



**CITY OF RAPID CITY
RESOLUTION NO. 2011-128 - DISABILITY
PREFERENCE**

Any applicant with the City who has been certified by South Dakota's Division of Rehabilitation Services (Voc Rehab) as being severely disabled and who meets the minimum qualifications (as determined by Human Resources) for the position, shall be identified as an applicant who must be interviewed for the said position.

STATE OF SOUTH DAKOTA

DISABILITY PREFERENCE POLICY

- **55:01:07:02.02. Disability consideration.** Any certified applicant who is approved by a vocational rehabilitation counselor as meeting the definition of severely disabled shall be identified on the certification as an applicant who must be interviewed by the appointing authority. If the applicant is certified as an individual with a severe disability, the certification expires five years from the date of the certification and the certification shall be renewed in order to receive disability consideration.
- **Source:** 18 SDR 134, effective February 23, 1992; 26 SDR 101, adopted January 18, 2000, effective July 1, 2000; 38 SDR 8, effective August 1, 2011.
- **General Authority:** SDCL [3-6A-21](#).
- **Law Implemented:** SDCL [3-6A-22](#).
- **Cross-Reference:** 29 U.S.C. § 706(15)(A), 34 C.F.R. Part 361.1, definition of an individual with a severe disability.

STATE OF SOUTH DAKOTA

CONTINUED

- The State receives approximately 20,000 applications /year.
 - The City receives approximately 10,000 applications/year
- Approximately 50-75 new applicants claim disability preference per year.
 - State: $50/20,000=.25\%$
 - City: $25/10,000=.25\%$
- There are approximately 17 departments and 4 bureaus within the State.
 - There are 12 departments within the City (including the Mayor's office)



WHAT DOES THIS MEAN?

- Vocational Rehabilitation will certify the applicant meets the federal definition of severely disabled . (Title V of the Workforce Development Act which contains the Rehabilitation Act of 1973 as amended in 1998.)
 - Section 361.5 (b)
 - (31) Individual with a significant disability means an individual with a disability--
 - (i) Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
 - (ii) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
 - (iii) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.
 - (Authority: Section 7(21)(A) of the Act; 29 U.S.C. 705(21)(A))



WHAT DOES THIS MEAN?

CONTINUED

- Human Resources will certify the applicant meets the minimum qualifications.
- The applicant will need to select Disability Preference on the City's employment application and provide proof from Vocational Rehabilitation and must re-certify for each position the applicant applies for.
- If the applicant meets the minimums and has requested Disability Preference, he/she will be granted an interview.
- No requirement to hire. The applicant will need to make it through the entire interview process and be the most qualified candidate for the job.
- Disability Preference is NOT a quota system. It is not a part of the city's Affirmative Action Plan (AAP).

