

SENATE, No. 3426

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 9, 2021

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator HOLLY T. SCHEPISI

District 39 (Bergen and Passaic)

Co-Sponsored by:

Senators Singleton, Madden, Testa and Greenstein

SYNOPSIS

Provides for employment by State of certain persons with disabilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/13/2021)

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

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that persons with
9 disabilities are an underrepresented and untapped segment of the
10 labor pool for consideration in public employment. As New
11 Jersey's largest employer, the State should promote the awareness
12 of persons with disabilities as a valued employee resource and work
13 to attract, engage, and retain people with disabilities in the State
14 workforce. It is appropriate that the State move toward becoming a
15 model employer of persons with disabilities.

16
17 2. a. The Division of Equal Employment Opportunity and
18 Affirmative Action shall, in consultation with the Civil Service
19 Commission, develop a State as a Model Employer of People with
20 Disabilities, SAME, program which shall be implemented by each
21 State agency.

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

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

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

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

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

39 (2) establish goals for the hiring and recruitment of persons with
40 disabilities, maintain records of the progress towards achieving and
41 maintaining the established goals, and maintain and report on
42 demographic data related to disability status for applicants and
43 employees;

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

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

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

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

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

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

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

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

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

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

34

35 3. A biannual report shall be prepared and distributed to the
36 Governor and the Legislature, pursuant to section 2 of P.L.1991,
37 c.164 (C.52:14-19.1), by the Division of Equal Employment
38 Opportunity and Affirmative Action. The report shall include
39 ongoing barriers to employment, progress made towards increasing
40 the number of persons with disabilities employed by the State and
41 each State agency, retention rates of persons with disabilities
42 employed by the State and each State agency, and plans for
43 expanding and improving employment opportunities in the
44 upcoming year. The report may include recommendations for
45 legislation.

46

47 4. The Division of Equal Employment Opportunity and
48 Affirmative Action and the Civil Service Commission shall jointly

1 adopt rules and regulations pursuant to the "Administrative
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate
3 the purposes of this act.

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

11 12 13 STATEMENT

14
15 Persons with disabilities are an underrepresented and largely
16 untapped segment of the labor pool for consideration in public
17 employment. As New Jersey's largest employer, the State should
18 promote the awareness of persons with disabilities as a valued
19 employee resource and work to attract, engage, retain, and promote
20 people with disabilities in the State workforce. It is appropriate that
21 the State move toward becoming a model employer of persons with
22 disabilities.

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

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

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

37 establish goals for the hiring and recruitment of persons with
38 disabilities, maintain records of the progress towards achieving and
39 maintaining the established goals, and maintain and report on the
40 demographic data related to disability status for applicants and
41 employees;

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

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

1 provide an opportunity for a qualified individual with a disability
2 to request a mandatory interview, which will be kept confidential
3 and separate from the agency employment applications;
4 include a centralized accommodation program to consolidate
5 subject matter expertise necessary to assess, evaluate, and
6 implement effective and meaningful accommodations and funding
7 streams for accommodations;
8 establish a recruitment and referral program that connects the
9 State agency with college students and recent graduates with
10 disabilities;
11 utilize web-based application portals that are accessible to and
12 usable by persons with disabilities; and
13 provide quarterly progress reports to the head of the State
14 agency, the division, and the commission which will be publicly
15 available and posted on the division's website.
16 A biannual report will be prepared and distributed to the
17 Governor and the Legislature by the division. The report will
18 include ongoing barriers to employment, progress made towards
19 increasing the number of persons with disabilities employed by the
20 State and each State agency, retention rates of persons with
21 disabilities employed by the State and each State agency, and plans
22 for expanding and improving employment opportunities in the
23 upcoming year. The report may include recommendations for
24 legislation.