

Senate, April 2, 1998. The Committee on Government Administration and Elections reported through SEN. LEBEAU, 3rd DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING STATE EMPLOYMENT OPPORTUNITIES FOR PERSONS WITH DISABILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-61t of the general  
2 statutes is repealed and the following is  
3 substituted in lieu thereof:

4 There shall be established a Committee on  
5 Career ENTRY AND Mobility, appointed by the  
6 Commissioner of Administrative Services and  
7 chaired by the Commissioner of Administrative  
8 Services or his designee, which shall include a  
9 representative of the Office of Policy and  
10 Management, a representative of the Department of  
11 Administrative Services who is involved in  
12 classification activity, a representative of the  
13 Commission on Human Rights and Opportunities, a  
14 representative of the Permanent Commission on the  
15 Status of Women, A REPRESENTATIVE OF THE OFFICE OF  
16 PROTECTION AND ADVOCACY FOR PERSONS WITH  
17 DISABILITIES and ten additional persons, two of  
18 whom shall be state agency personnel  
19 administrators, four of whom shall be labor  
20 representatives and four of whom shall be employed  
21 in state service and familiar with the problems of  
22 career mobility, [and] affirmative action, [and]

23 the implementation of corrective programs, AND THE  
24 ACCOMMODATION AND ENTRY LEVEL NEEDS OF PERSONS  
25 WITH DISABILITIES. The committee shall determine  
26 how career counseling can be best provided and  
27 training opportunities best met and made available  
28 within the funds allotted. The committee shall  
29 also develop mechanisms to communicate information  
30 about state employment opportunities to state  
31 employees AND PERSONS WITH DISABILITIES WHO WISH  
32 TO BECOME STATE EMPLOYEES. The committee shall  
33 advise the Commissioner of Administrative Services  
34 concerning broader usage of classification titles  
35 affecting upward mobility, THE ENTRY LEVEL  
36 EMPLOYMENT OF PERSONS WITH DISABILITIES and an  
37 effective procedure for reporting compliance to  
38 the legislature. The committee shall prepare  
39 written guidelines for implementation of the  
40 career mobility program described in [sections]  
41 SUBSECTION (a) OF SECTION 4-61u, AS AMENDED BY  
42 SECTION 2 OF THIS ACT, [and] SECTION 4-61w and  
43 this section AND THE ENTRY LEVEL EMPLOYMENT  
44 PROGRAM FOR PERSONS WITH DISABILITIES DESCRIBED IN  
45 SUBSECTION (b) OF SECTION 4-61u, AS AMENDED, AND  
46 THIS SECTION. The committee shall meet at least  
47 once each quarter and shall submit periodic  
48 reports to the Commissioner of Administrative  
49 Services.

50 Sec. 2. Section 4-61u of the general statutes  
51 is repealed and the following is substituted in  
52 lieu thereof:

53 (a) Under the supervision of the Commissioner  
54 of Administrative Services, all departments and  
55 agencies of state government shall establish an  
56 effective program of career mobility as part of  
57 their affirmative action program, as required by  
58 section 46a-68, for occupational groups, which  
59 shall include, but not be limited to, secretarial,  
60 clerical, supervisory clerical, semiskilled,  
61 crafts and trades, supervisory crafts and trades,  
62 custodial, supervisory custodial and laborers. All  
63 departments and agencies of state government shall  
64 provide, or make provision for, career counseling  
65 for such occupational groups. All departments and  
66 agencies shall make available to state employees a  
67 range of training opportunities. In geographically  
68 remote areas, as defined by the [committee]  
69 COMMITTEE ON CAREER ENTRY AND MOBILITY, where  
70 programs are not generally available, departments

71 and agencies shall enter into cooperative  
72 arrangements or take other appropriate actions to  
73 assure that training opportunities are provided to  
74 employees in those areas. All departments and  
75 agencies shall, consistent with the requirements  
76 of the State Personnel Act, initiate  
77 classification requests that would result in the  
78 development of career ladders and lattices  
79 providing career mobility within and between  
80 occupational groupings, and from subprofessional  
81 jobs to professional and managerial jobs. All  
82 departments and agencies of state government shall  
83 establish as part of their affirmative action  
84 plans, specific annual goals and timetables on the  
85 number of classes in entry level professional,  
86 managerial and administrative positions, which  
87 shall include, but are not limited to, law  
88 enforcement, field representation, administrative  
89 staff, professional, subprofessional or technical  
90 jobs that are to be filled through career  
91 mobility.

