

Wisconsin Human Resources Handbook

Chapter 184

Examination Accommodations

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Sec. 184.010 Introduction

The purpose of this chapter is to provide the necessary guidelines for providing examination accommodations for testing people who are disabled. These procedures are designed to uniformly handle requested accommodations.

Sec. 184.020 Statutory and Rule Authority

1. “If any applicant is unable to complete the examination in the form presented to the applicant due to a disability, the division shall provide a reader, an appropriate place to take the examination, or other similar prerequisites to ensure equality of opportunity in the examination.” s. 230.16(6), Wis. Stats.
2. “Upon request of any agency, the administrator may, under s. 230.08(7), Stats., certify additional names to supplement those certified under s. ER-MRS 12.06. The additional names shall be those of disabled candidates for whom the administrator has waived the test requirement. The administrator may waive the test requirement for a disabled person under this section if the administrator determines that the disability precludes the person from equitably participating in the tests used to examine candidates certified under s. 230.24(1) or 230.25, Stats., because of impaired sensory, manual, reading or speaking skills not related to the tasks to be performed after reasonable accommodations have been made on the job.” s. ER-MRS 12.07, Wis. Adm. Code

Sec. 184.030 Definitions

The following are definitions of terms used in this handbook chapter.

1. **Accommodation:** To provide for or supply an adaptation or adjustment to the testing process for the purpose of taking an examination.
2. **Disabled:** An individual under s. 111.32(8), Wis. Stats., who: (a) has a physical or mental impairment which makes achievement unusually difficult or limits the capacity to work, (b) has a record of such an impairment, or (c) is perceived as having such an impairment.

3. **Disabled Eligible (DEL):** A disabled applicant is added to a register as “disabled eligible” when the individual is waived from taking an examination. See “Examination Waiver” below.
4. **Disabled Expanded Certification (DEC):** A special Affirmative Action program for persons with disabilities giving them an increased opportunity to be interviewed for jobs in state government. To be eligible, a candidate must have a permanent physical or mental impairment that substantially limits the major life activity of working.
5. **Examination Waiver:** A disabled applicant is not tested by standard means of examination because testing would result in measurement of the individual’s disability and not his or her ability to perform a job.

Sec. 184.040 Examination Accommodations

Classified civil service positions require an objective and reliable assessment of job qualifications, and the State of Wisconsin uses several different examination methods for staffing civil service positions. For example, in a multiple-choice exam, applicants record their answers by blackening circles on a computer-scanned answer sheet. In an essay or short answer test, applicants normally write out their responses long hand. In an oral exam, an applicant appears before a panel of raters and responds orally to questions.

Persons with physical or mental disabilities may need a special accommodation to take one or more types of exams. For example, a person with dyslexia or a visual impairment may need a reader and/or writer. Someone with a hearing impairment may need a sign language interpreter. Certain types of orthopedic impairments may require a fairly simple accommodation such as a table or chair for the person’s physical comfort.

Sec. 184.050 Arranging Testing Accommodations

1. The *WISCJOBS Current Employment Opportunities* provides information to applicants regarding exam accommodations. It states under the “General Information” section:

“We will provide special accommodations for any test taker with a verified disability that affects his or her ability to take employment tests. If you have a disability and need special accommodations to take a test, complete the *Request for Examination Accommodations* form (OSER-MRS-40) available at <http://oser.state.wi.us/docview.asp?docid=1227> and send it to OSER no later than eight (8) days before the scheduled Saturday test date. If you do not have the form, call (608) 266-3633 or TDD (608) 266-1498 to arrange for special test accommodations. You may FAX the completed form to (608) 267-1000. NOTE: We may not be able to arrange an accommodation for you unless we receive your request at least eight (8) days before the exam.”

2. The applicant requesting the special examination accommodation will do so by completing page 2 of the *Request for Examination Accommodations* form (OSER-MRS-40 [R05/03]). Most requests for special examination accommodations will be routed through the Division of Merit Recruitment and Selection (DMRS) exam administration specialist as indicated on the form and in the *WISCJOBS Current Employment Opportunities*. However, applicants may forward their request directly to the agency that will be administering the examination. (See “Note” in this section.)
3. The DMRS exam administration specialist determines whether an accommodation is required and reasonable depending on the nature of the accommodation. Generally, applicants will request special exam accommodations such as a reader, writer, use of a large print exam, or a table instead of a desk. Other requests may be considered, as needed. When the DMRS exam administration specialist has determined the nature of the accommodation to be provided, he or she will notify the chief exam proctor at the location

where the accommodation will take place.

4. The assigned proctor will handle the accommodation at the exam center and advise the exam administration specialist of the outcome.

Note: If an agency will be administering its own exam, applicants may contact that agency directly to request an accommodation. However, to ensure consistency, the agency should consult with the DMRS exam administration specialist before approving or denying the request. The agency may proceed with providing the approved accommodation.

