

## CHAPTER 465

**AN ACT** concerning fast track hiring and advancement employment opportunities by the State for persons with significant 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:

C.11A:7-13.1 Findings, declarations.

1. The Legislature finds and declares that persons with significant disabilities are an underrepresented and overlooked segment of the labor pool for consideration in public employment. The State should establish a fast track hiring and advancement employment opportunity program for qualified persons with significant disabilities. The program would enable appointing authorities to more effectively and efficiently hire, promote, retain, and advance qualified individuals whose physical or mental impairments impact their ability to participate in the competitive hiring and promotion process within the State workforce.

C.11A:7-13.2 Fast track hiring, advancement process developed, qualified persons with significant disabilities.

2. The Civil Service Commission's Division of Equal Employment and Opportunity and Affirmative Action shall develop a fast track hiring and advancement process for qualified persons with significant disabilities.

"Person with significant disabilities" means a person whose physical or mental impairments impact the ability to participate in the competitive hiring and promotion process within the State workforce.

C.11A:7-13.3 Guidelines, criteria.

3. The Civil Service Commission's Division of Equal Employment and Opportunity and Affirmative Action shall provide guidelines for the determination of qualification as a qualified person with significant disabilities. The guidelines may include a person who:

- a. was or is currently a client of the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development;
- b. meets the eligibility requirements to receive Social Security Disability Insurance or Supplemental Security Income on the basis of a disability, including a person who is eligible to participate in the federal Ticket to Work program authorized under the Social Security Administration;
- c. qualifies for appointment under the Office of Personnel Management, Schedule A Excepted Service Hiring on the basis of a disability, Section 213.3102(u) of Title 5, Code of Federal Regulations;
- d. qualifies for services, supports, or benefits under programs administered by the Division of Developmental Disabilities or the Division of Mental Health and Addiction Services in the Department of Human Services;
- e. notwithstanding any law, rule or regulation to the contrary regarding civil service veteran benefits, meets the eligibility requirements for services, supports, or benefits under a program for disabled veterans administered by the United States Department of Veterans Administration or the State; or
- f. meets the eligibility requirements for services, supports, or benefits under a program administered by an agency of the State that has been determined by the administrator as comparable to a program described in paragraphs a. through e. of this section.

C.11A:7-13.4 Appointing to an unclassified service position, noncompetitive temporary, permanent position in civil service.

4. a. The appointing authority of a State agency may appoint a qualified person with significant disabilities to an unclassified service position, or a noncompetitive temporary position or noncompetitive permanent position in the career service of civil service, in accordance with the provisions of this act, P.L.2021, c.465 (C.11A:7-13.1 et seq.), and Title 11A of the New Jersey Statutes.

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

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

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

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

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

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

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

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

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

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

C.11A:7-13.5 Request for an interview; eligibility, qualifications.

5. A person with significant disabilities applying for appointment in the State workforce under this act, P.L.2021, c.465 (C.11A:7-13.1 et seq.), who is denied an interview for appointment in the unclassified service or career service of civil service, shall be provided the opportunity to request an interview. If an interview is requested, the appointing authority shall provide the candidate with a good faith interview. The request for an interview shall be kept confidential.

To be eligible to request an interview, the person shall provide proof of eligibility and qualification for appointment pursuant to the provisions of this act. Written proof of the

eligibility and qualification shall be provided to the appointing authority with the written request for an interview.

6. The Civil Service Commission shall 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.

7. This act shall take effect on the first day of the fourth month next following enactment, except that 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.

Approved January 18, 2022.