

**ACCOMMODATING EMPLOYMENT TESTING**

**TO THE**

**NEEDS OF INDIVIDUALS WITH DISABILITIES**

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## INTRODUCTION

Revised 1999

When congress passed the Americans with Disabilities Act (ADA), there were many questions concerning how these provisions would impact employment testing. Under the ADA, even if a test is job-related and justified by business necessity, employers may need to provide reasonable accommodations.

In 1992, a group of industrial psychologists and testing professionals met to discuss the impact of the Americans with Disabilities Act on employment testing procedures. After discussing legal considerations and technical and practical logistics with regard to implementing the new act, it was determined that it would be useful to the testing community to incorporate the ideas discussed at the conference in a document proposing guidelines for accommodating testing to individuals with disabilities. The document, first published in 1992, has proven to be a useful tool in assisting employers to develop policies and procedures that will be fair and consistent with the statute. The document emphasized that it was necessary to evaluate ADA claims on a case-by-case basis considering the individual circumstances and the nature of the individual disability.

In three important cases decided by the Supreme Court on June 22, 1999, this emphasis on the individual has been reaffirmed. These rulings addressed the definition of disability and have given employers additional clarification with regard to the analysis required.

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## **GUIDELINES FOR DEVELOPING A MODEL POLICY**

### **PROVIDING REASONABLE ACCOMMODATION**

These guidelines assume that the testing procedure and method of administration utilized by the employer are job-related and consistent with business necessity. The purpose of these guidelines is to provide employers with decision rules they can use to identify and administer valid selection procedures to individuals with disabilities. This may require providing "reasonable accommodation" to allow the testing process to more accurately reflect an applicant's job skills and abilities. Recognizing that accommodations are most effective when the individual with a disability provides input, the proposed guidelines include giving applicants sufficient information concerning the testing process and procedures to allow them to identify test behaviors which they may have difficulty in performing due to their disabilities. The applicants also suggest accommodations which they feel will "level the playing field," allowing them to complete the testing procedures.

### **PROVIDING TEST INFORMATION**

It is important that employers provide sufficient information to applicants to allow them to determine if they will require appropriate accommodations. This should be accomplished early in the application process. It is suggested that employers supply test information and notify applicants that test accommodations may be requested. The information must be in sufficient detail to allow applicants to make informed decisions as to their accommodation needs. This information should include what the test requires the person to do, how information is presented, the response format, and time limits.

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## POSSIBLE ACCOMMODATIONS

A variety of possible test accommodations were identified and discussed. These are shown in Table I.

It was recognized that this list is not exhaustive, and that there may be a wide range of additional accommodations which may be suggested by applicants and their physicians.

The primary concern in determining the appropriateness of the accommodation is whether the accommodation compromises the psychometric interpretability of the test with respect to reliability, validity, and norms. For convenience, employers may wish to allocate possible accommodations to three levels based upon the psychometric, administrative, and logistical impact which the accommodation may have on the testing process. Following are suggested definitions for these levels:

Table I - Possible Test Accommodations

<u>Level I Accommodations</u>
<ul style="list-style-type: none"> <li>• clipboards</li> <li>• large type</li> <li>• more time for power tests</li> <li>• signer for instructions</li> <li>• magnifier</li> <li>• oversized pencil/writing tool</li> <li>• contrast (ink and paper)</li> <li>• testing site illumination</li> <li>• individual administration</li> <li>• physical environment</li> </ul>
<u>Level II and III Accommodations</u>
<ul style="list-style-type: none"> <li>• waive tests - all or part of battery</li> <li>• reader or cassette</li> <li>• more time for speeded tests</li> <li>• scribe</li> <li>• Braille</li> <li>• raised type</li> <li>• substitute test</li> <li>• substitute written for oral</li> <li>• computer enhanced</li> <li>• voice synthesizer</li> <li>• simplifying instructions</li> </ul>

### **Level I Accommodation**

- no appreciable psychometric impact
- no appreciable administrative/logistical impact

### **Level II Accommodation**

- requires a professional judgment to determine the degree of psychometric impact
- possible administrative/logistical impact of proposed accommodation must be reviewed on individual basis

Decisions must be made as to whether the proposed accommodation's degree of psychometric or administrative/logistical impact is acceptable. Expert judgment must be used to determine whether the possible degree of impact warrants consideration of alternate test procedures or whether the possible impact is within a range which is deemed acceptable. Even given the assumption that the validity of the modified selection process will be different from that of the original selection process, the critical issue is to determine whether or not

the value (meaningfulness and interpretability) of the information obtained will be greater than that obtainable without the test.

**Level III Accommodation**

- proposed accommodation has significant psychometric and/or administrative/logistical impact, making a decision to administer current test procedures unfeasible

**REQUESTING ACCOMMODATION FOR TESTING**

An applicant who needs an adjustment or change in the testing process in order to participate because of limitations caused by disability should request such accommodation prior to the testing session.

In order to determine whether such an accommodation is appropriate, documentation of the need for the accommodation is required.

