§§1-3
C.11A:7-13.6 to
11A:7-13.8
§§4,5
Note

P.L. 2021, CHAPTER 466, ***approved January 18, 2022***
Assembly, No. 5296

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

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

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

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

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

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

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

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

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

(2) establish goals for the hiring and recruitment of persons with disabilities, maintain records of the progress towards achieving and

maintaining the established goals, and maintain and report on demographic data related to disability status for applicants and employees;

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

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

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

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

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

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

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

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

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

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

3. A biannual report shall be prepared and distributed to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), by the Division of Equal Employment Opportunity and Affirmative Action. The report shall include ongoing barriers to employment, progress made towards increasing the number of persons with disabilities employed by the State and

each State agency, retention rates of persons with disabilities employed by the State and each State agency, and plans for expanding and improving employment opportunities in the upcoming year. The report may include recommendations for legislation.

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

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

STATEMENT

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

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

At a minimum, and if appropriate, the SAME program will:

review existing recruitment, hiring, advancement, and retention policies and procedures applicable to persons with disabilities, including an analysis of barriers to employment;

establish goals for the hiring and recruitment of persons with disabilities, maintain records of the progress towards achieving and maintaining the established goals, and maintain and report on the

demographic data related to disability status for applicants and employees;

use fast track hiring authority and advancement that permits State agencies to consider disability status during the hiring and promotion process;

establish mentoring, internship, or similar work-based learning experiences for persons with disabilities;

provide an opportunity for a qualified individual with a disability to request a mandatory interview, which will be kept confidential and separate from the agency employment applications;

include a centralized accommodation program to consolidate subject matter expertise necessary to assess, evaluate, and implement effective and meaningful accommodations and funding streams for accommodations;

establish a recruitment and referral program that connects the State agency with college students and recent graduates with disabilities;

utilize web-based application portals that are accessible to and usable by persons with disabilities; and

provide quarterly progress reports to the head of the State agency, the division, and the commission which will be publicly available and posted on the division's website.

A biannual report will be prepared and distributed to the Governor and the Legislature by the division. The report will include ongoing barriers to employment, progress made towards increasing the number of persons with disabilities employed by the State and each State agency, retention rates of persons with disabilities employed by the State and each State agency, and plans for expanding and improving employment opportunities in the upcoming year. The report may include recommendations for legislation.

Provides for employment by State of certain persons with disabilities.