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HOUSE BILL NO. 2140

Offered January 13, 2021

Prefiled January 12, 2021

A BILL to amend and reenact § 2.2-2901.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 12 of Title 2.2 a section numbered 2.2-1212, relating to Department of Human Resource Management; alternative application for employment for persons with a disability; report.

Patrons—Guzman, Hayes, Hope, Keam, Kory, Krizek, Levine, Murphy, Plum, Samirah, Simon, Sullivan, Tran and Tyler; Senator: McClellan

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2901.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 12 of Title 2.2 a section numbered 2.2-1212 as follows:

§ 2.2-1212. Alternative application for employment for persons with a disability; report.

A. The Department shall develop an alternative application process for the employment of persons with a disability as defined in § 51.5-40.1. Such alternative application process shall be noncompetitive in nature and may be used for the employment of a person with a disability on a permanent or temporary basis. The Department shall include an option for state agencies to convert a position filled through the noncompetitive process created by this subsection into a position that is filled through a competitive process.

B. The Department shall include in the annual report required under subsection H of § 2.2-203.2:3 information on the status of the alternative application process for persons with a disability, including the total number of persons with a disability who (i) sought state employment through the alternative state application process, (ii) are currently employed through the alternative state application process, and (iii) had their employment in a position filled through the noncompetitive process created by subsection A converted into a position that is filled through a competitive process.

§ 2.2-2901.1. Employment discrimination prohibited.

A. For the purposes of this section, "age" means being an individual who is at least 40 years of age.

B. No state agency, institution, board, bureau, commission, council, or instrumentality of the Commonwealth shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or status as a veteran.

C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of (a) sex or age in those instances when sex or age is a bona fide occupational qualification for employment or (b) disability when using the alternative application process provided for in § 2.2-1212 or (ii) providing preference in employment to veterans.

2. The Department of Human Resource Management, in consultation with the Department for Aging and Rehabilitative Services, shall convene a group of stakeholders to establish the parameters of the alternative application process for the employment of persons with a disability authorized under § 2.2-1212 of the Code of Virginia, as created by this act.

3. That the Department of Human Resource Management shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

INTRODUCED

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