

CR 92-19

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STATE OF WISCONSIN)

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DIVISION OF MERIT RECRUITMENT AND SELECTION)

I, Robert Lavigna, Administrator of the Division of Merit Recruitment and Selection in the Department of Employment Relations and custodian of the official records, certify that the annexed rules, relating to the eligibility and verification of applicants for Handicapped Expanded Certification, were duly approved and adopted by this Division on June 18, 1992.

I further certify that this copy has been compared by me with the original on file in this Division and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Division of Merit Recruitment and Selection at 137 E. Wilson Street in the city of Madison, this 18th day of June, 1992.

Robert T. Lavigna

Robert Lavigna, Administrator
Division of Merit Recruitment and Selection
Department of Employment Relations

ORDER OF THE ADMINISTRATOR

Division of Merit Recruitment and Selection

Department of Employment Relations

ADOPTING RULES

To amend ER-Pers 12.06(2) and (3), relating to the eligibility and verification of applicants for Handicapped Expanded Certification.

ANALYSIS PREPARED BY DIVISION OF MERIT RECRUITMENT AND SELECTION

The Division's authority to promulgate these rules is found in s. 230.05 (5), Stats. The rules implement s. 230.25 (1n), Stats., which allows the Administrator of the Division of Merit Recruitment and Selection to add up to three names of persons with handicaps to the list of names certified to an appointing authority.

The proposed rules broaden the eligibility for Handicapped Expanded Certification (HEC) by focusing on the existence of an impairment that substantially limits the major life activity of working. The proposed rules define "substantially limits" as significantly restricting the person's ability to perform either a class or broad range of jobs when compared to other similarly qualified people. The changes reflect the language in the new federal Americans with Disabilities Act.

The proposed changes also clarify the process for determining eligibility for HEC and extend this eligibility for all positions applied for by applicants, including promotions, for five years from the date eligibility is verified.

TEXT OF RULE

SECTION 1. ER-Pers 12.06 (2) and (3) are amended to read:

ER-Pers 12.06 (2) To be eligible for certification under this section, a person shall have a permanent physical or mental disability impairment which substantially limits the person's employment opportunities, including the person's ability to obtain or retain employment the major life activity of working. In this subsection, "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.

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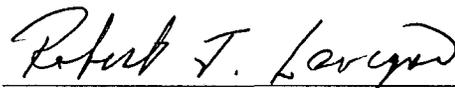
(3) Eligibility for certification under this section shall be limited to persons who provide the administrator a written verification of their ~~disability and how it affects their employment opportunities~~ impairment prior to certification. The verification shall be provided submitted on a form provided by the administrator and shall be completed by a qualified professional who is knowledgeable about the person's disability impairment and its effect on the person's employment, such as ability to work. In this subsection, a "qualified professional" means a physician, psychologist, psychiatrist, rehabilitation-vocational counselor, high school special education teacher, high school counselor, counselor at the division of vocational rehabilitation, or other persons, as approved by the administrator. The verification shall be valid for all positions for which the person applies for five years after the date the administrator receives the verification. A person may submit an additional verification at any time after a previous verification expires.

Note: Forms are available free from the Division of Merit Recruitment and Selection, 137 E. Wilson St., Madison, WI 53702, or at other locations throughout the state where Applications for State Employment are available.

EFFECTIVE DATE

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated: 6-19-92



Robert Lavigna, Administrator
Division of Merit Recruitment and
Selection
Department of Employment Relations

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