92 (b) UNDER THE SUPERVISION OF THE COMMISSIONER  
93 OF ADMINISTRATIVE SERVICES, EACH DEPARTMENT AND  
94 AGENCY OF STATE GOVERNMENT SHALL ESTABLISH AN  
95 EFFECTIVE PROGRAM OF ACCOMMODATION AND ENTRY LEVEL  
96 TRAINING OF PERSONS WITH DISABILITIES. SUCH  
97 PROGRAMS SHALL BE PART OF DEPARTMENT AND AGENCY  
98 AFFIRMATIVE ACTION PROGRAMS REQUIRED BY SECTION  
99 46a-68. ALL DEPARTMENTS AND AGENCIES SHALL MAKE A  
100 RANGE OF TRAINING OPPORTUNITIES AVAILABLE TO SUCH  
101 PERSONS. IN GEOGRAPHICALLY REMOTE AREAS, AS  
102 DEFINED BY THE COMMITTEE ON CAREER ENTRY AND  
103 MOBILITY, WHERE PROGRAMS ARE NOT GENERALLY  
104 AVAILABLE, DEPARTMENTS AND AGENCIES SHALL ENTER  
105 INTO COOPERATIVE ARRANGEMENTS OR TAKE OTHER  
106 APPROPRIATE ACTIONS TO ASSURE THAT TRAINING  
107 OPPORTUNITIES ARE PROVIDED TO SUCH PERSONS IN  
108 THOSE AREAS. ALL DEPARTMENTS AND AGENCIES OF STATE  
109 GOVERNMENT SHALL ESTABLISH, AS PART OF THEIR  
110 AFFIRMATIVE ACTION PLANS, SPECIFIC ANNUAL GOALS  
111 AND TIMETABLES ON (1) THE NUMBER OF JOBS THAT ARE  
112 TO BE FILLED THROUGH THE ACCOMMODATION OF PERSONS  
113 WITH DISABILITIES AND (2) ENTRY LEVEL TRAINING FOR  
114 SUCH PERSONS.

115 Sec. 3. Section 5-219 of the general statutes  
116 is repealed and the following is substituted in  
117 lieu thereof:

118 Examinations shall be in such form and of  
119 such character and shall relate to such matters as  
120 will fairly test and determine the qualifications,  
121 fitness and ability of the persons tested to  
122 perform the duties of the class or position to  
123 which they seek appointment. Examinations shall be  
124 formulated in cooperation with agencies appointing  
125 specific classes of employees and shall be  
126 competitive, free and, except as otherwise  
127 expressly provided by statute, open to all persons  
128 who may be lawfully appointed to any position in  
129 the class for which examinations are held, with  
130 such limitations as to age, residence, health,  
131 habits, character, sex and qualifications as are  
132 considered desirable by the Commissioner of  
133 Administrative Services and as are specified in  
134 the public announcement of the examination,  
135 provided no such limitation shall be made as to  
136 age or sex except in the case of a bona fide  
137 occupational qualification or need. Formal  
138 education requirements may be considered as a  
139 condition for the taking of such examinations.  
140 Possession of a professional license or degree, or  
141 satisfactory completion of an accreditation,  
142 certificate or licensure program may serve as the  
143 sole basis for appointment, provided such  
144 credentials are a mandatory requirement for  
145 employment in a position. Examinations may take  
146 the form of written or oral tests, demonstration  
147 of skill or physical ability, experience and  
148 training evaluation, or in the case of promotional  
149 examinations, evaluation of prior performance, or  
150 any other assessment device or technique deemed  
151 appropriate to measure the knowledge, skills or  
152 abilities required to successfully perform the  
153 duties of the job. All persons competing for  
154 placement on any one candidate list shall be  
155 administered the same or equivalent forms of the  
156 same examination or examination phases, except as  
157 necessary to comply with the federal Americans  
158 with Disabilities Act AND SECTION 4-61nn, and be  
159 required to achieve passing scores on each  
160 successive phase and for the examination as a  
161 whole in order to remain in competition. The  
162 provisions of this section shall be the sole  
163 determinant for qualification and no other  
164 examination shall be permitted by any agency head

165 to further qualify persons seeking appointment  
166 except as authorized by the commissioner.

167 Sec. 4. (NEW) (a) There is established a  
168 committee to encourage the employment by the state  
169 of persons with disabilities. The Commissioner of  
170 Administrative Services shall appoint the members  
171 of the committee, which shall be chaired by such  
172 commissioner, or his designee, and include one  
173 representative of each of the following:

174 (1) The Board of Education and Services to  
175 the Blind;

176 (2) The Commission on the Deaf and Hearing  
177 Impaired;

178 (3) The Bureau of Rehabilitative Services;

179 (4) The Office of Protection and Advocacy for  
180 Persons with Disabilities;

181 (5) The Department of Mental Health and  
182 Addiction Services;

183 (6) The Department of Mental Retardation; and

184 (7) The Labor Department.

185 (b) The committee shall:

186 (1) Advise, and develop written guidelines  
187 for, the Commissioner of Administrative Services  
188 and the executive heads of other state agencies  
189 regarding the adaptation of employment  
190 examinations and alternative hiring processes for,  
191 and the reasonable accommodation of, persons with  
192 disabilities; and

193 (2) Review the program established under  
194 subsection (b) of section 4-61u of the general  
195 statutes, as amended by section 2 of this act, and  
196 compliance with the provisions of section 46a-70  
197 of the general statutes concerning persons with  
198 physical disabilities.

