

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 50

An Act to amend and reenact § 2.2-203.2:3 of the Code of Virginia, relating to the Secretary of Administration; policy of the Commonwealth regarding employment of individuals with disabilities; report deadline.

[H 1098]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-203.2:3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-203.2:3. Policy of the Commonwealth regarding the employment of individuals with disabilities; responsibilities of state agencies; report.

A. As used in this section, "state agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch.

B. It shall be the policy of the Commonwealth to promote and increase the employment of individuals with disabilities directly employed at all levels and occupations by state agencies, institutions, boards, and authorities of the Commonwealth. To assist in achieving this policy, it shall be the goal of the Commonwealth to increase by five percent the level of employment of individuals with disabilities by the state by fiscal year 2023. The Secretary shall coordinate and lead efforts to achieve the goals of the Commonwealth established by this section.

C. To further this goal, the Commonwealth shall:

1. Use available hiring authorities, consistent with statutes, regulations, and prior executive orders;
2. Increase efforts to accommodate individuals with disabilities within state government employment by increasing the retention and return to work of individuals with disabilities;
3. Expand existing efforts for the recruitment, accommodation, retention, and advancement of individuals with disabilities for positions available in state government;
4. Designate senior-level staff within each state agency to be responsible for increasing the employment of individuals with disabilities within the state agency; and
5. Require state agencies to prepare a plan to increase employment opportunities at the agencies for individuals with disabilities.

D. Each state agency shall submit a plan to increase employment opportunities for individuals with disabilities to the Secretary no later than December 31, 2017, and each July 1 thereafter. The Secretary shall (i) establish guidelines regarding the development and content of state agency plans and (ii) establish a reporting system for tracking and reporting the progress of state agencies toward meeting the employment goals of the Commonwealth established by this section.

E. All state agencies shall examine existing policies relating to the employment of individuals with disabilities, including a review of recruitment efforts, interviewing criteria, testing procedures, and resources to accommodate applicants and workers with disabilities.

F. Nothing in this section shall be construed to require (i) the creation of new positions or the changing of existing qualification standards for any position or (ii) any state employee or applicant for state employment to disclose his disability status involuntarily.

G. The Secretary, in collaboration with the Department of Human Resource Management, shall develop an annual report on the number of individuals with disabilities directly employed by the state agencies. The information shall be included in the annual demographic report of the Department of Human Resource Management.

H. The Secretary shall report on the progress of state agencies toward meeting the employment goals of the Commonwealth to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance *and Appropriations* by ~~July~~ September 1 of each year.