

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding State Hiring and Retention for Persons with Disabilities

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

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

§ 7054-C. Person with disability preference

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

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

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

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

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

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

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

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

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

SUMMARY

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

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