- For Level I accommodation requests, self-documentation may be sufficient.
- For Level II and III accommodation requests, certification of the need for accommodation must be provided by:
  - a licensed professional (in some cases professional qualifications may be required);
  - an approved agency;
  - a company physician; or
  - other qualified company representatives.

Multiple opportunities should be provided for applicants to request such accommodations. These can occur:

- in preapplication conversations
- as part of the application process
- as part of a test information package
- prior to test administration
- during the test session

Test accommodation dialogue should be encouraged and negotiated with the applicant. Every effort should be made to identify or provide desirable accommodations prior to scheduling the testing session. It may be desirable to have the applicant sign off on the proposed accommodation to the testing process.

A suggested Request for Accommodation form, designed to be completed by the individual with the disability and certified by a licensed professional, is shown as Figure I.

## POSSIBLE OPTIONS FOR "REQUEST FOR ACCOMMODATION" FORM

There are several options an employer might want to consider adding to the form. These are shown below:

### Existing Documentation

If *existing documentation* of having the same or similar accommodation provided to the candidate in another test situation has been completed, employers may have candidates submit such documentation instead of completing this form.

### Essential Functions of the Job

Some employers may find it desirable to include a review of *essential job functions* at this point in the documentation process. This can be done by having the candidates identify the functions for which they will need accommodation, and then suggesting accommodations which may allow them to perform the essential functions.

## REPEAT NOTIFICATION THAT TEST ACCOMMODATION MAY BE REQUESTED

Prior to actual test administration, test administrators should once again remind candidates, "*If you have any difficulties in completing this exam and feel you may need an accommodation due to a physical or mental impairment, stop taking the test and notify me immediately.*" Individuals can then be scheduled for an accommodation discussion, and decisions can be made concerning the appropriateness of proposed accommodations. Every effort should be made to identify and provide reasonable accommodations prior to testing.

## NEWLY IDENTIFIED NEED DURING TEST ADMINISTRATION

Applicants who did not realize an accommodation would be required until after the testing began should be allowed to leave the testing session and complete the request for accommodation procedures.

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Figure I

### REQUEST FOR ACCOMMODATION

If you have a physical or mental impairment that substantially limits a major life activity, you may be eligible for accommodation in the testing process which will ensure that the tests accurately reflect your skills, knowledges, or abilities. Attempts will be made to provide a reasonable accommodation which will allow you to demonstrate your job-related abilities.

The information requested below, and any documentation regarding your disability or your need for accommodation in testing, will be considered *strictly confidential* and will not be shared with any outside source without your express written permission.

NAME	_____		
	LAST NAME	FIRST NAME	M. I.
ADDRESS	_____		
	STREET		
	_____		
	CITY	STATE	ZIP
TELEPHONE	_____		
	(      )		
	AREA CODE		

Accommodation requested for the \_\_\_\_\_ Examination.

**NEED FOR ACCOMMODATION** (to be completed by Applicant)

After reviewing sample test items, it has been determined that the following test behaviors cannot be performed by the applicant:

*(List all test behaviors which cannot be performed. For example, "Cannot read blue ink on white paper," or "Cannot grasp the regular No. 2 pencil to complete answer sheet.")*

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

Figure I  
(Continued)

ACCOMMODATION REQUESTED

The following accommodations are requested in order to provide an accessible test format.

*(Be specific in requesting required accommodations. For example, "Test should be copied in high contrast black/white ink," or "Use of magic markers to complete the answer blanks should be allowed.")*

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

Your request for accommodation in testing must be certified by an appropriate professional (licensed physician, approved agency, etc.).

CERTIFICATION OF NEED FOR ACCOMMODATION (to be completed by an appropriate professional)

*This applicant has discussed with me the nature of the test to be administered, and it is my opinion that because of this applicant's disability he/she should be accommodated in the manner described above.*

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
LICENSE NUMBER

\_\_\_\_\_  
DATE APPLICANT LAST EXAMINED

## RETEST AFTER SCORING

Applicants whose tests have been completed and scored may be accommodated after the company's normal retest interval.

## FLEXIBILITY

Flexibility needs to be built into the testing process so that if during the procedure an individual determines that an accommodation is required, he/she can proceed back into the accommodation request loop. Providing multiple opportunities for a person to request accommodation and enter into a dialogue is highly recommended. For example, if it is determined while discussing essential job functions that there is no initial fit, go on to explore other, more suitable positions.

## ALTERNATIVE TESTING OPTIONS

If it is determined that it is not feasible to accommodate the existing testing procedure, substitute methods for establishing qualifications should be explored. These could include:

- structured interviews
- work samples
- job trials
- rehabilitation expert's evaluation
- certificates, work histories/references

## KEY ISSUES NOT RESOLVED

Several key issues were identified but not resolved at the conference. Dialogue with enforcement officials to establish parameters would be desirable. Two of the issues are:

- Does ADA allow testing for a higher-level position if a great majority of applicants achieve this higher-level position in a reasonable period of time?
  - If a candidate fails the accommodated testing process, are job accommodation discussions still required?
-

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