



DISABILITY RIGHTS
PENNSYLVANIA

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3167

VIA EMAIL

May 19, 2017

Pennsylvania Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

**RE: Pennsylvania State Civil Service Commission
Proposed Regulation 61-6
Implementation of Act 69 of 2016 and Act 167 of 2016
IRRC Identification Number 3167**

Disability Rights Pennsylvania (DRP) is the organization designated by the Commonwealth under federal law to protect the rights of and advocate for Pennsylvanians with disabilities. DRP works to ensure that individuals with disabilities are able to live the lives they choose, free from abuse, neglect, discrimination, and segregation. Since 1977, DRP has helped tens of thousands of children and adults with disabilities access special education services, obtain needed health and mental health care, gain access to employment and housing, and intervened to stop the abuse, neglect and rights violations of Pennsylvanians with disabilities. We write today to express concerns regarding the proposed regulation and the negative impact that it will have on individuals with disabilities seeking to participate in state employment.

DRP has significant concerns about the language outlined in §95.1(2)(d)(4) and the adverse impact that this proposed regulation would have on the

Protecting and advancing the rights of people with disabilities

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ability of people with disabilities to apply for, test, and be hired for Commonwealth employment opportunities. The terms “unfit” and “unsuitable” are inconsistent with the Americans with Disabilities Act, the Rehabilitation Act, and the Pennsylvania Human Relations Act and the process for determining whether an applicant can perform the essential functions of the job.

The Americans with Disabilities Act, which was amended in 2008 recognizes “that physical and mental disabilities in no way diminish a person’s right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers”. The Civil Service Commission must develop effective alternative pathways to employment for people with disabilities. This will allow people with disabilities who may not be able to benefit from traditional testing and interview processes, but are otherwise qualified for positions to participate in State employment. We request that a program similar to the Federal Schedule A hiring process be implemented for State Civil Service employment. This will allow candidates who may be screened out by the traditional interview and testing process to be considered for positions.

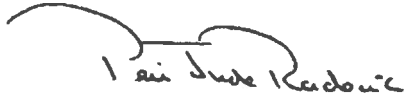
This proposal is inconsistent with State and Federal public policy that have improved the lives of people with disabilities and sought to be more inclusive. Through our work, we continue to receive complaints about the lack of accommodations and support for people with disabilities seeking to obtain state employment through the State Civil Service Commission. This includes supports being unavailable at regional testing sites. This proposal and current practices for the Civil Service Commission do not comply with the Governor’s Employment First Executive Order, which aims to promote the hiring of people with disabilities. Instead, this proposal will further impede opportunities for individuals with disabilities.

If the Commonwealth wants to become a leader in diversity and disability hiring as outlined in the Governor’s Employment First Executive Order, then it is crucial to implement these strategies now. People with disabilities should not be excluded from the Civil Service process simply by virtue of their disabilities. Nearly 27 years after the passage of the Americans with Disabilities Act, the Commonwealth can and must do more to ensure that

people with disabilities are able to participate in the application, testing, and hiring process for Civil Service employment.

Thank you for consideration of our comments.

Sincerely,



Peri Jude Radecic

Peri Jude Radecic
Chief Executive Officer

Cheryl Yohn

From: Jennifer Garman <jgarman@disabilityrightspa.org>
Sent: Monday, May 22, 2017 3:35 PM
To: IRRC
Subject: Regulation #61-6: Implementation of Acts 69 and 167 of 2016, IRRC Identification Number 3167
Attachments: DRP Comments re SCCC Proposed Regulations Final 052217.pdf

Attached please find comments from Disability Rights Pennsylvania regarding the above listed proposed regulation. Thank you.

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Please note my email address has changed to jgarman@disabilityrightspa.org

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