

## §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 a physical or mental impairment that substantially limits one or more of the person's major life activities. [PL 2019, c. 343, Pt. QQQ, §1 (AMD).]

B. [PL 2019, c. 343, Pt. QQQ, §1 (RP).]

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. [PL 2017, c. 261, §1 (NEW).]

D. [PL 2019, c. 343, Pt. QQQ, §1 (RP).]  
[PL 2019, c. 343, Pt. QQQ, §1 (AMD).]

**2. Interview.** In filling a position in the classified service, the employing agency shall offer an interview to a person with a disability who meets the minimum qualifications established for the position.

[PL 2019, c. 343, Pt. QQQ, §1 (AMD).]

**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 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, including opportunities in the special appointment program.

[PL 2019, c. 343, Pt. QQQ, §1 (AMD).]

**4. Retention preference.** In any reduction in personnel in the state service, employees 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.

[PL 2019, c. 343, Pt. QQQ, §1 (AMD).]

**5. Right to nondisclosure.** A person with a disability 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.

[PL 2019, c. 343, Pt. QQQ, §1 (AMD).]

### SECTION HISTORY

PL 2017, c. 261, §1 (NEW). PL 2019, c. 343, Pt. QQQ, §1 (AMD).

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