

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1361

S.P. 469

In Senate, April 6, 2017

An Act Regarding State Hiring and Retention for Persons with Disabilities

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative HERBIG of Belfast and
Senators: BELLOWS of Kennebec, LANGLEY of Hancock, Representatives: FECTEAU of
Biddeford, HANDY of Lewiston, MASTRACCIO of Sanford, SYLVESTER of Portland,
VACHON of Scarborough.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §7054-C** is enacted to read:

3 **§7054-C. Person with disability preference**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Person with a disability" means a person who has been determined by a qualified
7 professional to have a physical or mental impairment that constitutes a substantial
8 barrier to employment but who can benefit in terms of an employment outcome from
9 the provision of vocational rehabilitation services.

10 B. "Qualified professional" means a vocational rehabilitation counselor or other
11 professional with advanced disability training and certification.

12 C. "Special appointment program" means the program established by rule by the
13 Department of Administrative and Financial Services, Bureau of Human Resources to
14 provide persons with disabilities increased access to positions in the classified
15 service.

16 D. "Ticket to Work program" means the Ticket to Work and Self-Sufficiency
17 Program under Section 1148 of the federal Social Security Act.

18 **2. Interview.** In filling a position in the classified service, the employing agency
19 shall offer an interview to a person with a disability who is eligible for the Ticket to Work
20 program and who meets the minimum qualifications established for the position and to a
21 person who has been determined by a qualified professional to have a disability and who
22 meets the minimum qualifications established for the position.

23 **3. Guidance and referral if not hired.** If a person with a disability applies for a
24 position described in subsection 2 but is not selected, the Department of Administrative
25 and Financial Services, Bureau of Human Resources shall provide guidance to the person
26 regarding other available state positions, including opportunities in the special
27 appointment program, for which the person might qualify. The Bureau of Human
28 Resources may also refer the person to the Department of Labor, Bureau of Rehabilitation
29 Services for potential vocational rehabilitation services if the person has not been referred
30 by a qualified professional.

31 **4. Retention preference.** In any reduction in personnel in the state service,
32 employees who are eligible for the Ticket to Work program or who are persons with
33 disabilities must be retained in preference to all other competing employees in the same
34 classification with equal seniority, status and performance reviews.

35 **5. Right to nondisclosure.** A person with a disability or who is eligible for the
36 Ticket to Work program has the right to not disclose that person's disability at the time of
37 hire but may not assert a right to a retention preference pursuant to subsection 4 at a later
38 date.

1

SUMMARY

2 This bill creates a preference in state hiring that grants an interview to a person with a
3 disability who is eligible for the Ticket to Work and Self-Sufficiency Program under the
4 federal Social Security Act and who meets the minimum qualifications for the position
5 and to a person who has been determined by a qualified professional to have a disability
6 and who meets the minimum qualifications for the position. If the person is not selected
7 for the position, the Department of Administrative and Financial Services, Bureau of
8 Human Resources must provide guidance to the person regarding other available state
9 positions, including opportunities in the bureau's special appointment program for which
10 the person might qualify. The bureau may also refer the person to the Department of
11 Labor, Bureau of Rehabilitation Services for vocational rehabilitation services.

12 The bill provides that in any reduction in personnel in the state service, employees
13 who are eligible for the Ticket to Work and Self-Sufficiency Program or who are persons
14 with disabilities must be retained in preference to all other competing employees in the
15 same classification with equal seniority, status and performance reviews.