

[First Reprint]

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 amended by the Senate on December 20, 2021.



(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 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:

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

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

43 c. qualifies for appointment under the Office of Personnel
44 Management, Schedule A Excepted Service Hiring on the basis of a

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 disability, Section 213.3102(u) of Title 5, Code of Federal
2 Regulations;

3 d. qualifies for services, supports, or benefits under programs
4 administered by the Division of Developmental Disabilities or the
5 Division of Mental Health and Addiction Services in the
6 Department of Human Services;

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

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

16
17 4. a. The appointing authority of a State agency may appoint a
18 qualified person with significant disabilities to an unclassified
19 service position, or a noncompetitive temporary position or
20 noncompetitive permanent position in the career service of civil
21 service, in accordance with the provisions of this act, P.L. ,
22 c. (C.)(pending before the Legislature as this bill), and Title
23 11A of the New Jersey Statutes.

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

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

34 (1) the person is certified as eligible for appointment in the
35 unclassified service or noncompetitive career service pursuant to
36 this section; and

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

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

46 c. A person with significant disabilities shall be eligible for
47 appointment to a noncompetitive permanent position in the career

1 service of civil service when the appointing authority determines
2 that:

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

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

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

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

19

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

28 To be eligible to request an interview, the person shall provide
29 proof of eligibility and qualification for appointment pursuant to the
30 provisions of this act. Written proof of the eligibility and
31 qualification shall be provided to the appointing authority with the
32 written request for an interview.

33

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

39

40 7. This act shall take effect on the first day of the fourth month
41 next following enactment, except ¹【the Director of the Division of
42 Equal Employment Opportunity and Affirmative Action and】 that¹
43 the Chief Executive Officer of the Civil Service Commission may
44 take any anticipatory administrative action in advance as shall be
45 necessary for the implementation of this act.