

UGESP provide mechanisms (requirements) for coping with it. The UGESP thus should occupy a prominent place in any covered organization's EEO/AA policies and practices.

Selection Under the Americans With Disabilities Act

The ADA, as interpreted by the Equal Employment Opportunity Commission (EEOC), creates substantial requirements and suggestions for compliance pertaining to external selection.¹⁴⁵ The general nature of these is identified and commented on next.

General Principles

Two major, overarching principles pertain to selection. The first principle is that it is unlawful to screen out individuals with disabilities, unless the selection procedure is job related and consistent with business necessity. The second principle is that a selection procedure must accurately reflect the KSAs being measured, and not impaired sensory, manual, or speaking skills, unless those impaired skills are the ones being measured by the procedure.

The first principle is obviously very similar to principles governing selection generally under federal laws and regulations. The second principle is important because it cautions the organization to be sure that its selection procedures do not inadvertently and unnecessarily screen out applicants with disabilities.

Access to Job Application Process

The organization's job application process must be accessible to individuals with disabilities. Reasonable accommodation must be provided to enable all persons to apply, and applicants should be provided assistance (if needed) in completing the application process. Applicants should also be told about the nature and content of the selection process. This allows them to request reasonable accommodation to testing, if needed, in advance.

Reasonable Accommodation to Testing

In general, the organization may use any kind of test in assessing job applicants. These tests must be administered consistently to all job applicants for any particular job.

A very important provision of testing pertains to the requirement to provide reasonable accommodation if requested by an applicant to take the test. The purpose of this requirement is to ensure that the test accurately reflects the KSAOs being measured, rather than an impairment of the applicant. Reasonable accommodation, however, is not required for a person with an impaired skill if the purpose of that test is to measure that skill. For example, the organization does not have to provide reasonable accommodation on a manual dexterity test to a person with arthritis in the fingers and hands if the purpose of the test is to measure manual dexterity.