

SENATE, No. 3418

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 9, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators Testa, Greenstein, Pou and Ruiz

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/20/2021)

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 Commission, in consultation with the
21 Division of Equal Employment Opportunity and Affirmative
22 Action, shall develop a fast track hiring and advancement process
23 for qualified persons with significant disabilities.

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

28
29 3. The Civil Service Commission, in consultation with the
30 Division of Equal Employment and Opportunity and Affirmative
31 Action, shall provide guidelines for the determination of
32 qualification as a qualified person with significant disabilities. The
33 guidelines may include a person who:

34 a. was or is currently a client of the Division of Vocational
35 Rehabilitation Services in the Department of Labor and Workforce
36 Development;

37 b. meets the eligibility requirements to receive Social Security
38 Disability Insurance or Supplemental Security Income on the basis
39 of a disability, including a person who is eligible to participate in
40 the federal Ticket to Work program authorized under the Social
41 Security Administration;

42 c. qualifies for appointment under the Office of Personnel
43 Management, Schedule A Excepted Service Hiring on the basis of a
44 disability, Section 213.3102(u) of Title 5, Code of Federal
45 Regulations;

46 d. qualifies for services, supports, or benefits under programs
47 administered by the Division of Developmental Disabilities or the

1 Division of Mental Health and Addiction Services in the
2 Department of Human Services;

3 e. notwithstanding any law, rule or regulation to the contrary
4 regarding civil service veteran benefits, meets the eligibility
5 requirements for services, supports, or benefits under a program for
6 disabled veterans administered by the United States Department of
7 Veterans Administration or the State; or

8 f. meets the eligibility requirements for services, supports, or
9 benefits under a program administered by an agency of the State
10 that has been determined by the administrator as comparable to a
11 program described in paragraphs a. through e. of this section.

12

13 4. a. The appointing authority of a State agency may appoint a
14 qualified person with significant disabilities to an unclassified
15 service position, or a noncompetitive temporary position or
16 noncompetitive permanent position in the career service of civil
17 service, in accordance with the provisions of this act, P.L. ,
18 c. (C.)(pending before the Legislature as this bill), and Title
19 11A of the New Jersey Statutes.

20 The appointing authority shall require proof of the person's
21 significant disability prior to making an appointment. The
22 appointing authority shall accept as proof of significant disability a
23 letter or other official certification from the Division of
24 Rehabilitation Services that the individual meets the criteria set
25 forth in paragraph a. of section 3 of this act.

26 b. A qualified person with significant disabilities shall be
27 eligible for appointment to an unclassified temporary position or a
28 noncompetitive temporary position in the career service of civil
29 service when the appointing authority determines that:

30 (1) the person is certified as eligible for appointment in the
31 unclassified service or noncompetitive career service pursuant to
32 this section; and

33 (2) it is necessary to observe the person on the job to establish
34 that the person is able to perform the duties of the position.

35 The appointing authority may, with the approval of the Civil
36 Service Commission, convert an unclassified service temporary
37 appointment or a noncompetitive career service temporary
38 appointment to a permanent appointment when it is determined that
39 the person provided the required proof of eligibility for appointment
40 pursuant to this section and is likely to succeed in the performance
41 of the duties of the position.

42 c. A person with significant disabilities shall be eligible for
43 appointment to a noncompetitive permanent position in the career
44 service of civil service when the appointing authority determines
45 that:

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

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

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

7 e. Appointments to an unclassified service or a noncompetitive
8 career service position shall be subject to the working test period in
9 accordance with Title 11A of the New Jersey Statutes. The
10 appointing authority shall provide a temporary employee with
11 progress reports at such times during the working test period as
12 provided by rules of the Civil Service Commission, and a final
13 progress report at the end of the entire working test period shall be
14 provided to the employee, the division, and the commission.

