



ADA Testing Accommodation

Equal opportunity to obtain employment without discrimination based on disability is codified federally under the Americans with Disabilities Act (ADA), and under New York State (NYS) Human Rights law (EXC). This document outlines reasonable accommodation for Civil Service examination. If seeking work accommodations, contact your agency's ADA Coordinator and Designee for Reasonable Accommodations (DRA).

What is Disability?

Disabilities can be physical, sensory, intellectual, developmental, mental, and behavioral. You can have a temporary disability, be born with a disability or become disabled at any point in life. Law provides a broad definition of disability to include physical or mental impairment that substantially limits one or more major life activities, having a history or record of impairment, or being perceived by others as having an impairment (ADA §12102.4, EXC §292.21). "Major life activities," include every-day actions like eating, sleeping, walking, standing, lifting, bending, seeing, hearing, breathing and the body's internal process like circulation and reproduction. However, this also refers to cognitive functions and activities like thinking, concentrating, working, reading, learning, and communicating (ada.gov/topics/intro-to-ada).

Reasonable Accommodation (RA)

RAs are actions which allow "an employee, prospective employee or member with a disability, or a pregnancy-related condition," to perform a job sought or held. (EXC §292.21-e). This may include appropriate adjustment or modification of examination (ADA §12111.9). Because of federal and state law, there are statewide procedures for implementing RA for candidates and employees with disabilities (cs.ny.gov/dpm/reasonaccom.cfm).

The Department of Civil Service (DCS) provides accommodation information on each exam announcement. You must note an RA on your exam application, sending the specific request to the Test Accommodation Unit at Testaccommodation@cs.ny.gov. The unit reviews religious and exam date conflict accommodation as well.

Accommodation Denial

If denied, you can file a discrimination complaint with the Division of Human Rights (DHR) for their review. Complaint instructions are listed on the division's website (dhr.ny.gov/complaint). DHR will provide a final determination to whether the request was wrongfully denied. If the denial is upheld there are other non-competitive mobility options available.

Section 55B of Civil Service Law (CVS) allows the state to fill competitive positions without examination based on disability status. Several resources are available on the Civil Service website (<https://www.cs.ny.gov/rp55/>). Transfer opportunities are described in PEF's Voluntary Transfers FAQ. The Career Mobility Office (CMO) website (careermobilityoffice.cs.ny.gov/cmo/) provides insight into mobility options by searching your current title. You can also speak to a CMO representative by phone (518-485-6199).