

No. 626, A.]

[Published October 2, 1959.

CHAPTER 508

AN ACT to amend 16.11 (2), 16.13 (1) and (2), 16.57 and 16.58; and to create 16.36 (4), (5) and (6) of the statutes, relating to prohibiting discrimination against blind persons in obtaining state, county or city civil service positions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.11 (2) of the statutes is amended to read:

16.11 (2) The competitive examinations shall be free and open to all applicants who are citizens of the United States and who have been residents of this state for one year prior to their application and who have fulfilled the preliminary requirements stated in s. 16.12, and shall be held at such times and places as, in the judgment of the director, most nearly meet the convenience of applicants and needs of the service. *To insure competitive equality between the blind and persons not so handicapped in connection with the taking of civil service examinations, the applicant may request from the director or the bureau of personnel the furnishing of an amanuensis or a reader when necessary, and the furnishing of a place to take such examination, or such other similar prerequisites to insure equality in such examination.* The director may open competitive examinations for technical and professional services only to residents of other states who are citizens of the United States and who have fulfilled the preliminary requirements stated in s. 16.12. Upon certification of the appointing authority of any state department to the director of personnel that a critical need for professional employes exists, the director of personnel may open examinations to qualified professional persons without regard to residence or citizenship.

SECTION 2. 16.13 (1) and (2) of the statutes are amended to read:

16.13 (1) The director may refuse to examine the applicant, or after examination to certify an eligible, who is found to lack any of the preliminary requirements established for the examination for the position or employment for which he applies, or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment, *except that a person shall not be discriminated against because of total or partial blindness unless normal eyesight is absolutely indispensable to do the physical acts to be performed,* or who is addicted to the habitual use of intoxicating liquors to excess, or has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made a false statement of any material fact; or directly or indirectly shall give, render, or pay or promise to give, render or pay any money, service or other valuable thing to any person for or on account of, or in connection with, his test, appointment or proposed appointment; or practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment, or refuses to furnish testimony as required in s. 16.06.

(2) Whenever the director refuses to examine an applicant, or after an examination to certify an eligible, as provided in this section, then said director, if requested by the person so rejected, shall give to him a full and explicit statement of the exact cause of such refusal to examine

or to certify, as the case may be. Appeal may be had from the decision of the director in accordance with * * * s. 16.05 (5). *Upon request of an applicant or an eligible for a civil service position who is blind, the services to the blind, division of public assistance, department of public welfare, shall obtain from such director a detailed description of all duties entailed by such position and investigate the necessity for eyesight in the fulfillment of the duties of any position, and shall determine and report its findings to the director, as to the physical ability of the applicant, or eligible, to perform the duties of such position. Such findings shall be conclusive as to the physical qualifications of any applicant, or eligible, so examined.*

SECTION 3. 16.36 (4), (5) and (6) of the statutes are created to read:

16.36 (4) No otherwise qualified blind persons shall be discriminated against in examination, re-examination, appointment, reappointment, promotion or demotion unless eyesight is absolutely indispensable for the performance of the duties and responsibilities of the position.

(5) To insure competitive equality between the blind and persons not so handicapped in connection with the taking of civil service examinations, the applicant may request from the commission the furnishing of an amanuensis or a reader when necessary, and the furnishing of a place to take such examination, or other similar prerequisites to insure equality in such examination.

(6) Upon the request of an applicant or an eligible for a county civil service position who is blind, the services to the blind, division of public assistance, department of public welfare, shall obtain from such county civil service commission a detailed description of all duties entailed by such position and shall investigate the necessity for eyesight in the fulfillment of the duties of any position, and shall determine and report its findings to the civil service commission, as to the physical ability of the applicant or eligible to perform the duties of such position. Such findings shall be conclusive as to the physical qualifications of any applicant or eligible so examined.

SECTION 4. 16.57 and 16.58 of the statutes are amended to read:

16.57 All applicants for offices, places or employments in the civil service of such city, except those mentioned in s. 16.54, shall have been residents of this state for one year prior to their application for examination, and shall be subject to examination under and in accordance with the rules so made by said commissioners; except that for technical and professional services the commission may open the examination to residents of other states who are citizens of the United States and except, further, that for other services the commission shall not be precluded from requiring longer periods of residence within the city, county or state for entrance to examinations. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the particular service to which they seek to be appointed, and may include tests of physical qualifications, and, when appropriate, of manual skill. *No otherwise qualified blind persons shall be discriminated against in examination, re-examination, appointment, reappointment, promotion or demotion unless eyesight is absolutely indispensable for the performance of the duties and responsibilities of the position.* No question in any examination shall relate to political or religious opinions or affiliations, and no appointment or selection to an office or for employment within the scope of the rules established as aforesaid shall be in

any manner affected or influenced by such opinions or affiliations. All such applicants may be examined by a competent physician as to the soundness of their health for the work to be performed. *Upon the request of an applicant or an eligible for a civil service position who is blind, the services to the blind, division of public assistance, state department of public welfare, shall obtain from the city civil service commission a detailed description of all duties entailed by such position and shall investigate the necessity for eyesight in the fulfillment of the duties of any position, and shall determine and report its findings to the civil service commission, as to the physical ability of the applicant, or eligible, to perform the duties of such position. Such findings shall be conclusive as to the physical qualifications of any applicant or eligible so examined.*

16.58 The examinations held under this act shall consist of any reasonable and impartial method of ascertaining the fitness or relative merit of candidates. *To insure competitive equality between the blind and persons not so handicapped in connection with the taking of civil service examinations, the applicant may request from the civil service commission the furnishing of an amanuensis or a reader when necessary, and the furnishing of a place to take such examination, or other similar prerequisites to insure equality in such examination.*

Approved September 22, 1959.
