other entities committed to creating integrated community employment opportunities.
- (3) Provide technical assistance, as requested, to develop and implement strategies for equity in employment.
- (4) Make recommendations for legislative, regulatory, and policy changes consistent with the Employment First Policy, as described in Section 4869.

(d) The office shall be under the control of an executive officer known as the Chief Employment First Officer who has the authority to do all of the following:

- (1) Establish or improve reporting mechanisms to measure the success of employment programs for individuals with developmental disabilities and drive quality improvement.
- (2) Monitor progress on employment for individuals with developmental disabilities, including, but not limited to, preparing monitoring instruments and issuing reports.
- (3) Link data collection systems across state government entities through the development of a unique identification system.

(4) Track, analyze, and publicize service code utilization and vocational outcomes across the system.

(e) (1) The office shall form a standing Employment First Committee consisting of all of the following members:

(A) At least one designee of each of the members of the State Council on Developmental Disabilities specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph (2) of subdivision (b) of Section 4521.

(B) A member of the consumer advisory committee of the state council.

(2) The responsibilities of the committee shall include, but need not be limited to, identifying ways services can be coordinated by state and local agencies to avoid disconnection of services and to improve accessibility of services.

(f) On or before June 30, 2025, and annually thereafter, the office shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations made pursuant to this section.

(g) This section shall become operative on July 1, 2024.

*(Added by Stats. 2023, Ch. 44, Sec. 28. (AB 121) Effective July 10, 2023. Operative July 1, 2024, by its own provisions.)*

**4869.** (a) (1) In furtherance of the purposes of this division to make services and supports available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age, to support the integration of persons with developmental disabilities into the mainstream life of the community, and to bring about more independent, productive, and normal lives for the persons served, it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. This policy shall be known as the Employment First Policy.

(2) Implementation of the policy shall be consistent with, and shall not infringe upon, the rights established pursuant to this division, including the right of people with developmental disabilities to make informed choices with respect to services and supports through the individual program planning process.

(3) Integrated competitive employment is intended to be the first option considered by planning teams for working age individuals, but individuals may choose goals other than integrated competitive employment.

(4) Postsecondary education, technical or vocational training, and internship programs may be considered as a means to achieve integrated competitive employment or career advancement.

(5) This chapter shall not be construed to expand the existing entitlement to services for persons with developmental disabilities described in this division.

(6) This chapter shall not alleviate schools of their responsibility to provide transition services to individuals with developmental disabilities.

(b) The State Council on Developmental Disabilities shall develop an informational brochure about the Employment First Policy, translate the brochure into various languages, and post the brochure on its Internet Web site.

(c) Regional centers shall provide consumers 16 years of age or older, and, when appropriate, their parents, legal guardians, conservators, or authorized representative with information, in an understandable form, about the Employment First Policy, options for integrated competitive employment, and services and supports, including postsecondary education, that are available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment.

(d) The department may request information from regional centers on current and planned activities related to the Employment First Policy. A contract between the department and a regional center shall include performance objectives relating to implementation of the Employment First Policy, as described in subdivision (c) of Section 4629.

*(Amended by Stats. 2017, Ch. 18, Sec. 24. (AB 107) Effective June 27, 2017.)*

**4870.** (a) To encourage competitive integrated employment opportunities statewide for individuals with developmental disabilities, the department shall establish guidelines and oversee a program, to the extent funds are appropriated in the annual Budget Act for this purpose, to increase paid internship opportunities for individuals with developmental disabilities that produce outcomes consistent with the individual program plan. The department shall consult with the State Council on Developmental Disabilities, regional centers, employers, supported employment provider organizations, and clients' rights advocates, to establish a program that shall be administered by community service providers and that meets all of the following criteria:

(1) Internships shall not exceed 1,040 hours per year for each individual placed in an internship.

(2) Payments for internship hours under this program shall include all required employer-related costs.

(3) Individuals participating in an internship shall be paid at or above minimum wage and equal to the customary wage paid by the employer for the same or similar work performed by individuals who do not have disabilities.

(4) A payment of seven hundred fifty dollars (\$750) shall be made to the regional center service provider if both of the following apply:

(A) On or after July 1, 2021, the regional center provider places an individual in a paid internship opportunity.

(B) That individual remains in the paid internship after 30 consecutive days.

(5) An additional payment of one thousand dollars (\$1,000) shall be made to the regional center provider for an individual described in paragraph (4) who remains in the paid internship for 60 consecutive days.

(6) Placements shall be made into competitive, integrated work environments.

(7) Placements shall be made into internships that develop vocational skills that will facilitate paid employment opportunities in the future.

(8) Regional centers shall increase awareness of these internships to consumers outside of current employment programs through outreach to consumers once the program is implemented, as well as during the individual program plan process.

(b) The department shall require annual reporting by regional centers and vendors that ensures program accountability and achievement of program goals. This shall include, but is not limited to, all of the following:

(1) The number of interns placed who might not otherwise have achieved the placement absent this internship program.

(2) Types of employment in which interns are placed.

(3) Length of internships.

(4) Demographic information of interns.

(5) Amount of each intern placement payment.

(6) Employment-related supports provided by another agency or individual to the intern.

(7) Number of interns who subsequently entered paid employment, including salary and benefit information.

