



# **THE ART OF DISCLOSING YOUR DISABILITY**

Presented by Richard Pimentel

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### **Working with people with disabilities in a job placement job retention environment**

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- Windmills trainers program, hiring and working with people with disabilities
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## **Talking About Your Disability In The Interview**

By Rich Pimentel

*Excerpts from Working with People with Disabilities in a Job Placement Job Retention Environment*

### **A Question And Answer Study Guide**

The following is a guide for applicants regarding talking about disability-related job issues in employment interviews. It is written in a question and answer format that can be given to a person in a structured classroom or unstructured private learning situation. The placement professional is authorized and invited to reproduce this section for clients as needed as a benefit of purchasing this book. The authors sincerely hope that its use will increase the employment opportunities of qualified persons with disabilities, increase the number of informed quality employment decisions made by employers and reduce discrimination and litigation associated with the ADA.



## Talking About Your Disability In The Interview

### A Questions And Answer Study Guide

**Question:** What are the benefits to me of bringing up the subject of my disability in an interview?

**Answer:** The main benefit when it is done correctly is if you are qualified for the job but may need a “reasonable accommodation” to do the essential functions of the job. Bringing it up to employers informs them of your need for the accommodation and starts their obligation to consider it.

**Question:** What is a reasonable accommodation?

**Answer:** Basically it is some change in the job or the interview/evaluation process that takes into consideration your disability job-related limitations and enables you to still do the job or be properly and fairly evaluated.

In the interview these accommodations could be providing a sign language interpreter for someone who was deaf or hearing impaired and needed that assistance. It could be giving more time for someone to complete a test if they have a learning disability, or assisting someone to fill out an application if they have cerebral palsy and cannot fill it out on their own.

On the job, an accommodation could be many things. Changing the work schedule for someone who needs medical treatments, buying or changing equipment such as a blinking telephone or TDD for someone who is deaf or hearing impaired, changing the way that work is traditionally done as long as it still gets done. You should study what the ADA says about reasonable accommodation. One important thing to remember is that an employer may be obligated to provide an accommodation only if it is not an undue hardship on the business to do so, and reducing performance standards below that of other employees is not a reasonable accommodation. If an accommodation will not allow you to perform the essential functions of a job, then you are not qualified for the position.



**Question:** How do I know if I need a reasonable accommodation?

**Answer:** In order to know if you need a reasonable accommodation, you need to consider two things:

One: What are the essential duties of the job I am applying for?

Two: Does my disability interfere with my ability to satisfactorily perform these functions?

Your job counselor or placement professional should be able to tell you what are the essential functions of the job he or she is referring you to. Essential functions are the duties that are important and fundamental to the job, not the ones that are incidental or not important.

If the person you are working with does not know what the essential functions of the job are, then the employer may be able to tell you.

“What are the essential functions of the job?” can be a very good question to ask an employer in an interview. You may have to decide in the interview whether an accommodation is needed and whether to bring it up.

If you do not know what the employer considers the essential functions of the job to be, you and your counselor can “speculate” based on general knowledge of the field or vocation. In this way you will be better prepared. But keep in mind that each employer may do the job differently and these functions can change from employer to employer, even from department to department with the same employer.

Once you have identified these essential functions, the question becomes, “Can I do the essential functions of the job with or without a reasonable accommodation?”

Working with the placement organization, you should be able to determine if there are any functions that you need an accommodation to do. If you can at this point, it would be valuable to consider exactly what accommodations you would need.



Applicants, who inform employers that they need a reasonable accommodation to do the functions of the job, do themselves a favor. But applicants who can suggest what accommodations they need, do both themselves and the employer a favor.

**Question:** What if I cannot do one of the “marginal” functions of the job?

**Answer:** If you cannot do a marginal function because of your disability, then the employer has the option of accommodating you to do it, or “forgiving” you the function (not requiring you to do it). The employer may not consider your inability to perform the marginal function in the hiring decision.

However, if your inability to perform the marginal function has nothing to do with your disability, then the employer can consider it as part of your qualifications, and evaluate your inability to do it with the same weight that he or she would use with any other applicant.

**Example:**

If being able to drive a car was a marginal function of a job and an applicant could not drive because he or she had epilepsy, then the employer could not consider it against the applicant. If the applicant could not drive simply because he or she never learned to drive, then the employer could consider it as a concern for evaluation in the hiring decision.

Therefore, in an interview when it comes up that you cannot do a marginal function of a job because of your disability, it is important that you make clear it that the inability is disability related, so the employer will not hold it against you in the employment decision.

**Question:** What if I feel that the employer does not have a right to know about my disability?

**Answer:** An employer is prohibited from making disability or medical inquiries or examinations of an applicant in an interview. They may not ask about current or past medical conditions, and unless a job is offered, the employer may not have an applicant submit to a medical examination unless all applicants for that job who received a conditional job offer are required to have the medical examination.



You should keep in mind that there is a difference between your “disability” and your disability job-related limitations. Information about your disability include: its definition, how you acquired it, how it affects your life, its prognoses, any medical treatments, etc. Employers generally have neither the right nor need to know these things.

Disability job-related limitations and your need for accommodation is another issue. If you request a reasonable accommodation or if the employer cannot evaluate how you can perform the functions of the job with your disability, then that information might be needed by the employer to properly evaluate and accommodate you.

