

ASSEMBLY, No. 5676

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Permits exemption from certain civil service examinations for person with disability.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/20/2021)

1 **AN ACT** concerning civil service examinations and persons with
2 disabilities, and supplementing Title 11A of the New Jersey
3 Statutes.

4

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

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8 1. a. A person with a disability who seeks to apply for a civil
9 service position may request, in writing, an exemption from the
10 examination required for the position. The Civil Service
11 Commission shall grant the request if the commission determines
12 that the duties of the position for which the person seeks to apply
13 can be performed by a person with a disability who is otherwise
14 qualified to satisfactorily perform those duties. The person who is
15 granted an exemption from the examination may be hired
16 notwithstanding the exemption.

17 b. The appointing authority shall require proof of the person's
18 disability prior to making an appointment. The appointing authority
19 shall accept as proof of disability a letter or other official
20 certification from a medical professional that, within the scope of
21 the professional's practice, describes the disability of the person,
22 the probable duration of the disability and, when applicable, the
23 medical facts within the professional's knowledge.

24 c. The appointing authority shall also accept as proof of
25 disability a letter or other official certification that the person:

26 (1) was or is currently a client of the Division of Vocational
27 Rehabilitation Services in the Department of Labor and Workforce
28 Development;

29 (2) meets the eligibility requirements to receive Social Security
30 Disability Insurance or Supplemental Security Income on the basis
31 of a disability, including a person who is eligible to participate in
32 the federal Ticket to Work program authorized under the Social
33 Security Administration;

34 (3) qualifies for appointment under the Office of Personnel
35 Management, Schedule A Excepted Service Hiring on the basis of a
36 disability, Section 213.3102(u) of Title 5, Code of Federal
37 Regulations;

38 (4) qualifies for services, supports, or benefits under programs
39 administered by the Division of Developmental Disabilities or the
40 Division of Mental Health and Addiction Services in the
41 Department of Human Services;

42 (5) notwithstanding any law, rule or regulation to the contrary
43 regarding civil service veteran benefits, meets the eligibility
44 requirements for services, supports, or benefits under a program for
45 disabled veterans administered by the United States Department of
46 Veterans Administration or the State; or

47 (6) meets the eligibility requirements for services, supports, or
48 benefits under a program administered by an agency of the State

1 that has been determined as comparable to a program described in
2 paragraphs (1) through (5) of this subsection.

3 d. "Medical professional" means any person providing health
4 care services to natural persons, including, but not limited to, a
5 physician, podiatrist, dentist, nurse, optometrist, chiropractor,
6 physical therapist, occupational therapist, psychologist, psychiatric
7 social worker or speech therapist.

8 "Person with a disability" means a person who has an
9 intellectual, visual, auditory communication, neurological,
10 perceptual, orthopedic, emotional, social, or developmental
11 disability.

12 e. All records pertaining to a person's disability, except to the
13 extent necessary for the proper administration of this act, P.L. , c.
14 (C.)(pending before the Legislature as this bill) and for statistical
15 purposes, shall be deemed confidential and not subject to the
16 requirements of P.L.1963, c.73 (C.47:1A-1 et seq.).

17 f. The Civil Service Commission and the Division of Equal
18 Employment Opportunity and Affirmative Action shall jointly
19 promulgate, pursuant to the "Administrative Procedure Act,"
20 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations and
21 establish administrative processes that are reasonable, necessary,
22 and consistent with the provisions of this act.

23

24 2. This act shall take effect six months following enactment,
25 except the Civil Service Commission and the Division of Equal
26 Employment Opportunity and Affirmative Action may take any
27 anticipatory administrative action in advance as shall be necessary
28 for the implementation of this act.

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31 STATEMENT

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33 Under current law, a person must pass a civil service open
34 competitive examination prior to becoming eligible for employment
35 in an entry level position.

36 Under this bill, a person with a disability who seeks to apply for
37 a civil service position may request, in writing, an exemption from
38 the examination required for the position. The Civil Service
39 Commission will grant the request if the commission determines
40 that the duties of the position for which the person seeks to apply
41 can be performed by a person with a disability who is otherwise
42 qualified to satisfactorily perform those duties.

43 The appointing authority will require proof of the person's
44 disability prior to making an appointment. The appointing authority
45 will accept as proof of disability a letter or other official
46 certification from a medical professional. The appointing authority
47 will also accept as proof of eligibility participation in certain
48 specified programs.

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1 The records pertaining to a person's disability, except to the
2 extent necessary for the proper administration of this bill and for
3 statistical purposes, will be deemed confidential and not subject to
4 the law commonly referred to as the open public records act.