

34: 16-40 et seq.

LEGISLATIVE HISTORY CHECKLIST

HJSA 34:16-40 et seq. (Sheltered workshop employee--extend financial support)

LAWS OF 1979 CHAPTER 335

Bill No. S3441

Sponsor(s) Dwyer, Hamilton, Weiss and Merlino

Date Introduced Nov. 13, 1979

Committee: Assembly -----

Senate -----

Amended during passage Yes No

Date of Passage: Assembly Dec. 17, 1979

Senate Dec. 3, 1979

Date of approval Jan. 21, 1980

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

9/1/78

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SENATE, No. 3441

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 13, 1979

By Senators DWYER, HAMILTON, WEISS and MERLINO

(Without Reference)

AN ACT to amend the "Sheltered Workshop Act of 1971," approved July 27, 1971 (P. L. 1971, c. 272) and P. L. 1975, c. 350.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 2 of P. L. 1971, c. 272 (C. 34:16-40) is amended to
2 read as follows:

3 2. As used in this act:

4 a. "Sheltered workshop" means an occupation oriented facility
5 operated by a nonprofit agency, public or private, which except
6 for its staff, employs only handicapped persons;

7 [b. "State Rehabilitation Commission" means the New Jersey
8 Rehabilitation Commission in the Department of Labor and
9 Industry;

10 c. "State Commission for the Blind" means the New Jersey
11 Commission for the Blind in the Department of Institutions and
12 Agencies;]

13 b. "Division" means the Division of Vocational Rehabilitation
14 Services in the Department of Labor and Industry;

15 c. "Commission" means the New Jersey Commission for the
16 Blind and Visually Impaired in the Department of Human Services;

17 d. "Extended employee" means a severely handicapped person
18 who meets the following requirements: (1) shall have completed
19 a prescribed workshop program; (2) shall have been found, due
20 to the nature and severity of his disability to be incapable of
21 competing in the open or customary labor market; and (3) shall
22 have been [in the workshop program for a period of 12 months in
23 a nonsponsored status and] certified as being an extended em-
24 ployee by the staff of the [New Jersey Rehabilitation Commission]
25 division or the [New Jersey Commission for the Blind] commission
26 or (4) shall have been certified by the [New Jersey Rehabilitation

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

27 Commission] *division* or the [New Jersey Commission for the
28 Blind] *commission* as an extended employee qualified to perform
29 industrial homework under the supervision of a sheltered workshop;

30 e. "Extended employment program" means a program designed
31 for those persons whose handicapped conditions fit them only for
32 sheltered employment in a sheltered workshop or in performance
33 of industrial homework under the supervision of a sheltered work-
34 shop, after completion of a certified program of vocational evalua-
35 tion and training, or for those severely handicapped persons who
36 were not eligible for vocational rehabilitation services under laws
37 and regulations in effect at the date of enactment of this act and
38 who could benefit from the provisions of this act.

1 2. Section 3 of P. L. 1971, c. 272 (C. 34:16-41) is amended to
2 read as follows:

3 3. The [State Rehabilitation Commission] *division* shall admin-
4 ister a program of vocational rehabilitation to an extended
5 employee and shall plan, institute, support, and administer a
6 program of extended employment in, or under the supervision of a
7 sheltered workshop provided for in this act.

1 3. Section 4 of P. L. 1971, c. 272 (C. 34:16-42) is amended to
2 read as follows:

3 4. The [State Rehabilitation Commission] *division* is hereby
4 authorized to contract with an approved sheltered workshop
5 for the furnishing of extended employment programs to
6 severely handicapped persons when it shall appear to the
7 satisfaction of the [State Rehabilitation Commission] *division*,
7A or upon certification to the [State Rehabilitation Commis-
8 sion] *division* by the [State Commission for the Blind] *com-*
9 *mission*, that a severely handicapped person could reasonably
10 be expected to benefit from, or reasonably requires extended reha-
11 bilitation services. The [State Rehabilitation Commission] *division*
12 is authorized to contract for the payment of a sum for each severely
13 handicapped person not exceeding the amount appropriated for the
14 purposes of this act toward the cost of providing an extended
15 employment program pursuant to this act.

1 4. Section 5 of P. L. 1971, c. 272 (C. 34:16-43) is amended to
2 read as follows:

3 5. The [State Rehabilitation Commission] *division* and the
4 [State Commission for the Blind] *commission* are hereby vested
5 with the authority: a. to determine the eligibility of severely
6 handicapped persons for the extended employment program in
7 consultation with the sheltered workshops providing the program;

8 b. to establish standards of staffing, physical plant and services
9 required for the operation of facilities of sheltered workshops
10 furnishing services under this act by contract with the State; and
11 c. to require an appropriate progress report on each individual
12 participating in the extended employment program.

1 5. Section 3 of P. L. 1975, c. 350 (C. 34:16-47) is amended to
2 read as follows:

3 3. To facilitate ready and authoritative identification of goods
4 or articles made by handicapped persons, any handicapped person
5 and any public or private institution or agency, firm, association
6 or corporation engaged in the manufacture or distribution of goods
7 or articles made by handicapped persons shall apply to the [State
8 Rehabilitation Commission in the Department of Labor and In-
9 dustry] *division* for registration and authorization to use an official
10 imprint, stamp, symbol or label, designed or approved by the
11 [commission] *division* to identify goods and articles as made by
12 handicapped persons. Nothing in this act shall authorize the identi-
13 fication of goods or articles as made by handicapped persons in
14 connection therewith shall consist solely of the packaging or pack-
15 ing thereof as distinguished from the preparation, processing or
16 assembling of such goods or articles. The [commission] *division*
17 shall investigate each application, under rules and regulations it
18 shall adopt for the administration of this act, to assure that such
19 person or organization is actually engaged in the manufacture or
20 distribution of handicapped goods or articles. The [commission]
21 *division* may register without investigation nonresident individuals
22 and out-of-state agencies, firms, associations, or corporations upon
23 proof that they are recognized and approved by the state of their
24 residence or organized pursuant to a law of such state imposnig
25 requirements substantially similar to those prescribed pursuant to
26 this act.

