

# ASSEMBLY, No. 5296

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2021

**Sponsored by:**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**Senator HOLLY T. SCHEPISI**

**District 39 (Bergen and Passaic)**

**Co-Sponsored by:**

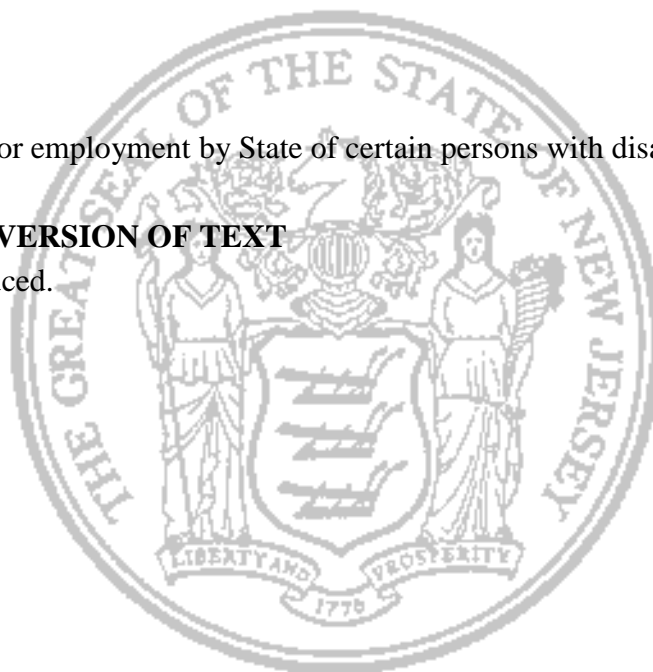
**Assemblywomen Timberlake, Dunn, Sumter, Assemblyman Benson, Assemblywoman Swain, Assemblyman Stanley, Assemblywomen Lampitt, Downey, Assemblyman Houghtaling, Assemblywomen Quijano, Jasey, Murphy, Lopez, Senators Singleton, Madden, Testa and Greenstein**

**SYNOPSIS**

Provides for employment by State of certain persons with disabilities.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/10/2022)

1 AN ACT concerning employment by the State of persons with  
2 disabilities, and supplementing chapter 7 of Title 11A of the  
3 New Jersey Statutes.

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

7  
8 1. The Legislature finds and declares that persons with  
9 disabilities are an underrepresented and untapped segment of the  
10 labor pool for consideration in public employment. As New  
11 Jersey's largest employer, the State should promote the awareness  
12 of persons with disabilities as a valued employee resource and work  
13 to attract, engage, and retain people with disabilities in the State  
14 workforce. It is appropriate that the State move toward becoming a  
15 model employer of persons with disabilities.

16  
17 2. a The Division of Equal Employment Opportunity and  
18 Affirmative Action shall, in consultation with the Civil Service  
19 Commission, develop a State as a Model Employer of People with  
20 Disabilities, SAME, program which shall be implemented by each  
21 State agency.

22 The purpose of the SAME program shall be to increase  
23 awareness of employment opportunities for persons with  
24 disabilities, provide appropriate avenues and remove barriers to the  
25 application and hiring process, and create mechanisms to increase  
26 advancement and retention rates for persons with disabilities  
27 employed in the State workforce.

28 The Affirmative Action Officer of each State agency shall  
29 oversee the SAME program for that State agency.

30 Each State agency shall provide for sufficient and qualified staff  
31 and sufficient resources and funding for the SAME program,  
32 including, as appropriate, the appointment of a disability program  
33 manager, selective placement program coordinator, and stay-at-  
34 work and return-to-work coordinator.

35 b. At a minimum, and as appropriate, the SAME program shall:

36 (1) review existing recruitment, hiring, advancement, and  
37 retention policies and procedures applicable to persons with  
38 disabilities, including an analysis of barriers to employment;

39 (2) establish goals for the hiring and recruitment of persons with  
40 disabilities, maintain records of the progress towards achieving and  
41 maintaining the established goals, and maintain and report on  
42 demographic data related to disability status for applicants and  
43 employees;

44 (3) use fast track hiring and advancement authority that permits  
45 State agencies to consider disability status during the hiring and  
46 advancement process;

47 (4) establish mentoring, internship, or similar work-based  
48 learning experiences for persons with disabilities;

1 (5) provide an opportunity for a qualified individual with a  
2 disability to request a mandatory interview, which shall be kept  
3 confidential and separate from the agency employment applications;

4 (6) include a centralized accommodation program to consolidate  
5 subject matter expertise necessary to assess, evaluate, and  
6 implement effective and meaningful accommodations and funding  
7 streams for accommodations;

8 (7) establish a recruitment and referral program that connects  
9 the State agency with college students and recent graduates with  
10 disabilities;

11 (8) utilize web-based application portals that are accessible to  
12 and usable by persons with disabilities; and

13 (9) provide for quarterly progress reports to the director of the  
14 State agency, the Director of the Division of Equal Employment  
15 Opportunity and Affirmative Action, and the Chief Executive  
16 Officer of the Civil Service Commission, which shall be publicly  
17 available and posted on the division's website.

