

FISCAL EFFECT:

Ongoing GF costs to CalHR, of an unknown amount, to comply with the provisions of this bill. According to CalHR, additional staff would be required to develop new policies, procedures, and training for departments, review department duty statements and analyze and report annual outcomes.

COMMENTS:

1) **Purpose.** According to the author:

People with disabilities are underrepresented in state civil service. Without equal employment opportunities, many persons with disabilities are forced to rely on public benefits and services. Unfortunately, state agencies have failed to ensure that persons with disabilities are afforded equal opportunities and the benefits and privileges of state employment. One reason for that failure is that the LEAP has not been effectively implemented and does not practically support the hiring of persons with disabilities. In 2015 CalHR, the DOR and SPB convened a Joint Project in which recommendations were made; however, they have not been met or fallen short of making any progress.

2) **Background.** CalHR administers LEAP. LEAP provides an alternative to the traditional civil service exam and appointment process to permit a person with a disability to compete for a position in state service. Under LEAP, candidates are first certified as disabled and then must meet certain minimum qualifications before being placed on a referral list. CalHR then refers the names of eligible candidates to agencies that are seeking employees for LEAP-eligible positions. LEAP employees are appointed on a temporary and provisional basis to allow them to demonstrate their abilities to perform the duties of their positions. Upon successful completion of this period, the LEAP employee is appointed to the civil service position. In 2016, 11.8% (29,941) of civil service employees identified themselves as disabled.

Existing law requires each state agency to develop and implement an affirmative action employment plan for persons with disabilities, which is to include goals and timetables. An agency with a disability representation below 80% of the disability parity rate (16.6%) is required to set a hiring goal and develop an action plan to increase representation of persons with disabilities. According to the bill's proponents, of the state's roughly 150 departments about 30 currently meet the 16.6% parity rate.

3) **Report on Employment of Persons with Disabilities in State Service.** In 2015, a joint effort between CalHR, the SPB and DOR to evaluate civil service policies and processes relating to employment of persons with disabilities in state civil service found several deficiencies. Specifically, the report found that the state is inconsistent in its policies, procedures, education, accountability and data collection regarding employment of persons with disabilities; that many opportunities exist to standardize methodology across all state agencies; and that the state must make fundamental changes to its employment of persons with disabilities if it wishes to further its goal of increasing employment of persons with disabilities.

AB 365 (C. Garcia), of the 2019-20 Legislative Session, was substantially similar to this bill and sought to address outstanding deficiencies found in the 2015 report. The bill was vetoed by the Governor who stated the bill's efforts could be addressed administratively. Since that time, the administration has convened a taskforce to make recommendations regarding employment of persons with disabilities in state service. The taskforce's recommendations have not yet been released.

- 4) **Support.** According to this bill's proponents, CalHR has already accomplished some of the requirements of this bill but has not implemented them. In addition, proponents argue other requirements of this bill already are within the scope of required law for CalHR's oversight and administration of the LEAP program.
- 5) **Prior Legislation.** AB 925 (Aroner), Chapter 1008, Statutes of 2002, of the 2002-03 Legislative Session, established the goal that the State of California become a model employer of persons with disabilities, among other provisions.

AB 2328 (C. Garcia), of the 2019-20 Legislative Session, was substantially similar to this bill. The bill was held in the Assembly Public Employment and Retirement Committee at the request of the author.

Analysis Prepared by: Natasha Collins / APPR. / (916) 319-2081