199 GAE COMMITTEE VOTE: YEA 17 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

\* \* \* \* \*

**FISCAL IMPACT STATEMENT - BILL NUMBER sSB 73**

STATE IMPACT	Indeterminate	Cost,	see
		explanation below	
MUNICIPAL IMPACT	None		
STATE AGENCY(S)	Department of Administrative Services (Human Resources), Commission on Human Rights and Opportunities, All State Agencies		

**EXPLANATION OF ESTIMATES:**

STATE IMPACT: The passage of this bill would result in additional costs to the State that cannot be determined at this time. The bill makes several changes in State recruitment and hiring practices that would increase the hiring of persons with disabilities.

The bill establishes a committee to encourage State employment of persons with disabilities. The Commissioner of the Department of Administrative Services (DAS) would chair the 8-member committee, comprised of officials from 8 specified State agencies. This committee would provide guidelines for adapting employment exams and would review agency programs for accommodating the disabled and providing entry-level training. The bill also expands the 15-member Committee on Career Mobility and adds to its duties. (It is also renamed the Career Entry and Mobility Committee.) DAS would incur indeterminate costs for coordinating and assisting these committees. Other agencies that contribute a member to the committees would incur minimal, absorbable costs.

The bill requires State agencies and departments to provide entry-level training opportunities to persons with disabilities. Costs resulting from changes in the examination process and from providing additional training cannot be determined at this time. In addition, affirmative action plans submitted to the Commission on Human Rights and Opportunities (CHRO) must include specific annual goals and timetables for the hiring and training of persons with disabilities. This is expected to result in minimal additional workload to CHRO, and in minimal costs that could be absorbed within existing resources. It is also anticipated that all other State agencies would incur minimal, absorbable costs from the reporting requirements.

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### OLR BILL ANALYSIS

sSB 73

#### **AN ACT CONCERNING STATE EMPLOYMENT OPPORTUNITIES FOR PERSONS WITH DISABILITIES**

**SUMMARY:** This bill establishes a committee to encourage the state to employ people with disabilities. The committee must provide advice and guidelines for adapting employment examinations and hiring processes for people with disabilities and review state agency programs of accommodation and entry level training for them that the bill also creates. The commissioner of administrative services must supervise the development of these programs in all state departments and agencies as part of their affirmative action programs.

The bill requires departments and agencies to provide entry level training opportunities to people with disabilities. And their affirmative action plans must include specific annual goals and timetables for providing hiring accommodations and training for this population.

The bill modifies the title, membership, and duties of the Committee on Career Mobility.

EFFECTIVE DATE: October 1, 1998

**FURTHER EXPLANATION****State Employment of People with Disabilities**

The bill establishes a committee to encourage state employment of people with disabilities. The commissioner of the Department of Administrative Services (DAS), or her designee, must chair the eight-member committee. She must appoint representatives from the following:

1. the Board of Education and Services to the Blind,
2. the Commission on the Deaf and Hearing Impaired,
3. the Bureau of Rehabilitative Services,
4. the Office of Protection and Advocacy for Persons with Disabilities,
5. the Department of Mental Health and Addiction Services,
6. the Department of Mental Retardation, and
7. the Labor Department.

The committee's duties are to provide advice and written guidelines to the DAS commissioner and the executive heads of all other state agencies regarding (1) the adaptation of employment examinations and alternative hiring processes and (2) reasonable accommodations for people with disabilities. The committee must also review (1) state departments' and agencies' accommodation and entry level programs for people with disabilities and (2) their compliance with the state's equal employment guarantees.

**Department and Agency Programs**

The bill requires each state department and agency to establish, as part of its affirmative action plan and under the supervision of the DAS commissioner, an effective program of accommodation and entry level training for people with disabilities. The agencies must provide a range of training opportunities for them

and can cooperate with one another to do so or assure other ways to provide training when agencies are located in geographically remote areas.

All departments and agencies must include in their affirmative action plans the specific annual goals, with timetables, for the number of jobs to be filled through the accommodation of people with disabilities and for their entry level training.

### **Committee on Career Entry and Mobility**

The bill expands the 15-member Committee on Career Mobility by adding a representative of the Office of Protection and Advocacy for Persons with Disabilities. It also adds to its duties and changes its name to the Career Entry and Mobility Committee. It expands the areas of expertise that four of the members must have to include familiarity with the accommodation and entry level needs of people with disabilities, along with familiarity with the problems of career mobility, affirmative action, and the implementation of corrective programs that they must have under current law.

The bill requires the committee to develop ways to communicate information about state employment opportunities to people with disabilities who wish to become state employees. The law already requires it to communicate this information to current state employees. The bill requires the committee to address entry level employment for people with disabilities in its advice to the DAS commissioner and to include such employment concerns in its guidelines on implementation of the career mobility program.

### **BACKGROUND**

#### **Testing Adaptations**

Current state law permits exemptions from or modifications to state employment examination requirements to comply with the federal Americans with Disabilities Act (CGS Sec. 5-219). Each commissioner and professional licensing board must develop and implement procedures for adapting test administration to the needs of people with disabilities, as long as it does not interfere with the validity of the test or

with the assessment of bona fide occupational  
qualifications (CGS Sec. 4-61nn).

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute  
Yea 17      Nay 0