

[First Reprint]

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)

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District 39 (Bergen and Passaic)

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SYNOPSIS

Provides for employment by State of certain persons with disabilities.

CURRENT VERSION OF TEXT

As amended by the Senate on December 20, 2021.



(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 ¹Civil Service Commission's¹ Division of Equal
18 Employment Opportunity and Affirmative Action shall¹ [, in
19 consultation with the Civil Service Commission,]¹ develop a State
20 as a Model Employer of People with Disabilities, SAME, program
21 which shall be implemented by each 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 ¹Employment Opportunity and¹ Affirmative Action
29 ¹(EEO/AA)¹ Officer of each State agency shall oversee the SAME
30 program for that State agency.

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

36 b. At a minimum, and as appropriate, the SAME program shall:
37 (1) review existing recruitment, hiring, advancement, and
38 retention policies and procedures applicable to persons with
39 disabilities, including an analysis of barriers to employment;

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

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

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

6 (5) provide an opportunity for a qualified individual with a
7 disability to request ¹**["a mandatory"] and obtain an¹** interview ¹**'if the**
8 **individual has a rank from a civil service examination which puts**
9 **the individual at a position in the eligibility list which makes the**
10 **individual eligible for hiring¹**, which shall be kept confidential and
11 separate from the agency employment applications;

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

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

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

21 (9) provide for quarterly progress reports to the ¹**["director]**
22 **head¹** of the State agency, the Director of the Division of Equal
23 Employment Opportunity and Affirmative Action, and the Chief
24 Executive Officer of the Civil Service Commission, which shall be
25 publicly available and posted on the division's website.

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

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

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

42
43 3. A biannual report shall be prepared and distributed to the
44 Governor and the Legislature, pursuant to section 2 of P.L.1991,
45 c.164 (C.52:14-19.1), by the ¹**Civil Service Commission's¹** Division
46 of Equal Employment Opportunity and Affirmative Action. The
47 report shall include ongoing barriers to employment, progress made

1 towards increasing the number of persons with disabilities
2 employed by the State and each State agency, retention rates of
3 persons with disabilities employed by the State and each State
4 agency, and plans for expanding and improving employment
5 opportunities in the upcoming year. The report may include
6 recommendations for legislation.

7
8 4. The ¹["Division of Equal Employment Opportunity and
9 Affirmative Action and the"]¹ Civil Service Commission shall
10 ¹["jointly"]¹ adopt rules and regulations pursuant to the
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
12 seq.), to effectuate the purposes of this act.

13
14 5. This act shall take effect on the first day of the fourth month
15 next following enactment, except ¹["the Director of the Division of
16 Equal Employment Opportunity and Affirmative Action and"] that¹
17 the Chief Executive Officer of the Civil Service Commission may
18 take any anticipatory administrative action in advance as shall be
19 necessary for the implementation of this act.