27 No fee shall be charged for registration of an individual handi-
28 capped person who manufactures and sells products of his own
29 labor. A fee of \$25.00 shall be charged and collected for registra-
30 tion of any other person, firm or corporation. All registrations
31 shall be valid for 1 year from date of issue.

1 6. Section 5 of P. L. 1975, c. 350 (C. 34:16-49) is amended to
2 read as follows:

3 5. Any handicapped [workman] *worker*, or any public or private
4 institution or agency, corporation, firm, or association, registered
5 with the [commission] *division* pursuant to this act, engaged in
6 the manufacture or distribution of articles of merchandise, made or

7 manufactured by a handicapped person or persons, shall imprint
8 or stamp upon such articles of merchandise or affix thereto labels
9 containing the words, "made by a handicapped [workman]
10 worker" or "made by the handicapped" or "handicapped made,"
11 to which shall be added the name of the manufacturer, the place
12 of manufacture and such other information as the [commission]
13 division may prescribe.

1 7. Section 6 of P. L. 1975, c. 350 (C. 34:16-50) is amended to
2 read as follows:

3 6. Any person, firm, corporation, institution, or association who
4 (a) shall use or employ an imprint, stamp, or symbol or label
5 issued or approved by the [State Rehabilitation Commission]
6 division or an imitation thereof without having registered with the
7 [commission] division, or (b) who shall directly or indirectly by
8 any means indicate or tend to indicate or represent that the goods
9 or articles were made by a handicapped person or persons when in
10 fact such goods or articles were not so made, or (c) who shall
11 directly or indirectly by any means indicate or tend to indicate or
12 represent that the goods or articles were sold by or for the benefit
13 of the handicapped when in fact such sale was not by or of sub-
14 stantial benefit to a handicapped person or persons is a disorderly
15 person [and punishable by a fine of not more than \$500.00 or
16 imprisonment for not more than 1 year or both such fine or
17 imprisonment].

1 8. This act shall take effect immediately.

STATEMENT

This bill would extend financial support, now denied by statute, for the extended employee of a sheltered workshop for the first 12 months the individual is employed. The existing waiting period has become counterproductive to the rehabilitation process of the extended employee and an unreasonable cost burden on the sheltered workshops.

The department estimates the cost of this improvement at \$700,000.00, the funds for which are contained in a companion measure, Senate Bill No. 3375.

The bill also corrects the title of two State agencies involved in the program, replaces the word "workman" with "worker" and brings the penalty section for violation of the law up to date with the new criminal code.

7 manufactured by a handicapped person or persons, shall imprint
 8 or stamp upon such articles of merchandise or affix thereto labels
 9 containing the words, "made by a handicapped **[workman]**
 10 *worker*" or "made by the handicapped" or "handicapped made,"
 11 to which shall be added the name of the manufacturer, the place
 12 of manufacture and such other information as the **[commission]**
 13 *division* may prescribe.

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 2 read as follows:

3 6. Any person, firm, corporation, institution, or association who
 4 (a) shall use or employ an imprint, stamp, or symbol or label
 5 issued or approved by the **[State Rehabilitation Commission]**
 6 *division* or an imitation thereof without having registered with the
 7 **[commission]** *division*, or (b) who shall directly or indirectly by
 8 any means indicate or tend to indicate or represent that the goods
 9 or articles were made by a handicapped person or persons when in
 10 fact such goods or articles were not so made, or (c) who shall
 11 directly or indirectly by any means indicate or tend to indicate or
 12 represent that the goods or articles were sold by or for the benefit
 13 of the handicapped when in fact such sale was not by or of sub-
 14 stantial benefit to a handicapped person or persons is a disorderly
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 16 **imprisonment for not more than 1 year or both such fine or**
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S. 3441 (1979)

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 21, 1980

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

S-3441, sponsored by Senator Bernard Dwyer (D-Middlesex), which revises the 1971 "Sheltered Workshop Act". The Act governs facilities run by public or private agencies which, except for their staffs, employ only handicapped persons.

The measure signed today makes the following changes in the law:

-- eliminates the twelve-month waiting period which was required before a severely handicapped person could be certified as an extended employee of a sheltered workshop and eligible to perform supervised industrial work at home;

-- eliminates the specific penalty of \$500 and/or one year imprisonment for falsely representing that goods offered for sale are made or sold by handicapped people. The offense is brought under the general criminal code and is considered a disorderly persons' offense, thus changing the fine to six months imprisonment and/or a \$1,000 fine.

-- modernizes some of the terminology used in the original Act.

The additional funds required for implementation of the bill are included in S-3467, also signed today.

S-3305, sponsored by Senator Joseph P. Merlino (D-Mercer), which appropriates \$2 million to the Department of Community Affairs for a State Youth Employment Program.

The program will provide part-time work for high-school aged young people.

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