

When the Job Candidate has a Disability

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Even the most seasoned interviewer may feel less confident when interviewing an applicant who has a disability, but for those with less experience, the task of conducting an interview can be overwhelming.

- **DID YOU KNOW?**
 - Nearly 12.6% of Americans are affected by a disability (Pew Research Center, 2017).
 - Almost 500,000 students with disabilities attend two or four year colleges and universities.
 - 19.4% of undergraduate college students have a disability
 - 68.4% of Americans with disabilities are striving to work (Kessler Foundation, 2015).
 - Studies indicate that workers with disabilities rate average or above average in their performance, attendance, and work safety records.
 - According to research, workers with disabilities are more inclined to stay in their jobs longer, reducing high turnover costs.

- **INTERVIEWING TIPS**
 - Conduct the interview as you would any other interview.
 - Emphasize the individual's abilities and achievements.
 - Refer to the individual's strengths as they are reflected on the resumé or application.
 - If it appears the person's disability could interfere with job performance, ask the individual how he or she would perform the job.
 - Just as it is not always necessary to mention an individual's gender or ethnic origin, it is also not necessary to mention that a person has a disability.
 - It is acceptable to use every day phrases that may relate to the individual's disability. It's perfectly acceptable to say to an individual who uses a wheelchair, "Let's walk over here." Or to someone who is blind, "It was nice to see you."

- **HIRING DO'S AND DON'TS** Pre Job Offer

Basic rule:

The ADA does not allow questions about a candidate's disability or to give a medical examination until after a conditional job offer is made.

Examples of what you can ask:

- Whether the applicant has appropriate education, training, and skills necessary to perform the essential functions of the job.
- Whether the applicant can satisfy the job requirements or the job's essential functions (describe these job functions to the applicant).
- How much time off the applicant took in previous jobs (but not why), the reason he or she left, and any past discipline received.

Examples of what you cannot ask:

- Questions about an applicant's physical or mental disability or how he or she became disabled (e.g., why the applicant uses a wheelchair) are not appropriate.
- Questions about an applicant's use of medication is not appropriate.
- Questions about an applicant's prior workers' compensation history should not be asked.



If it appears that an applicant has a disability which potentially requires a reasonable accommodation(s), it is appropriate for the interviewer to ask if one will be needed for the individual to perform the job duties. This is an exception to the rule that it is inappropriate for interviewers to ask any questions about the individual's disability and reasonable accommodations. This question should come after making a conditional job offer to the applicant.

Example:

“As you can see from the job description, this position that you are applying for requires some lifting and moving. Do you foresee any problem or difficulty in performing the required job functions? If so, do you have any suggestions on how these tasks can be performed?”

● **HIRING DO'S AND DON'TS**  **Post Job Offer**

Basic rule:

After making a job offer, the interviewer may ask any disability-related questions and conduct a medical examination as long as this is done for everybody who is in the same job category.

Examples of what you can do:

- If you want to give a medical examination to someone who has been offered a job which involves heavy labor, you must give the same exam to everyone who is offered the same type of job.
- You can withdraw an offer from an applicant with a disability only if it is clear that she or he cannot perform the essential job functions or if these job functions would pose a direct threat (i.e., a significant risk of substantial harm) to the health or safety of the individual with a disability performing that job. Be sure to consider whether any reasonable accommodation(s) would enable the individual to perform the job's essential functions or if the accommodation would reduce any type of safety risk for the individual performing these tasks.
- You may withdraw an offer of a manufacturing job involving the use of dangerous machinery if you learn during a post-offer medical exam that the applicant has frequent and unpredictable seizures.

Examples of what you cannot do:

- You cannot withdraw an offer that you have made to an HIV-positive applicant because you are concerned about customer and client reactions or because you assume that they will be unable to work long and stressful hours.

● **RESOURCES**

- Job Accommodation Network (JAN) -- <http://www.askjan.org>
- U.S. Equal Employment Opportunity Commission (EEOC), www.eeoc.gov – 800-669-4000, (TTY) 800-559-6820
- Society for Human Resource Management (SHRM) 800-283-shrm -- www.shrm.org
- Disability & Business Technical Assistance Centers (DBTAC) 800-949-4232 -- www.adata.org

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