

§§1-5
C.11A:7-13.1 to
11A:7-13.5
§7
Note

P.L. 2021, CHAPTER 465, *approved January 18, 2022*
Assembly, No. 5294 (*First Reprint*)

1 **AN ACT** concerning fast track hiring and advancement employment
2 opportunities by the State for persons with significant
3 disabilities, and supplementing chapter 7 of Title 11A of the
4 New Jersey Statutes.

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

8
9 1. The Legislature finds and declares that persons with
10 significant disabilities are an underrepresented and overlooked
11 segment of the labor pool for consideration in public employment.
12 The State should establish a fast track hiring and advancement
13 employment opportunity program for qualified persons with
14 significant disabilities. The program would enable appointing
15 authorities to more effectively and efficiently hire, promote, retain,
16 and advance qualified individuals whose physical or mental
17 impairments impact their ability to participate in the competitive
18 hiring and promotion process within the State workforce.

19
20 2. The Civil Service ¹**Commission, in consultation with the**
21 Commission's¹ Division of Equal Employment and Opportunity
22 and Affirmative Action¹**[,]**¹ shall develop a fast track hiring and
23 advancement process for qualified persons with significant
24 disabilities.

25 “Person with significant disabilities” means a person whose
26 physical or mental impairments impact the ability to participate in
27 the competitive hiring and promotion process within the State
28 workforce.

29
30 3. The Civil Service ¹**Commission, in consultation with the**
31 Commission's¹ Division of Equal Employment and Opportunity
32 and Affirmative Action¹**[,]**¹ shall provide guidelines for the
33 determination of qualification as a qualified person with significant
34 disabilities. The guidelines may include a person who:

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted December 20, 2021.

- 1 a. was or is currently a client of the Division of Vocational
2 Rehabilitation Services in the Department of Labor and Workforce
3 Development;
- 4 b. meets the eligibility requirements to receive Social Security
5 Disability Insurance or Supplemental Security Income on the basis
6 of a disability, including a person who is eligible to participate in
7 the federal Ticket to Work program authorized under the Social
8 Security Administration;
- 9 c. qualifies for appointment under the Office of Personnel
10 Management, Schedule A Excepted Service Hiring on the basis of a
11 disability, Section 213.3102(u) of Title 5, Code of Federal
12 Regulations;
- 13 d. qualifies for services, supports, or benefits under programs
14 administered by the Division of Developmental Disabilities or the
15 Division of Mental Health and Addiction Services in the
16 Department of Human Services;
- 17 e. notwithstanding any law, rule or regulation to the contrary
18 regarding civil service veteran benefits, meets the eligibility
19 requirements for services, supports, or benefits under a program for
20 disabled veterans administered by the United States Department of
21 Veterans Administration or the State; or
- 22 f. meets the eligibility requirements for services, supports, or
23 benefits under a program administered by an agency of the State
24 that has been determined by the administrator as comparable to a
25 program described in paragraphs a. through e. of this section.
26
- 27 4. a. The appointing authority of a State agency may appoint a
28 qualified person with significant disabilities to an unclassified
29 service position, or a noncompetitive temporary position or
30 noncompetitive permanent position in the career service of civil
31 service, in accordance with the provisions of this act,
32 P.L. , c. (C.)(pending before the Legislature as this bill), and
33 Title 11A of the New Jersey Statutes.
- 34 The appointing authority shall require proof of the person's
35 significant disability prior to making an appointment. The
36 appointing authority shall accept as proof of significant disability a
37 letter or other official certification from the Division of
38 Rehabilitation Services that the individual meets the criteria set
39 forth in paragraph a. of section 3 of this act.
- 40 b. A qualified person with significant disabilities shall be
41 eligible for appointment to an unclassified temporary position or a
42 noncompetitive temporary position in the career service of civil
43 service when the appointing authority determines that:
- 44 (1) the person is certified as eligible for appointment in the
45 unclassified service or noncompetitive career service pursuant to
46 this section; and
- 47 (2) it is necessary to observe the person on the job to establish
48 that the person is able to perform the duties of the position.

1 The appointing authority may, with the approval of the Civil
2 Service Commission, convert an unclassified service temporary
3 appointment or a noncompetitive career service temporary
4 appointment to a permanent appointment when it is determined that
5 the person provided the required proof of eligibility for appointment
6 pursuant to this section and is likely to succeed in the performance
7 of the duties of the position.

8 c. A person with significant disabilities shall be eligible for
9 appointment to a noncompetitive permanent position in the career
10 service of civil service when the appointing authority determines
11 that:

12 (1) the person is certified as eligible for appointment in the
13 noncompetitive career service pursuant to this section; and

14 (2) the person is likely to succeed in performing the duties of
15 the position.

16 d. In determining whether the person is likely to succeed in
17 performing the duties of the position, the appointing authority shall
18 rely upon the person's employment history and performance, as
19 appropriate, education, and other relevant experience.

20 e. Appointments to an unclassified service or a noncompetitive
21 career service position shall be subject to the working test period in
22 accordance with Title 11A of the New Jersey Statutes. The
23 appointing authority shall provide a temporary employee with
24 progress reports at such times during the working test period as
25 provided by rules of the Civil Service Commission, and a final
26 progress report at the end of the entire working test period shall be
27 provided to the employee, the division, and the commission.

28
29 5. A person with significant disabilities applying for
30 appointment in the State workforce under this act, P.L. , c.
31 (pending before the Legislature as this bill), who is denied an
32 interview for appointment in the unclassified service or career
33 service of civil service, shall be provided the opportunity to request
34 an interview. If an interview is requested, the appointing authority
35 shall provide the candidate with a good faith interview. The request
36 for an interview shall be kept confidential.

37 To be eligible to request an interview, the person shall provide
38 proof of eligibility and qualification for appointment pursuant to the
39 provisions of this act. Written proof of the eligibility and
40 qualification shall be provided to the appointing authority with the
41 written request for an interview.

42
43 6. The ¹【Division of Equal Employment Opportunity and
44 Affirmative Action and the】¹ Civil Service Commission shall
45 ¹【jointly】¹adopt rules and regulations pursuant to the
46 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
47 1 et seq.), to effectuate the purposes of this act.

1 7. This act shall take effect on the first day of the fourth month
2 next following enactment, except ¹the Director of the Division of
3 Equal Employment Opportunity and Affirmative Action and that¹
4 the Chief Executive Officer of the Civil Service Commission may
5 take any anticipatory administrative action in advance as shall be
6 necessary for the implementation of this act.

7

8

9

10

11 Provides fast track hiring and advancement employment
12 opportunities by State for persons with significant disabilities.