

AMENDED IN SENATE APRIL 7, 2015

**SENATE BILL**

**No. 644**

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**Introduced by Senator Hancock**

February 27, 2015

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An act to amend Sections 19240, 19242, and 19242.2 of, and to add Section 19242.3 to, the Government Code, relating to state employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 644, as amended, Hancock. ~~State employment: Limited Examination and Appointment Program.~~ *Program: persons with developmental disabilities.*

Existing law requires the Department of Human Resources to administer the Limited Examination and Appointment Program (LEAP) to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities in the state civil services. Existing law authorizes the department to conduct competitive examinations to determine eligibility for appointment under LEAP and requires the department to refer the names of eligible applicants who meet the minimum qualifications of a job classification to the appointing powers for examination appointments, as specified.

This bill would ~~require the competitive examination for a person with an intellectual or developmental disability, as defined, to consist of a competitive~~ *preclude an examination for a person with a developmental disability from including a written examination or readiness evaluation and would, instead, require that the competitive examination consist of an internship with a state agency that is not less than 1,024 hours in duration and require the department to refer the names of eligible applicants who successfully complete the internship to the appointing*

powers for examination appointments. The bill would also authorize a state agency that provides the internship or appoints a person with ~~an intellectual or~~ a developmental disability to a position under LEAP to allow that person to receive on-the-job support and finance the internship or position with personnel funds assigned to a vacant or unfilled position, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Individuals with developmental disabilities have to struggle
- 4 to find gainful employment. Statewide unemployment among
- 5 people with ~~intellectual or~~ developmental disabilities of working
- 6 age is approximately 90 percent.
- 7 (b) According to California’s Employment Development
- 8 Department, the average annual earnings of employed individuals
- 9 with developmental disabilities is approximately five thousand
- 10 five hundred dollars (\$5,500).
- 11 (c) Within the community of people with ~~intellectual or~~
- 12 developmental disabilities, people diagnosed with autism are the
- 13 ~~fastest growing~~ *fastest growing* population, making up
- 14 approximately 50 percent of the annual new caseload of regional
- 15 centers in some areas of the state.
- 16 (d) Seven years after exiting the K-12 school system, one in
- 17 three adults with autism still does not have paid work experience
- 18 or a college or technical education.
- 19 (e) Nationally recognized employment internship training
- 20 models like Project SEARCH have demonstrated that many people
- 21 with ~~intellectual or~~ developmental disabilities can be successfully
- 22 employed in jobs that earn a living wage.
- 23 (f) The key elements of successful programs like Project
- 24 SEARCH are:
- 25 (1) The opportunity for people with ~~intellectual or~~ developmental
- 26 disabilities to be exposed to real work through internships.
- 27 (2) The opportunity for people with ~~intellectual or~~ developmental
- 28 disabilities to receive on-the-job customized training and support
- 29 during internships.

1 (3) The opportunity for employers, in an internship setting, to  
2 experience firsthand the quality of work of an individual with ~~an~~  
3 ~~intellectual or a~~ developmental disability.

4 (g) The existing state hiring process for people with disabilities,  
5 known as the Limited Examination and Appointment Program, or  
6 LEAP, is not well suited to correctly assess the qualifications and  
7 abilities of many people with ~~intellectual or~~ developmental  
8 disabilities because it relies on written testing as an assessment  
9 tool and is not performance based. As a result, very few people  
10 with ~~intellectual or~~ developmental disabilities are represented in  
11 the state workforce.

12 (h) The Governor and the Legislature must address the lack of  
13 access people with ~~intellectual or~~ developmental disabilities have  
14 to employment opportunities with the State of California and take  
15 steps to become a “model employer” to demonstrate the potential  
16 of this untapped workforce.

17 (i) In enacting this measure, the Legislature intends to create  
18 more access to state employment for people with ~~intellectual or~~  
19 developmental disabilities by allowing successful internship  
20 performance in a state agency, in lieu of a written test, to serve as  
21 meeting the minimum qualifications for consideration for hire into  
22 an entry-level position with the State of California. The Legislature  
23 further intends to grant flexibility to state agencies to hire persons  
24 with ~~intellectual or~~ developmental disabilities who meet specific  
25 needs of those agencies into entry-level positions without requiring  
26 those persons to be able to perform the full range of tasks typically  
27 required by the entry-level job classification.

28 (j) The Legislature intends that these model employer practices  
29 be targeted at people with ~~intellectual or~~ developmental disabilities  
30 who are between 18 and 30 years of age and are deemed eligible  
31 by the Department of Rehabilitation to receive supported  
32 employment services. If this population is left without purposefully  
33 designed pathways to employment, these young adults will remain  
34 at a high risk of public dependency throughout the course of their  
35 lives.

36 SEC. 2. Section 19240 of the Government Code is amended  
37 to read:

38 19240. (a) The department, consistent with board rules, shall  
39 be responsible for the administration of the Limited Examination  
40 and Appointment Program. This program shall provide an

1 alternative to the traditional civil service examination and  
2 appointment process to facilitate the hiring of persons with  
3 disabilities in the state civil service.

4 (b) For purposes of this article, the following terms have the  
5 following meanings:

6 (1) “Disability” has the definition set forth in Section 12926,  
7 as that section presently reads or as it subsequently may be  
8 amended.

9 (2) “Developmental disability” has the definition set forth in  
10 Section 4512 of the Welfare and Institutions Code.

11 (3) “Person with ~~an intellectual or~~ a developmental disability”  
12 means a person who the State Department of Developmental  
13 Services deems eligible for services pursuant to the Lanterman  
14 Developmental Disabilities Services Act (Division 4.5  
15 (commencing with Section 4500) of the Welfare and Institutions  
16 Code) and who is a consumer of a regional center pursuant to  
17 Chapter 5 (commencing with Section 4620) of the act.

