

ASSEMBLY, No. 5187

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 21, 2020

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Establishes resume bank in Division of Vocational Rehabilitation Services in DOLWD.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning employment assistance for individuals with
2 disabilities and amending and supplementing P.L.1955, c.64
3 (C.34:16-20 et seq.).

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.1955, c.64 (C.34:16-20) is amended to read
9 as follows:

10 1. As used in this chapter:

11 "Division" means the Division of Vocational Rehabilitation
12 Services in the Department of Labor and Workforce Development,
13 for the rehabilitation of persons with disabilities.

14 "Maintenance" means payments to cover the basic living
15 expenses of a person with a disability, such as: food, shelter,
16 clothing, health maintenance, and other subsistence expenses
17 essential to achievement of the individual's vocational rehabilitation
18 or independent living rehabilitation objective.

19 "Individual with a disability" means, for the purpose of
20 vocational rehabilitation services, any individual who has a physical
21 or mental disability which constitutes a substantial impediment to
22 employment, but which is of such a nature that vocational
23 rehabilitation services may reasonably be expected to give the
24 individual suitable skills to achieve gainful employment outcomes.

25 "Individual with a severe disability" means, for the purpose of
26 independent living rehabilitation services, an individual who has a
27 physical or mental disability, as defined by rules and regulations of
28 the division, as to require institutional care or nursing home care or
29 attendance in the individual's household continuously or for a
30 substantial portion of the time, but who reasonably can be expected
31 as a result of independent living rehabilitation services to achieve
32 an independent living status.

33 "Independent living status" means that degree of independence
34 for individuals with severe disabilities which will eliminate the
35 need for institutional care or nursing home care or eliminate or
36 substantially reduce the need for an attendant's care at home and
37 which may in many instances make such persons capable of
38 achieving vocational rehabilitation.

39 "Prosthetic device" means any appliance designed to support or
40 take the place of a part of the body, or to increase the acuity of a
41 sensory organ.

42 "Vocational rehabilitation services" means diagnostic and related
43 services (including transportation) incidental to the determination of
44 eligibility for and the nature and scope of services to be provided;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 training, books, and training material, including necessary small
2 tools, such prosthetic devices as are essential to obtaining or
3 retaining employment, occupational licenses, guidance and
4 placement services for individuals with disabilities; the
5 establishment of an electronic resume bank for resumes of
6 individuals with disabilities to provide a central database for
7 individuals with disabilities to submit their resumes so that
8 employers can search the database for individuals who may have
9 relevant work experience or an interest in working in the
10 employer's industry; and in the case of an individual found to
11 require financial assistance with respect to these services, after full
12 consideration of the individual's eligibility for any similar benefit
13 by way of pension, compensation, and insurance, any other goods
14 and services necessary to give the individual suitable skills to
15 achieve gainful employment outcomes (including gainful
16 homebound work), including but not limited to the following
17 physical rehabilitation and other goods and services:

18 (1) Corrective surgery or therapeutic treatment to correct or
19 improve a physical or mental condition which constitutes a
20 substantial impediment to employment;

21 (2) Necessary hospitalization in connection with surgery or
22 treatment specified in paragraph (1);

23 (3) Maintenance, not exceeding the estimated cost of
24 subsistence, during rehabilitation;

25 (4) Tools, equipment, initial stocks, and supplies, including
26 equipment and initial stocks and supplies for vending stands;

27 (5) Transportation (except where necessary in connection with
28 determination of eligibility or nature and scope of services);

29 (6) Acquisition of vending stands or other equipment, and initial
30 stocks and supplies for small business enterprises conducted by
31 individuals with severe disabilities under the supervision of the
32 State agency;

33 (7) The establishment of public and other nonprofit
34 rehabilitation facilities to provide services for individuals with
35 disabilities and the establishment of public and other nonprofit
36 workshops for individuals with severe disabilities.

37 "Vocational rehabilitation services" (for purposes of the
38 determination of rehabilitation potential) also means: diagnosis and
39 related services (including transportation), training, books, and
40 training material, including necessary small tools, prosthetic
41 devices, and guidance, which are provided to an individual who has
42 a physical or mental disability which constitutes a substantial
43 impediment to employment, during the period specified to be
44 necessary for and which are provided for the purpose of
45 ascertaining whether it may be reasonably expected that the
46 individual will be able to achieve gainful employment through the
47 provision of goods and services described in the preceding
48 paragraph; and in the case of any such individual found to require

1 financial assistance with respect thereto, after full consideration of
2 the individual's eligibility for any similar benefit by way of pension,
3 compensation, and insurance, any other goods and services
4 necessary to the determination of a rehabilitation potential,
5 including but not limited to physical rehabilitation and other goods
6 and services.

7 "Independent living rehabilitation service" means counseling,
8 diagnostic, and related services (including transportation) provided
9 to individuals with severe disabilities, and needed prosthetic
10 appliances, books training materials, and other devices which will
11 contribute to independent living, training in the use of these
12 devices, and in the case of any individual found to require financial
13 assistance with respect thereto, after full consideration of the
14 individual's eligibility for any similar benefits by way of pension,
15 compensation, and insurance, such term shall include but shall not
16 be limited to the following: (1) physical rehabilitation and related
17 services, including corrective surgery, therapeutic treatment, and
18 hospitalization; (2) maintenance needed to assure the availability of
19 such services, not exceeding the estimated cost of subsistence; (3)
20 such rehabilitation services necessary for the achievement of
21 independent living status.

22 "Rehabilitation facility" means a facility operated for the primary
23 purpose of assisting in the vocational rehabilitation and independent
24 living rehabilitation of individuals with disabilities and individuals
25 with severe disabilities, (1) which provides one or more of the
26 following types of service: testing, fitting, or training in the use of
27 prosthetic devices; prevocational or conditioning therapy; physical
28 or occupational therapy, adjustment training, evaluation, treatment,
29 or control of disabilities; or (2) through which is provided an
30 integrated program of medical, psychological, social and vocational
31 evaluation and services under competent professional supervision;
32 provided, that the major portion of such evaluation and service is
33 furnished within the facility, and that all medical and related health
34 services are prescribed by, or under the formal supervision of,
35 persons licensed to practice medicine or surgery in the State.

36 "Workshop" means a place where any manufacture or handiwork
37 is carried on, and which is operated for the primary purpose of
38 providing gainful employment to individuals with disabilities (1) as
39 an interim step in the rehabilitation process for those who cannot be
40 readily absorbed in the competitive labor market; or (2) during such
41 time as employment opportunities for individuals with disabilities
42 in the competitive labor market do not exist.

43 "Gainful employment" includes employment in the competitive
44 labor market; practice of a profession; self-employment;
45 homemaking, farm, or family work (including work for which
46 payment is in kind rather than cash); sheltered employment; and
47 home industries or other homebound work of a gainful nature.

48 (cf: P.L.2017, c.131, s.133)

