

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [H 2140]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

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

10 **§ 2.2-1212. *Alternative application for employment for persons with a disability; report.***

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

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

23 **§ 2.2-2901.1. *Employment discrimination prohibited.***

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

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

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

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

37 **3. That the Department of Human Resource Management shall develop and disseminate a policy**
38 **to implement the provisions of this act to be effective within 280 days of its enactment.**

ENROLLED

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