18 (c) Notwithstanding subdivision (b), if the definition of  
19 “disability” used in the federal Americans with Disabilities Act of  
20 1990 (Public Law 101-336) would result in broader protection of  
21 the civil rights of individuals with a mental or physical disability,  
22 as defined in subdivision (b), then that broader protection shall be  
23 deemed incorporated by reference into, and shall prevail over  
24 conflicting provisions of, the definition in subdivision (b). The  
25 definition of “disability” contained in subdivision (b) shall not be  
26 deemed to refer to or include conditions excluded from the federal  
27 definition of “disability” pursuant to Section 511 of the federal  
28 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12211).

29 SEC. 3. Section 19242 of the Government Code is amended  
30 to read:

31 19242. (a) The department or its designee shall conduct  
32 competitive examinations to determine the qualifications and  
33 readiness of persons with disabilities for state employment. The  
34 examinations may include an on-the-job-performance evaluation  
35 and any other selection techniques deemed appropriate.

36 (b) (1) The department or its designee shall not require a person  
37 with ~~an intellectual or~~ a developmental disability to take or pass  
38 a written examination or readiness evaluation in order to qualify  
39 for service in a position under the Limited Examination and  
40 Appointment Program. The *competitive* examination of a person

1 with an intellectual or a developmental disability shall consist of  
2 a competitive internship with a state agency that is not less than  
3 1024 hours in duration: both of the following:

4 (A) Successful completion of an internship with a state agency  
5 of at least 1,024 hours in duration.

6 (B) Certification by the state agency that the employee has  
7 completed the internship and has demonstrated the skills,  
8 knowledge, and abilities necessary to successfully perform the  
9 requirements of the position.

10 (2) A person with a developmental disability who successfully  
11 completes the examination required by this subdivision is deemed  
12 to meet the minimum qualifications, as determined by the board,  
13 for the position in which the internship was performed.

14 (c) Examination results may be ranked or unranked.

15 SEC. 4. Section 19242.2 of the Government Code is amended  
16 to read:

17 19242.2. (a) The department or its designee shall refer the  
18 names of persons with disabilities who meet eligibility criteria for  
19 ~~participation~~, *participation* and the minimum qualifications of the  
20 job classification or successfully complete an internship pursuant  
21 to subdivision (b) of Section 19242, as determined by the board,  
22 and any other requirements deemed appropriate by the board to  
23 appointing powers for examination appointments. Notwithstanding  
24 any other provision of law, and to provide for appropriate  
25 job-person placement, all candidates meeting referral requirements  
26 shall be eligible for examination appointment. The department  
27 may prescribe the method for referring names to appointing powers.

28 (b) (1) *The department or its designee shall refer the names of*  
29 *persons with developmental disabilities to appointing powers for*  
30 *selection for participation in an internship examination as set forth*  
31 *in subdivision (b) of Section 19242.*

32 (2) *The department or its designee may refer the names of*  
33 *persons with developmental disabilities who have successfully*  
34 *completed an internship examination to appointing powers for*  
35 *consideration for appointment in the same job classification as*  
36 *the position in which the applicant successfully completed his or*  
37 *her internship.*

38 (3) *The department may prescribe the method for referring*  
39 *names to appointing powers, including, but not limited to, working*

1 *with the appointing power to identify positions that could*  
2 *successfully be filled by persons with developmental disabilities.*

3 SEC. 5. Section 19242.3 is added to the Government Code, to  
4 read:

5 19242.3. (a) A state agency that provides an internship to a  
6 person with ~~an intellectual or~~ a developmental disability or appoints  
7 a person with ~~an intellectual or~~ a developmental disability to a  
8 position under the Limited Examination and Appointment Program  
9 may finance the internship or position with personnel funds  
10 assigned to a vacant or unfilled position. A state agency that  
11 transfers funds from a vacant or unfilled position pursuant to this  
12 section does not eliminate the vacant or unfilled position, and may  
13 return or assign funds to fill the position.

14 (b) (1) A state agency that provides an internship to a person  
15 with ~~an intellectual or~~ a developmental disability or appoints a  
16 person with ~~an intellectual or~~ a developmental disability to a  
17 position under the Limited Examination and Appointment Program  
18 shall allow the person to receive on-the-job support as a reasonable  
19 accommodation for the person's disability.

20 (2) *On-the-job supportive services, in addition to the services*  
21 *set forth in subdivision (q) of Section 4851 of the Welfare and*  
22 *Institutions Code, may consist of, but need not be limited to, time*  
23 *spent with a job coach on any of the following:*

24 (A) *Conducting job analysis, specific training, and supervision*  
25 *of the intern while the intern is engaged in his or her internship.*

26 (B) *Conducting skills building training, including, but not limited*  
27 *to, adaptive functional and social skills training and support as*  
28 *necessary to ensure internship adjustment.*

29 (C) *Working with families and other support networks to ensure*  
30 *internship adjustment.*

31 (D) *Evaluation of performance of the intern, including, but not*  
32 *limited to, communication with the internship supervisor.*

33 (3) *The services of the job coach are not the responsibility of*  
34 *the state agency providing the internship, unless the agency is*  
35 *otherwise the direct payor of those services.*

36 (4) *In order for the internship to meet the minimum*  
37 *qualifications of the desired position, the internship shall be*  
38 *successfully completed, as set forth in subdivision (b) of Section*  
39 *19242, in the same job classification as the position the individual*  
40 *is applying for.*

1     (5) *If a job examination period is required prior to the*  
2 *permanent hiring of a qualified individual with a developmental*  
3 *disability, the appointing authority may apply some or all of the*  
4 *internship hours performed to meet some or all of the job*  
5 *examination period requirement.*

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