(8) Any additional information, as determined by the department.

(c) (1) The department shall include in its annual May Revision fiscal estimate a description of the implementation of the program, including, but not limited to, a description of the stakeholder consultation, the data described in subdivision (b), aggregated by regional center and statewide, and any recommendations for program changes that may be necessary or desirable to maximize program effectiveness and accountability.

(2) It is the intent of the Legislature that the amounts included in this section be considered for changes or adjustments as part of the budget process that develops the budget for the 2025–26 fiscal year.

(d) Consistent with the individual program plan, the program shall increase sustained and appropriate competitive integrated employment placements by regional center service providers, as follows:

(1) A payment of one thousand dollars (\$1,000) shall be made to the regional center service provider that, on or after July 1, 2016, places an individual into competitive integrated employment, and the individual is still competitively employed after 30 consecutive days, as described in subdivision (o) of Section 4851 and subdivision (d) of Section 4868.

(2) An additional payment of one thousand two hundred fifty dollars (\$1,250) shall be made to the regional center service provider for an individual described in paragraph (1) who remains in competitive integrated employment for six consecutive months.

(3) An additional payment of one thousand five hundred dollars (\$1,500) shall be made to the regional center service provider for an individual described in paragraphs (1) and (2) who remains in competitive integrated employment for 12 consecutive months.

(4) Notwithstanding paragraphs (1) to (3), inclusive, effective July 1, 2021, until June 30, 2025, the competitive integrated employment incentive payments for each milestone shall be as follows:

(A) A payment of two thousand dollars (\$2,000) if the individual is still engaged in competitive employment after 30 consecutive days, as described in subdivision (o) of Section 4851 and subdivision (d) of Section 4868.

(B) An additional payment of two thousand five hundred dollars (\$2,500), if the individual in subparagraph (A) remains in competitive integrated employment for six consecutive months.

(C) An additional payment of three thousand dollars (\$3,000), if the individual in subparagraph (B) remains in competitive integrated employment for 12 consecutive months.

(e) Regional centers shall annually report to the department the payments for placements pursuant to subdivision (d). The information shall be reported in a format determined by the department, and shall include the number of individuals placed in internships or other employment as described in this section each year.

(f) The payments made pursuant to this section shall not be in addition to the placement payments made pursuant to subdivision (c) of Section 4860.

(g) Regional center service providers that place individuals into internships under subdivision (a) are not eligible for the employment placement incentives under this section, until the individual is transitioned into a competitive integrated employment placement that is not funded as an internship.

*(Amended by Stats. 2025, Ch. 12, Sec. 15. (AB 143) Effective June 27, 2025.)*

**4870.1.** (a) In addition to the program described Section 4870, subject to an appropriation in the Budget Act, the department shall establish, by December 31, 2021, a program to increase pathways to competitive integrated employment that shall meet both of the following requirements:

(1) (A) Be developed in consultation with stakeholders as specified in subparagraph (B).

(B) Consultation with stakeholders pursuant to subparagraph (A) shall commence no later than September 30, 2021, and shall include individuals with disabilities, including those served by the program, family members, employers and provider association representatives, consumer advocates, disability provider representatives, including regional centers, members of the Developmental Services Task Force, and legislative staff.

(2) Provide contracts or grants for entities to develop and implement innovative and replicable strategies and practices to increase paid work experiences and employment opportunities for regional center consumers.

(b) The department shall include in its annual May Revision fiscal estimate a description of the implementation of the program including, but not limited to, all of the following:

(1) A description of the stakeholder consultation.

(2) Data about the number and start date of funded grants or contracts.

(3) The number of enrolled participants.

(4) The number of employed participants.

(5) Any recommendations for program changes that may be necessary or desirable to maximize program effectiveness.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section by means of written directives or similar instructions, without taking any regulatory action.

*(Added by Stats. 2021, Ch. 76, Sec. 53. (AB 136) Effective July 16, 2021.)*

**4870.2.** (a) In addition to the program described in Section 4870, subject to an appropriation in the Budget Act for this purpose, the department shall establish, by December 31, 2022, a three-year pilot program that focuses on competitive integrated employment, postsecondary education, and career readiness for individuals with developmental disabilities exiting work activity programs or secondary education in order to explore inclusive options, including, but not limited to, paid internships, competitive integrated employment, and college-to-career programs.

(b) The pilot program established pursuant to subdivision (a) shall satisfy all of the following requirements:

(1) Be developed in consultation with stakeholders, including, but not limited to, individuals with disabilities, including those who will be served by the program, family members, provider association representatives, consumer advocates, regional centers, the State Council on Developmental Disabilities, the State Department of Education, and the Department of Rehabilitation. The consultation described in this paragraph shall commence no later than August 31, 2022.

(2) Provide person-centered and time-limited services, aligning with each individual's needs and a person-centered approach, focused on preparing individuals for career pathways.

(3) Consider evidence-based or promising practices for reducing or eliminating barriers to competitive integrated employment for people with intellectual and developmental disabilities in the development of innovated service options.

(4) Require service providers participating in the pilot program to report on defined outcome measures, as determined by the department.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section by means of written directives or similar instructions, without taking any regulatory action.

*(Added by Stats. 2022, Ch. 49, Sec. 81. (SB 188) Effective June 30, 2022.)*