15
16 5. A person with significant disabilities applying for
17 appointment in the State workforce under this act, P.L. ,
18 c. (pending before the Legislature as this bill), who is denied an
19 interview for appointment in the unclassified service or career
20 service of civil service, shall be provided the opportunity to request
21 an interview. If an interview is requested, the appointing authority
22 shall provide the candidate with a good faith interview. The request
23 for an interview shall be kept confidential.

24 To be eligible to request an interview, the person shall provide
25 proof of eligibility and qualification for appointment pursuant to the
26 provisions of this act. Written proof of the eligibility and
27 qualification shall be provided to the appointing authority with the
28 written request for an interview.

29
30 6. The Division of Equal Employment Opportunity and
31 Affirmative Action and the Civil Service Commission shall jointly
32 adopt rules and regulations pursuant to the "Administrative
33 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate
34 the purposes of this act.

35
36 7. This act shall take effect on the first day of the fourth month
37 next following enactment, except the Director of the Division of
38 Equal Employment Opportunity and Affirmative Action and the
39 Chief Executive Officer of the Civil Service Commission may take
40 any anticipatory administrative action in advance as shall be
41 necessary for the implementation of this act.

42
43
44 STATEMENT

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46 Persons with significant disabilities are an underrepresented and
47 overlooked segment of the labor pool for consideration in public
48 employment. The State should establish a fast track hiring and

1 advancement employment opportunity program for qualified
2 persons with significant disabilities. The program would enable
3 appointing authorities to more effectively and efficiently hire,
4 promote, retain, and advance qualified individuals whose physical
5 or mental impairments impact their ability to participate in the
6 competitive hiring and promotion process within the State
7 workforce.

8 Under the bill, the Civil Service Commission, in consultation
9 with the Division of Equal Employment Opportunity and
10 Affirmative Action, will establish a fast track authority for hiring
11 and promoting persons with significant disabilities. The guidelines
12 may include a person who:

13 was or is currently a client of the Division of Vocational
14 Rehabilitation Services in the Department of Labor and Workforce
15 Development;

16 meets the eligibility requirements to receive Social Security
17 Disability Insurance or Supplemental Security Income on the basis
18 of a disability, including a person who is eligible to participate in
19 the federal Ticket to Work program authorized under the Social
20 Security Administration;

21 qualifies for appointment under the Office of Personnel
22 Management, Schedule A Excepted Service Hiring on the basis of a
23 disability;

24 qualifies for programs administered by the Division of
25 Developmental Disabilities or the Division of Mental Health and
26 Addiction Services in the Department of Human Services;

27 meets the eligibility requirements for services, supports, or
28 benefits under a program for disabled veterans administered by the
29 federal Veterans Administration or the State; or

30 meets the eligibility requirements for services, supports, or
31 benefits under a program administered by an agency of the State
32 that has been determined comparable to a program described above.

33 Under the hiring and promotion process, a person with
34 significant disabilities may be appointed to an unclassified service
35 position, or a noncompetitive temporary position or noncompetitive
36 permanent position in the career service of civil service, in
37 accordance with the provisions of the bill and Title 11A of the New
38 Jersey Statutes.

39 The appointing authority will accept as proof of a significant
40 disability a letter or other official certification from the Division of
41 Rehabilitation Services that the individual meets the specified
42 criteria as a person with significant disabilities.

43 The appointing authority may, with the approval of the Civil
44 Service Commission, convert a temporary appointment to a
45 permanent appointment when it is determined that the person
46 provided the required proof of eligibility and is likely to succeed in
47 the performance of the duties of the position.

1 The bill also requires the appointing authority to provide a
2 temporary employee with progress reports during the working test
3 period, and a final progress report at the end of the working test
4 period will be provided to the employee, the division, and the
5 commission, as is currently provided in the civil service regulations.
6 The bill further provides that if a person with significant
7 disabilities applies for a position in the State workforce in
8 accordance with this bill and is denied an interview for
9 appointment, the person will be permitted to request an interview.
10 The appointing authority must provide the candidate with a good
11 faith interview and the request for an interview will be kept
12 confidential. The request must be in writing and include proof of
13 eligibility and qualification for appointment.