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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 5. PERSONNEL [18000 - 22980] (Division 5 added by Stats. 1945, Ch. 123.)

PART 2. STATE CIVIL SERVICE [18500 - 19799] (Part 2 added by Stats. 1945, Ch. 123.)

CHAPTER 5. Appointments [19050 - 19238] (Heading of Chapter 5 renumbered from Chapter 6 by Stats. 1985, Ch. 794, Sec. 18.)

ARTICLE 9. Hiring of Disabled Persons [19230 - 19238] (Article 9 added by Stats. 1977, Ch. 1196.)

19230. The Legislature hereby declares that:

(a) It is the policy of this state to encourage and enable individuals with a disability to participate fully in the social and economic life of the state and to engage in remunerative employment.

(b) It is the policy of this state 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, consistent with applicable state or federal law.

(c) It is the policy of this state that a department, agency, or commission shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee who is an individual with a disability, unless the hiring authority can demonstrate that the accommodation would impose an undue hardship on the operation of its program. Each state agency is responsible for developing its own reasonable accommodation policy, consistent with state and federal law, to address requests for reasonable accommodations. A department shall not deny any employment opportunity to a qualified applicant or employee who is an individual with a disability if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the applicant or employee.

(Amended by Stats. 2021, Ch. 515, Sec. 2. (AB 313) Effective January 1, 2022.)

19231. As used in this article, "individual with a disability" means any individual who has a physical or mental disability as defined in Section 12926.

(Amended by Stats. 2000, Ch. 1049, Sec. 9. Effective January 1, 2001.)

19232. Each state agency shall be responsible for establishing an effective affirmative action program to ensure individuals with a disability, who are capable of remunerative employment, access to positions in state service on an equal and competitive basis with the general population.

Each state agency shall develop and implement an affirmative action employment plan for individuals with a disability, which shall include goals and timetables. These goals and timetables shall be set annually for disabilities identified pursuant to guidelines established by the department, and shall be submitted to the department no later than June 1 of each year beginning in 1978, for review and approval or modification. Goals and timetables shall be made available to the public upon request.

(Amended by Stats. 2018, Ch. 405, Sec. 3. (SB 846) Effective September 14, 2018.)

19233. The department shall be responsible for the following:

(a) Outline specific actions to improve the representation of individuals with a disability in the state workforce and to ensure equal and fair employment practices for employees who are individuals with a disability.

(b) Survey the number of individuals with a disability in each department by at least job category and salary range for the purpose of developing goals and timetables pursuant to Section 19232 and compare those numbers with the number of individuals with a disability in the workforce.

(c) Establish guidelines for state agencies and departments to set goals and timetables to improve the representation of individuals with a disability in the state workforce. Goals and timetables shall be set by at least job category.

(d) (1) By December 31 of each year, review plans submitted by state agencies pursuant to Section 19232 and approve the plan or require appropriate modifications as necessary to set forth goals that will result in a significant increase in hiring of persons with disabilities and effective strategies to achieve those goals.

(2) Identify agencies and departments that have consistently failed to make progress in increasing their representation of persons with disabilities and work with those agencies or departments to develop, within 180 days, action plans addressing the deficiencies.

(Amended by Stats. 2021, Ch. 515, Sec. 3. (AB 313) Effective January 1, 2022.)

19234. Each state agency shall annually review its hiring activities designed to achieve the employment objectives established pursuant to subdivision (c) of Section 19233 to determine if any category of individuals with a disability have been disproportionately excluded on a non-job-related basis from employment. If any category has been so excluded, the agency shall correct that underrepresentation.

(Amended by Stats. 1992, Ch. 913, Sec. 31. Effective January 1, 1993.)

19236. The department shall provide technical assistance, statewide advocacy, coordination, and monitoring of plans to overcome any underrepresentation determined pursuant to Section 19234.

(Amended by Stats. 2018, Ch. 405, Sec. 4. (SB 846) Effective September 14, 2018.)

19237. On or before November 15 of each year, the department shall report to the Governor and the Legislature on the current activity, future plans, and past accomplishments of the overall employment program for individuals with a disability in state government, including an evaluation of the achievement of annual employment objectives and reasonable accommodation policies and practices.

(Amended by Stats. 2018, Ch. 405, Sec. 5. (SB 846) Effective September 14, 2018.)

19238. (a) By December 31, 2025, the department, shall report to the Legislature on all of the following:

(1) The number of persons with disabilities hired by each appointing power during the three-year period ending June 30, 2025, and a comparison to the hiring of persons with disabilities in the three-year period ending June 30, 2022.

(2) The names of departments or agencies required to submit corrected affirmative action plans pursuant to subdivision (d) of Section 19233 and a summary of these plans and an analysis of their effectiveness.

(3) A description of recommendations from the Governor's Diversity Task Force related to employment of persons with disabilities that have been implemented.

(4) Recommendations for future efforts to improve the hiring of persons with disabilities for all state agencies. In formulating recommendations for future action, the department shall consult with the Department of Rehabilitation, the State Council on Developmental Disabilities, and organizations representing persons with disabilities.

(b) The report required to be submitted under subdivision (a) shall be submitted in compliance with Section 9795.

(c) Information to be reported pursuant to subdivision (a) shall be submitted in conjunction with information reportable under Section 19237 and in an existing report.

(d) This section shall remain in effect only until December 31, 2029, and as of that date is repealed.

(Added by Stats. 2021, Ch. 515, Sec. 4. (AB 313) Effective January 1, 2022. Repealed as of December 31, 2029, by its own provisions.)