

## WDC Excerpts from:

# A How-to Guide on Job Searching With a Disability

**Many job seekers and employers are unsure of what they can and cannot ask**

JADA A. GRAVES , Careers editor, *U.S. News*, February 28, 2013

The Americans with Disabilities Act (ADA) prohibits discriminating against a qualified individual with a disability when it comes to job application procedures, hiring, training, advancement, employment privileges, firing, and more. The act defines an individual with a disability as someone with a physical or mental impairment that limits one or more major life activities, someone who has a record of this impairment, and who is regarded as having such an impairment. That includes more noticeable disabilities like blindness, but also less apparent ones like autism, and even illnesses that might substantially affect life activities, such as cancer, diabetes, and epilepsy.

Jobseekers remain unsure about if, how, and when to reveal they have a disability.

Being unsure of how an applicant's disability might affect their productivity and reticent to ask questions that could be seen as inappropriate, employers often overlook or avoid such candidates altogether.

Here are some tips to help both job seekers and employers overcome some of the awkwardness they may feel in the hiring process:

### **When Applying for a Job ...**

Disclosing information about a disability is a personal decision, and it's not illegal to withhold that information if that's your preference. But if your disability requires particular workplace accommodations ("reasonable accommodation"), it might be courteous and in your best interest to give the employer a heads up, says Vicki Salemi, author of *Big Career in the Big City*, host of *Score That Job* on mediabistroTV, and a career and workplace expert with corporate recruiting experience.

Remember that the hiring process allots for employers to find the most qualified candidate and for job seekers to prove their qualifications. If giving evidence of your skills means being transparent concerning your disability and the modifications you'll need, then it's prudent to do so. "You want to set yourself up to succeed and make sure that you can do the job well," Salemi says. "For instance, if you know you need a particular type of computer software or a special keyboard and you don't ever reveal that, you'll get to work your first day and not have what you need to be productive."

Examples of some reasonable accommodation requests: adjusted duties, modified work schedule, alternative work site, the use of interpreters, accessibility software, or adaptive equipment.

"What I've found and what other people find, particularly if they have visible disabilities, is that it's good to be forthright and empathetic to the employer. Don't try to ignore it or try to hide it. Recognize that the hiring manager might have concerns," says Chris Kuczynski, assistant legal counsel with the U.S. Equal Employment Opportunity Commission (EEOC).

Being aware of the hiring manager's concerns could also help you determine the best time to disclose a disability. For instance, those with disabilities that affect their speech or hearing might want to alert the employer before a possible phone screening. Job seekers who use a wheelchair might find it's easier to explain this before a face-to-face interview to ensure the meeting place is accessible.

If your disability isn't visible but you'd still like to disclose it, you could choose to couch it within information about your qualifications and performance: "Perhaps even use that fact to help prove how you'd be an effective worker," Kuczynski suggests.

It isn't simply the burden of the job seeker to be conscientious, either: "To attract the best talent, hiring managers should ensure that job postings are advertised on various sites, including sites that are accessible and work with organizations, such as AAPD [American Association of People with Disabilities], to disseminate employment information," says TaKeisha S. Walker, director of workplace and leadership programs for the AAPD. "We encourage managers to work with both their human resources and diversity departments in order to prepare for interviews. You don't need to know what disability a person has before interviewing them, but you do need to think about your facilities and interview process to make sure that no one is excluded from fully participating in the process."

### **During the Interview ...**

According to the ADA, a potential employer may not ask questions that could reveal the existence of a disability before making a job offer. For instance, it's unlawful to ask how many sick days you took on your previous job, about your prescription medications, or about any assumed medical conditions.

Employers may make some inquiries for "**known disabilities**," however. Known disabilities are defined as obvious and visible ones that an employer is aware of without the applicant ever having to mention them. A **hidden disability** that you've voluntarily informed the employer about would also qualify. "It's not lawful for the employer to ask a lot of probing questions about the disability. So for instance, they can't ask a lot of questions about the nature of the disability at the application stage. All they may ask is what type of accommodation you'd need to perform your job," Kuczynski states.

According to the EEOC website, "if the employer believes any applicant with an obvious disability will need a reasonable accommodation to do the job, it may ask the applicant to describe or demonstrate how she would perform the job with or without reasonable accommodation."

You may also ask for reasonable accommodation for the duration of the interview (for instance, if you'd like to use an interpreter). In those cases, it's also lawful for an employer to ask questions regarding what you'll need.

Occasionally, an ignorant interviewer may ask something inappropriate, in which case Kuczynski coaches that you simply state: "I'd really like to get back to my qualifications for the job."

### **Being Prepared**

Those seeking a job, those offering a job, and those working a job—the entire workforce—should be aware of all employment civil rights. If you're interested in information on employment for people with a disability, however, Kuczynski recommends the EEOC website, as well as the Job Accommodation Network ([www.askjan.org](http://www.askjan.org)):

"JAN is a really good place for employees and employers to go as a free resource for advice on appropriate accommodation. If an employer has someone they're thinking of hiring and that person has a disability, or maybe even if the applicant doesn't know what's appropriate for them to request," he says.

"Remember that no matter the candidate, the hiring process should be focused on the job, the skills each candidate has, and their relevant experience," Salemi adds. "Both managers, recruiters, and job seekers should always remember that."