

[First Reprint]

SENATE, No. 995

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

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Senator Bateman

SYNOPSIS

Requires DOLWD and DHS to conduct assessment of community rehabilitation programs and community businesses.

CURRENT VERSION OF TEXT

As amended by the Senate on June 3, 2021.



(Sponsorship Updated As Of: 6/21/2021)

1 AN ACT concerning employment for persons with disabilities and
2 supplementing P.L.1955, c.64 (C.34:16-20 et seq.).

3

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

6

7 1. The Legislature finds and declares that:

8 a. New Jersey residents with disabilities have a stake in
9 choosing the type of employment that best suits their needs. Each
10 individual and, where applicable, that individual's family or
11 caregiver, deserves the State's support in maintaining that choice
12 and continuing to allow an array of services and employment
13 options to be provided that will best suit that individual.

14 b. New Jersey residents with disabilities should not have to
15 sacrifice their current employment or otherwise be limited in their
16 choice of future employment, whether or not currently employed;
17 and this is an issue of choice and freedom that we respect and honor
18 in New Jersey.

19 c. New Jersey residents with disabilities deserve to have the
20 same choice of where, how, and with whom they work and spend
21 their time as other New Jersey residents.

22 d. Employment offered by community rehabilitation programs
23 and community businesses such as work crews, call centers,
24 employment through contracts under the "Rehabilitation Facilities
25 Set-Aside Act," P.L.1991, c.147 (C.30:6-33 et al.), employment
26 through AbilityOne contracts, and other independent work
27 assignments provide New Jersey residents with disabilities the
28 opportunity to meet new people, gain new skills, and earn the
29 respect, pride, and other ancillary human benefits that come with
30 earning a paycheck and making a contribution to society.

31 e. Section 705 of the federal Workforce Innovation and
32 Opportunity Act (WIOA) (29 U.S.C. s.705) includes in the
33 definition of "competitive integrated employment" work that is
34 performed on a full-time or part-time basis, including self-
35 employment; that is at a location where the employee interacts
36 with other persons who are not individuals with disabilities, not
37 including supervisory personnel or individuals who are providing
38 services to such employee; to the same extent that individuals who
39 are not individuals with disabilities and who are in comparable
40 positions interact with other persons; and that, as appropriate,
41 presents opportunities for advancement that are similar to those for
42 other employees who are not individuals with disabilities and who
43 have similar positions .

44 f. Section 721 of WIOA (29 U.S.C. s.721) also clearly gives
45 the responsibility to determine if employment meets the criteria of

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 June 3, 2021.

1 “competitive integrated employment” to the designated State unit in
2 the State. The designated State units are the Division of Vocational
3 Rehabilitation Services in the Department of Labor and Workforce
4 Development and the Commission for the Blind and Visually
5 Impaired in the Department of Human Services.

6 g. Accordingly, it is altogether fitting and proper for the
7 Legislature to establish a process for assessing the employment
8 opportunities afforded to individuals with disabilities by community
9 rehabilitation programs and community businesses.

10

11 2. The Division of Vocational Rehabilitation Services in the
12 Department of Labor and Workforce Development and the
13 Commission for the Blind and Visually Impaired in the Department
14 of Human Services shall conduct a case-by-case assessment of
15 employment offered by community rehabilitation programs and
16 community businesses, including but not limited to, work crews,
17 call centers, employment through contracts under the
18 "Rehabilitation Facilities Set-Aside Act," P.L.1991, c.147 (C.30:6-
19 33 et al.), employment through AbilityOne contracts, and other
20 independent work assignments ¹for which an individual who has
21 been found eligible has applied for a position,¹ to determine if the
22 employment opportunity meets the criteria for “competitive
23 integrated employment” under the federal Workforce Innovation
24 and Opportunity Act (29 U.S.C. s.705). ¹【The division and the
25 commission shall conduct this case-by-case assessment with the
26 presumption that employment provided by a community
27 rehabilitation program meets the criteria for competitive integrated
28 employment】 The division and the commission shall be prohibited
29 from disqualifying work programs from being considered
30 “competitive integrated employment” solely because the programs
31 are provided through AbilityOne contracts or contracts under the
32 “Rehabilitation Facilities Set-Aside Act,” P.L.1991, c.147 (C.30:6-
33 33 et al.)¹.

34

35 3. This act shall take effect immediately.