Sec. 184.060 Use of Interpreters

1. Interpreters are professionals who help the deaf and hard of hearing to fully understand communications, such as test-taking instructions, that they cannot receive aurally. There are two methods of interpreting—interpreting and transliterating.
2. Interpreting is used largely by deaf people whose first language is American Sign Language. Often these individuals were born deaf or became deaf early in life. In this case, an interpreter translates messages (to include examination instructions, items, and alternatives) into a form (including grammar and syntax) that will be understood by the test taker. The interpreter serves as a communicator but is not otherwise involved in answering the questions. There is an exception to this rule. Some tests contain parts designed to test the ability to “understand and interpret complex reading materials” or the ability of “written communications.” These parts are generally easily recognizable or otherwise clearly labeled and should be translated verbatim.
3. Transliterating is a form of English signing and is used largely by people whose first language is English and who became deaf later in life. These individuals may rely on lip-reading or oral interpreting. In this case, the DMRS exam administration specialist can provide the test-taking instructions to the applicant in written format prior to the exam. By sending this information to the individual prior to the exam center, he or she has an opportunity to review the instructions at his or her leisure and there is no need to have an interpreter at the exam center.

Note: Interpreters who have National Certification-CSC or CI/CT are qualified for many interpreting jobs. Interpreters who have National Certification-CT or TC are certified in transliterating or English-like signing. CI or IC means they are certified to interpret between ASL and English. CLIP and SC:L indicate a specialization in legal interpreting. A second kind of National Certification is NAD Certification. This certification has five levels. The State Department of Health and Family Services, Bureau for the Deaf and Hard of Hearing considers levels four and five appropriate for situations where a certified interpreter should be used. Some deaf people do not use sign language and choose to use oral interpreters. These are interpreters who have special training and knowledge about how to make language somewhat more visible. Oral Interpreting Certificate (OIC) is a national certification for this type of interpreting.

4. When working with an applicant who is deaf, it is always best to consult first with him or her to determine his or her preference for a particular interpreter. If there is no preference, start by making contact with an interpreter who is nationally certified. If no one is available on this list, contact a state-verified interpreter. The State Department of Health and Family Services, Division of Disability and Elder Services, Bureau for the Deaf and Hard of Hearing, is an excellent resource for obtaining information and locating interpreters. Information can be found at <http://www.dhfs.state.wi.us/sensory/>.
5. Any sign language interpreter must complete a test security agreement titled, *Sign Language Interpreter Statement of Responsibility* (OSER-DMRS-185 [4/03]). See Attachment #1 for a copy of this form. This

form can also be found at <http://oser.state.wi.us/docview.asp?docid=1231>.

6. The state does not provide foreign language interpretation for exam accommodation purposes.

Sec. 184.070 Examination Waivers

Section ER-MRS 12.07, Wis. Adm. Code, states “. . . The administrator may waive the test requirement for a person with a disability under this section if the administrator determines that the disability precludes the person from equitably participating in the tests used to examine candidates certified under s. 230.24(1) or 230.25 Stats., because of impaired sensory, manual, reading, or speaking skills not related to the tasks to be performed after reasonable accommodations have been made on the job.”

Most persons with disabilities can be accommodated when taking civil service examinations in order to eliminate any effect of their disability, which might otherwise lower their civil service score. However, some conditions may affect test scores without regard to ability to perform a job. Testing of such persons results in a measure of their disability and not a measure of their ability to perform a job. This is a violation of the law, which protects persons with disabilities from employment discrimination. Consequently, such persons are not tested by the standard means of examination. Instead, the applicant may request an exam waiver by submitting two documents to the DMRS staffing specialist:

1. A letter from a rehabilitation professional such as a Division of Vocational Rehabilitation (DVR) counselor or other medical professional who can attest to the nature, degree and extent of the disability and why the standard exam process would be inappropriate.
2. A letter from a former or present supervisor stating that the applicant has the knowledge and skills required to perform the job. This letter should provide descriptions of the tasks performed on the job as verification that the applicant has attained an acceptable skill level. If the applicant has relevant training or education to supplement work experience or to serve as an equivalency for a lack of work experience, a letter from a teacher or instructor will be accepted. The letter should state that the knowledge and skills required to perform the job have been acquired through training and a listing of the relevant course(s) and/or degree(s) should be provided.

Note: The supervisor/instructor may need additional information from the staffing specialist regarding essential job duties, which will help him or her make an informed decision on the applicant’s ability to perform those tasks.

If the exam waiver is approved, the applicant will be added to the register as “Disabled Eligible.” Contact the appropriate DMRS staffing specialist for assistance with placing the DEL candidate on the register. The certification list will include all persons who are waived from taking the examination.

