

ASSEMBLY THIRD READING
AB 313 (Cristina Garcia)
As Introduced January 25, 2021
Majority vote

SUMMARY

Makes changes relating to the Limited Exam and Appointment Program (LEAP) administered by the California Department of Human Resources (CalHR).

Major Provisions

- 1) Requires the CalHR to provide an appointing power a LEAP referral list without combining it with any parallel state employment list, if requested by an appointing power.
- 2) Adds, among other existing statutory responsibilities of the CalHR, the requirement for the CalHR to establish guidelines for provision of reasonable accommodation to applicants and employees with disabilities, and to adopt a model reasonable accommodation policy that state agencies and departments could modify as necessary to suit their specific circumstances.
- 3) Requires the CalHR to identify 10 state agencies or departments that, as of June 2021, have 100 or more employees and the lowest representation of persons with known disabilities, averaged over a five-year period from July 1, 2016 through June 30, 2021.
- 4) Requires, by June 30, 2022, the CalHR to confer with each appointing power of an agency or department identified and require it to adopt or revise the required plan to set new goals and timetables for hiring persons with disabilities. As part of the plan, each appointing power must specify at least two certain enumerated strategies, as provided, and agree to use them until at least June 30, 2025.
- 5) Requires CalHR to promptly make the plans developed or amended publicly available.
- 6) Requires, by December 31, 2025, the CalHR, in consultation with the State Personnel Board (SPB), Department of Rehabilitation (DOR), State Council on Developmental Disabilities (SCDD), and organizations representing persons with disabilities, to report specific information to the Legislature for these purposes.
- 7) Repeals the requirements in item numbers three through six above, inclusive, on December 31, 2029.
- 8) Establishes the LEAP Expansion Plan, which requires the following:
 - a) The CalHR, by July 1 2022, to develop and implement a plan to expand the LEAP after consultation with the SPB, DOR, Department of Developmental Services, the SCDD, and organizations representing persons with disabilities. The plan must do both of the following:
 - i) Identify statewide classifications (both entry level and promotional only) which are not currently included in the program; determine those that offer the greatest potential to increase employment opportunities for persons with disabilities interested in a

- range of employment opportunities (including clerical, vocational, and professional), and, by December 31, 2022, designate at least five additional classifications that would address those needs as new LEAP-certified classes pursuant to SPB rules.
- ii) Ensure that all identified statewide classifications offer the greatest potential employment opportunities are designated as LEAP-certified classes by June 30, 2024.
 - b) The CalHR to, upon the request of an individual who has been determined as LEAP-eligible, promptly conduct an assessment determine whether that individual meets the minimum requirements for any job classification.

If the individual is found to meet the minimum qualifications, but the classification has not been designated as a LEAP-certified class, the CalHR must promptly designate the classification as LEAP-certified, establish a referral list for that class, and include the individual's name in that referral list.

- c) The CalHR to post current information concerning the LEAP on its website, including, but not limited to, a list of all LEAP-certified classes; information on how to request an assessment of minimum qualifications, as specified; information about a candidate's option to disclose or keep their LEAP status confidential during the hiring process, and the procedure for disclosing LEAP status if the candidates wants to do so.

COMMENTS

1) *The LEAP, Simplified*

The LEAP is an alternative examination program that offers a means of assessing the qualifications and skills of job applicants with disabilities for employment by the state. To be eligible for the LEAP, candidates must be certified by the DOR and have their LEAP certification information entered into CalHR's database.

Once a LEAP candidate is selected for a position, the candidate must complete an on-the-job testing phase, called the JEP. After successful completion of the JEP, candidates may be appointed to the parallel civil service classification.

2) *Duties of CalHR Relating to Individuals with a Disability*

Pursuant to existing law, CalHR is required to outline specific actions to improve the representation of individuals with a disability in the state workforce and to ensure equal and fair employment practices for employees who are individuals with a disability. The requirement includes that CalHR survey the number of individuals with a disability in each department by at least job category and salary range for the purpose of developing goals and timetables, as provided, and compare those numbers with the number of disabled individuals in the workforce.

CalHR must also establish guidelines for state agencies and departments to set goals and timetables to improve the representation of individuals with a disability in the state workforce, and such goals and timetables must be set by at least job category.

- 3) Please see the policy committee analysis for a full discussion of this bill.

According to the Author

"Historically, working age people with disabilities are among the most unemployed and underemployed members of society. Even though there have been major civil rights advancements like the federal Americans with Disabilities Act and the state Disabled Persons Act, 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."

Arguments in Support

According to Disability Rights California, "Historically, working age people with disabilities are among the most unemployed and underemployed members of society. Even though there have been major civil rights advancements, like the federal Americans with Disabilities Act and the state Disabled Persons Act, 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. [This bill] addresses these historic barriers and implements some of the recommendations of the joint project report to increase employment for persons with disabilities in state civil service."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill would result in ongoing General Fund costs to CalHR of an unknown amount to comply with the provisions of this bill. In addition, 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.

VOTES**ASM PUBLIC EMPLOYMENT AND RETIREMENT: 7-0-0**

YES: Cooper, Voepel, Calderon, Cervantes, Cooley, O'Donnell, Seyarto

ASM APPROPRIATIONS: 16-0-0

YES: Lorena Gonzalez, Bigelow, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

UPDATED

VERSION: January 25, 2021

CONSULTANT: Michael Bolden / P. E. & R. / (916) 319-3957

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