18 c. For purposes of the records required to be maintained under  
19 paragraph (2) of subsection b. of this section, an applicant or  
20 employee may be classified as a person with a disability on the  
21 basis of the person's self-identification as a person with a disability  
22 on a form created by the division for such purpose. The division  
23 may also classify an individual with a disability on the basis of  
24 records relating to the individual's request for reasonable  
25 accommodation and records related to the individual's appointment  
26 under a hiring authority that takes disability into account.

27 The form shall state that the information collected will be kept  
28 confidential, used only for statistical purposes, and that completion  
29 of the form is voluntary.

30 d. "State agency" means any State department, and any  
31 authority, commission, office, department, division, bureau, board,  
32 or any other agency or instrumentality thereof, including  
33 institutions of higher education.

34

35 3. A biannual report shall be prepared and distributed to the  
36 Governor and the Legislature, pursuant to section 2 of P.L.1991,  
37 c.164 (C.52:14-19.1), by the Division of Equal Employment  
38 Opportunity and Affirmative Action. The report shall include  
39 ongoing barriers to employment, progress made towards increasing  
40 the number of persons with disabilities employed by the State and  
41 each State agency, retention rates of persons with disabilities  
42 employed by the State and each State agency, and plans for  
43 expanding and improving employment opportunities in the  
44 upcoming year. The report may include recommendations for  
45 legislation.

46

47 4. The Division of Equal Employment Opportunity and  
48 Affirmative Action and the Civil Service Commission shall jointly

1 adopt rules and regulations pursuant to the "Administrative  
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate  
3 the purposes of this act.

4  
5 5. This act shall take effect on the first day of the fourth month  
6 next following enactment, except the Director of the Division of  
7 Equal Employment Opportunity and Affirmative Action and the  
8 Chief Executive Officer of the Civil Service Commission may take  
9 any anticipatory administrative action in advance as shall be  
10 necessary for the implementation of this act.

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12  
13 STATEMENT

14  
15 Persons with disabilities are an underrepresented and largely  
16 untapped segment of the labor pool for consideration in public  
17 employment. As New Jersey's largest employer, the State should  
18 promote the awareness of persons with disabilities as a valued  
19 employee resource and work to attract, engage, retain, and promote  
20 people with disabilities in the State workforce. It is appropriate that  
21 the State move toward becoming a model employer of persons with  
22 disabilities.

23 This bill requires the Division of Equal Employment Opportunity  
24 and Affirmative Action, and the Civil Service Commission, to  
25 develop a State as a Model Employer of People with Disabilities,  
26 SAME, program. The purpose of the SAME program will be to  
27 increase awareness of employment opportunities for persons with  
28 disabilities, provide appropriate avenues and remove barriers to the  
29 application and hiring process, and create mechanisms to increase  
30 retention rates for persons with disabilities employed in the State  
31 workforce. The Affirmative Action Officer of each State agency  
32 will oversee the SAME program for that State agency.

33 At a minimum, and if appropriate, the SAME program will:  
34 review existing recruitment, hiring, advancement, and retention  
35 policies and procedures applicable to persons with disabilities,  
36 including an analysis of barriers to employment;  
37 establish goals for the hiring and recruitment of persons with  
38 disabilities, maintain records of the progress towards achieving and  
39 maintaining the established goals, and maintain and report on the  
40 demographic data related to disability status for applicants and  
41 employees;  
42 use fast track hiring authority and advancement that permits  
43 State agencies to consider disability status during the hiring and  
44 promotion process;  
45 establish mentoring, internship, or similar work-based learning  
46 experiences for persons with disabilities;

1 provide an opportunity for a qualified individual with a disability  
2 to request a mandatory interview, which will be kept confidential  
3 and separate from the agency employment applications;  
4 include a centralized accommodation program to consolidate  
5 subject matter expertise necessary to assess, evaluate, and  
6 implement effective and meaningful accommodations and funding  
7 streams for accommodations;  
8 establish a recruitment and referral program that connects the  
9 State agency with college students and recent graduates with  
10 disabilities;  
11 utilize web-based application portals that are accessible to and  
12 usable by persons with disabilities; and  
13 provide quarterly progress reports to the head of the State  
14 agency, the division, and the commission which will be publicly  
15 available and posted on the division's website.  
16 A biannual report will be prepared and distributed to the  
17 Governor and the Legislature by the division. The report will  
18 include ongoing barriers to employment, progress made towards  
19 increasing the number of persons with disabilities employed by the  
20 State and each State agency, retention rates of persons with  
21 disabilities employed by the State and each State agency, and plans  
22 for expanding and improving employment opportunities in the  
23 upcoming year. The report may include recommendations for  
24 legislation.