

Assembly Bill No. 2308

Passed the Assembly May 28, 2008

Chief Clerk of the Assembly

Passed the Senate August 5, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 19235 to the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2308, Karnette. Public employment: disabled persons.

Existing law directs the State Personnel Board to enforce the civil service statutes, and, by majority vote of all its members, prescribe probationary periods and classifications, adopt other rules authorized by statute, and review disciplinary actions. Under existing law, eligible lists shall be established as a result of free competitive examinations open to persons who lawfully may be appointed to any position within the class for which these examinations are held and who meet the minimum qualifications requisite to the performance of the duties of that position as prescribed by the specifications for the class or by board rule.

Existing law also makes the State Personnel Board responsible for the Limited Examination and Appointment Program. This program provides an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities in the state civil service where accommodation can be provided and where prohibitive physical requirements are not mandated by the board.

Existing law declares the policy of this state to be that qualified individuals with a disability shall be employed in the state service, the service of the political subdivisions of the state, in public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the nondisabled, unless it is shown that the particular disability is job related.

This bill would direct the State Personnel Board, as the board deems appropriate, to waive the requirement for a high school diploma as a reasonable accommodation for a candidate who qualifies as an eligible person with a disability, as defined, and who is otherwise qualified for the position.

The people of the State of California do enact as follows:

SECTION 1. Section 19235 is added to the Government Code, to read:

19235. (a) The State Personnel Board shall, as the board deems it appropriate, waive the requirement for a high school diploma as a reasonable accommodation for a candidate who qualifies as an eligible person with a disability and who is otherwise qualified for the position.

(b) For purposes of this section, the following definitions apply:

(1) “Eligible person with a disability” means a person who meets all of the following criteria:

(A) The person has completed an operative individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400, et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).

(B) The person has not passed the high school exit examination.

(C) The person has attempted to pass those sections not yet passed of the high school exit examination at least twice after grade 10, with the accommodations or modifications, if any, specified in the individualized education program or the Section 504 plan for the person.

(2) “Reasonable accommodation” has the same meaning as in Section 12926.

Approved _____, 2008

Governor