

Subject State Employment and Retention of Employees with Disabilities

Authors Reyer

Analyst Matt Gehring
Marta James

Date February 16, 2022

Overview

This act adopts a number of recommendations of the Advisory Task Force on State Employment and Retention of Employees with Disabilities. The report of the Advisory Task Force was issued in January 2021, and is available online, at this website: <https://www.lrl.mn.gov/docs/2021/mandated/210088.pdf>.

Summary

Section	Description
---------	-------------

- | | |
|---|---|
| 1 | <p>Precedence of merit principles and nondiscrimination.</p> <p>Amends and expands an existing subdivision of law which establishes a policy of the state to provide for equal employment opportunities, consistent with the Minnesota Human Rights Act, and a policy to take affirmative action to eliminate the underutilization of qualified members of protected groups in state civil service employment.</p> <p>Among the changes are a new purpose of these policies, to support full and equal participation in the social and economic life of the state. This section also states a requirement that managers and supervisors be made aware of bias that can be present in the hiring process.</p> |
| 2 | <p>Accommodation fund.</p> <p>Defines the “accommodation fund,” a term used later in the bill.</p> |
| 3 | <p>Americans with Disabilities Act.</p> <p>Provides a definition and legal citation to the Americans with Disabilities Act (ADA).</p> |
| 4 | <p>Digital accessibility.</p> <p>Defines “digital accessibility,” a term used later in the bill.</p> |

Section	Description
5	<p>Reasonable accommodation.</p> <p>Provides a cross-reference to the term “reasonable accommodation,” as defined in the Minnesota Human Rights Act.</p>
6	<p>Mission; efficiency.</p> <p>Expands the mission of the Department of Management and Budget to include a duty to ensure that all technology utilized in state government is accessible, usable, and provided in a timely manner, consistent with existing state laws, and a duty to endeavor to use equitable and inclusive practices to attract and recruit protected class employees, actively eliminate discrimination against those employees, and ensure equal access to development and training, advancement, and promotional opportunities.</p>
7	<p>Administrative procedures.</p> <p>Requires the commissioner of management and budget to use accessible digital formats when developing certain administrative procedures to be used in implementing laws governing employment in state government.</p>
8	<p>Reporting.</p> <p>Requires the commissioner of management and budget to make a report that provides certain statistics on the employment of individuals in classified positions available online and in multiple accessible formats.</p>
9	<p>General.</p> <p>Requires the commissioner of management and budget to include in existing publications logical career paths available to qualified individuals with disabilities.</p>
10	<p>Recruitment.</p> <p>Requires the commissioner of management and budget to recruit for state employment, as an area of special emphasis, qualified individuals with disabilities. Technology and digital content related to these recruitment efforts must be accessible to and usable by people with disabilities.</p>
11	<p>Application requirements.</p> <p>Expands the minimum requirements for posting and applications for state employment.</p>
12	<p>Selection process accommodations.</p> <p>Requires the commissioner of management and budget, and appointing authorities, to provide reasonable accommodations to qualified applicants with disabilities, including use of the accommodation fund, during the selection process. The</p>

Section	Description
	commissioner is required to ensure that agencies are aware of the accommodation fund and its function.
13	Appointments. Adds a reference to representation of people with disabilities in an existing statute detailing the needs of employing agencies.
14	700-hour on-the-job demonstration experience. Expands and clarifies requirements and procedures related to the opportunity for applicants to demonstrate their abilities through a 700-hour on-the-job experience, as opposed to demonstrating their abilities during the selection process. This opportunity is available to otherwise qualified applicants with a disability so severe that they are unable to demonstrate their skills and abilities in the standard competitive selection/interview process.
15	Report and survey. Requires the commissioner of management and budget to collect and review statistics and issue an annual report on use of and recommendations for the 700-hour on-the-job experience opportunity.
16	Statewide affirmative action program. Expands requirements of the statewide affirmative action program. Among other changes, the commissioner of management and budget is required to designate a statewide ADA and disability employment director, and individual agency affirmative action plans, along with reports and progress, must be posted on the agency's public and internal websites within 30 days of being approved.
17	Agency affirmative action programs. Expands requirements that an agency's affirmative action plan include sections related to disability recruitment, hiring, and advancement. Other changes are also provided.
18	Authority; purpose. Requires the commissioner of management and budget to coordinate with the statewide ADA and disability employment director and the state's chief inclusion officer to provide trainings for employees that meet certain minimum standards, including building employee capacity to deliver accessible and inclusive public services, and to support an inclusive work environment for employees with disabilities and employees of other protected classes.

Section	Description
19	<p>Responsibilities.</p> <p>Requires state employees to receive annual training on the requirements of Title II of the Americans with Disabilities Act; the state’s affirmative action policy; equal opportunity employment; and digital accessibility standards.</p>
20	<p>Programs.</p> <p>Requires managers and supervisors in state government to receive training on inclusive work environments, disability awareness, cultural competence, and other equity and diversity areas. Agencies are additionally required to conduct an annual ADA self-assessment to ensure training programs meet the standards for universal design in learning.</p>
21	<p>Accessibility.</p> <p>Requires the commissioner of management and budget to ensure that all training content and platforms meet the accessibility standards for technology as required by state law. Reasonable accommodations must be implemented in a timely and appropriate manner to ensure that all state employees can participate. This section further requires that all state employees have the training and resources necessary to implement an accessible and inclusive workplace.</p>
22	<p>Cooperation; state agencies.</p> <p>Requires the head of each executive branch state agency to designate an ADA coordinator. The ADA coordinator must be reportable directly to the commissioner of management and budget.</p>
23	<p>Supported work program.</p> <p>Expands the scope and requirements of the supported work program to include all active positions in agencies of state government, and designating certain duties related to administration of the program, including annual training.</p>
24	<p>Americans with Disabilities Act coordinators.</p> <p>Requires each state agency to designate at least one ADA coordinator, and specifies the duties and qualifications of the role.</p>
25	<p>Advisory committee on service worker standards.</p> <p>Requires the commissioner of management and budget to convene an advisory committee to review and make recommendations regarding updates and clarifications to the service worker class specifications provided in law.</p>



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155