Sec. 184.080 Disabled Expanded Certification Program (DEC)

Section 230.25(1n), Wis. Stats., and ER-MRS-12.06(1), Wis. Adm. Code, indicate that up to three additional names of qualified persons with a disability can be certified. “To be eligible for certification under this section, a person shall have a permanent physical or mental impairment which substantially limits the major life activity of working. ‘Substantially limits’ means significantly restricts the ability to perform either a class or broad range of jobs compared to the average person who has comparable training, skills and abilities.” s. ER-MRS-12.06(2), Wis. Adm. Code. Applicants certified under DEC must be able to perform the duties of the job(s) for which they apply, with or without reasonable accommodations.

In order for applicants to be eligible for DEC, a qualified professional must verify the disability and eligibility for the program by completing the *Disabled Expanded Certification Verification* form (OSER-MRS-159 [07/02]) and

submitting it to DMRS prior to certification. (For a copy of this form, see <http://oser.state.wi.us/docview.asp?docid=1200>.) To be eligible for DEC, a qualified professional must verify that the impairment substantially limits the person's ability to work. A "qualified professional" is a physician, psychologist, psychiatrist, rehabilitation vocational counselor, high school special education teacher, DVR counselor, or other person approved by the Office of State Employment Relations, Division of Merit Recruitment and Selection.

Disabilities that may qualify for DEC include, but are not limited to, motor skill impairments, speech impairments, hearing impairments, vision impairments, dyslexia or other learning disabilities, kidney disease requiring dialysis, heart disease, medically diagnosed mental illness or other permanent impairments that substantially limit the major life activity of working.

The verification shall be valid for all positions for which the person applies for five years after the date DMRS receives the verification. (See s. ER-MRS-12.06(3), Wis. Adm. Code.) Applicants are notified when approaching the end of their five-year eligibility period so they may have a qualified professional re-verify the disability and re-submit the form.

Sec. 184.090 Records Retention

1. An applicant's request for an exam accommodation is valid for one year. The applicant may use the same request during the year without completing another form. He or she must contact the exam administration specialist at (608) 266-3633 or the agency administering the exam to schedule the accommodation. If the applicant wants to request a different accommodation than that originally provided by DMRS, he or she must complete a new *Request for Examination Accommodations* form (OSER-MRS-40 [R05/03]).
2. Completed Examination Accommodations forms should be kept in a separate file and will be kept in DMRS for the same length of time as the exam/register folder information, which is a total of four calendar years from the original administration. The records should be confidentially destroyed after four years, unless litigation is in process.

<p>Note: If the exam is being administered by an agency, it is the agency's responsibility to retain the completed Examination Accommodations forms.</p>

Sec. 184.100 Administrative Information

This chapter was issued in April 1981 as Chapter 132-Accommodations for Employment Testing of People with Handicapping Conditions of the *Wisconsin Personnel Manual*. It has been revised to include current exam accommodation procedures and renumbered to Chapter 184—Special Exam Accommodations of the *Wisconsin Human Resources Handbook*.

SIGN LANGUAGE INTERPRETER STATEMENT OF RESPONSIBILITY

Directions: Read this Test Security Agreement, sign, date and return to the agency administering the examination.

The undersigned will provide sign language interpretation of proctor instructions and/or test questions to hearing impaired applicants.

In interpreting test questions, the undersigned agrees to convey the questions as stated or to convey the concept without giving away the answer, without making the question easier than intended, and without prompting the applicant to choose any given answer.

The undersigned will have access to and knowledge of confidential testing information (including examination questions) and understands s/he will not be eligible to take this exam as an applicant for six months from this date.

The undersigned agrees to keep the testing information confidential and to refrain from copying the materials, discussing them with anyone, or allowing any other person to have access to them.

The undersigned acknowledges receipt of a copy of section 230.43 (1) and (3), Wis. Stats., and particularly subsection (1)(d) of 230.43, Wis. Stats.; and the undersigned agrees to comply with the provisions of section 230.43, Wis. Stats.

* * * * *

Chapter 230.43, Wis. Stats., states that obstructing or falsifying examinations is a misdemeanor and is punishable.

(1) OBSTRUCTION OR FALSIFICATION OF EXAMINATIONS.

- (a) Any person who willfully, alone or in cooperation with one or more persons, defeats, deceives or obstructs any person in respect of the rights of examination or registration under this subchapter or any rules prescribed pursuant thereto, or
- (b) Who willfully or corruptly falsely marks, grades, estimates or reports upon the examination or proper standing of any person examined, registered or certified, pursuant to this subchapter, or aids in so doing, or
- (c) Who willfully or corruptly makes any false representations concerning the same, or concerning the person examined, or
- (d) Who willfully or corruptly furnishes any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any persons so examined, registered or certified, being appointed, employed or promoted, or
- (e) Who personates any other person, or permits or aids in any manner any other person to personate him or her in connection with any examination, registration, application or request to be examined or registered, shall for each offense be guilty of a misdemeanor.

(3) PENALTY. Misdemeanors under this section are punishable by a fine of not less than \$50, and not more than \$1000.00 or by imprisonment for not more than one year in the county jail or both.

Print Your Name

Date

Signature

Test City