The information the employer would need here should be limited to what is called the job-related “manifestation of the disability,” simply put, how it affects your ability to do the job. You can discuss this aspect of your disability with the employer without revealing the more personal aspects of your condition.

**Example:**

The employer might have the need to know how the applicant who uses a wheelchair was going to perform some of the job functions while using the wheelchair and whether the applicant needed a reasonable accommodation to perform those functions. At the same time the employer might not have a need to know why the applicant was in a wheelchair, the nature of the injury or illness, the medical prognoses of the condition and how the disability affected the applicant off the job.

If you feel uncomfortable about an employer knowing anything about your disability, it is your right not to discuss or disclose it. But remember, the employer only has the obligation to accommodate known disabilities.

Refusing to assist the employer with information about your abilities, limitations and need for accommodation only hinders the employer’s ability to successfully evaluate and accommodate you.

Ultimately the decision is yours, but the question is, “Are you doing everything you can do to maximize your employment potential and help the employer to hire you?”



**Question:** When does the issue of my disability come up in an interview?

**Answer:** While the employer does not have the right to make general medical inquiries of applicants, employers do have the right to ask an applicant if they can perform the functions of the job they are applying for.

If an employer asks you if you can perform a function that your disability does not permit you to perform, you can answer that you are unable to perform that function; and thus the employer may ask “Why?” and the issue of your disability will be raised.

**Example:**

The employer asks you if you can lift a 50-pound box from the floor to the table repeatedly and you say no; the employer asks why and you reply “back surgery”; the issue of your disability has been raised within the context of a proper interview.

If you can perform a function but need an accommodation to do so, the need for the accommodation raises the issue.

**Example:**

If an employer asks if you can proof documents with or without a reasonable accommodation and you reply “yes but I will need a magnifier to see the small print,” the issue of your disability has been raised.

If there is something in your background or employment history that is only explained by your disability, when the employer questions that aspect of your history, the disability issue is raised.

**Example:**

An employer questions an applicant about why the worker left his or her last job and now wants to change fields. The applicant replies that he or she was injured on the job and can no longer do that kind of work. Thus, the issue of the disability is brought up.



When the disability is obvious to the employer and causes reasonable concern about the applicant's ability to perform the essential functions of the job, the employer may question the applicant about his or her abilities. Note: the ADA allows the employer to do this as long as the inquiries are strictly job related.

**Example:**

An applicant comes in who has an arm amputated. The employer does not see how the applicant can deliver heavy or awkward loads on the delivery route. So the employer asks the applicant to explain or demonstrate how he or she would do the function.

The problem is that many employers do not understand the ADA and are afraid to pursue even valid questioning without support and encouragement from the applicant with the disability. Some employers know the law but are afraid of offending or insulting the person with the disability. This creates a problem for both the applicant and the employer. Applicants who help the employer to solve this problem are more likely to be hired than the ones who do not.

**Question:** How do I know whether to bring it up or not?

**Answer:** The ADA does not require, restrict or recommend to applicants with disabilities when, if, or how to bring their disability up to an employer.

The following opinions are based on extensive experience in developing jobs for persons with disabilities.

- A. If the disability will require the employer to provide a reasonable accommodation, the applicant should bring it up, explaining the nature of the accommodation needed and how it will enable the person's ability to perform.

**Example:**

An applicant who is blind requires a "talking" computer to do required word processing. The applicant informs the employer of the need for accommodation, the nature of the required equipment and details of his or her past performance using such equipment.





- B. If the disability will not require an accommodation but is obvious (visible) and the average employer would have reasonable concerns or doubts as to how someone with the disability would perform the job functions, the applicant should bring it up, explaining how the functions in question will be performed.

**Example:**

An applicant has three fingers amputated from his or her dominant hand. The applicant needs to be able to type and take written messages. He or she has learned to both write and type without any accommodations, but since the employer will notice and probably be concerned, the applicant brings it up explaining or demonstrating how he or she can perform those functions.

- C. If the disability is not obvious and will not impact on the job's performance, the applicant should not bring it up, as it has no bearing on the job at all.

**Example:**

An applicant has been treated for depression. He or she is currently successfully on medication that controls the depression and does not affect job safety or performance. There is no reason to bring it up.

**Question:** How do I bring it up?

**Answer:** It is important to keep the importance of the disability within the context of the interview and job. In other words, do not make a bigger deal out of it than it really is. The main focus of any interview is who you are, what you can do and why the employer should hire you. The issue of disability and need for accommodation does not change that in any way.

First present your qualifications for the job. Focus on your ability to do the essential functions of the position. Next bring up the functions that you will need a reasonable accommodation to do; do not focus only on the "need" for the accommodation but stress the resulting productivity and effectiveness of the accommodation to allow you to perform the function.



Do not concentrate on your limitations but stress your ability. Would it be better for a person with a back injury to describe themselves as someone who cannot stand for more than an hour or someone who can stand for up to an hour? They both describe the same condition but the latter one is much more positive because it describes what the person can do, not what the person cannot do.

Be ready for the subject to come up within the interviewer's questions about qualifications and abilities, and respond with your explanation. If the subject does not come up, then you should bring it up near the end of the interview. Remember, remain *positive*.

**Question:** What if I want my counselor or job developer to bring it up former?

**Answer:** Then ask them to. But before you do, remember that it is generally more effective if you bring it up yourself. It sends the employer a message that if you are hired and problems arise, you will be an active and effective partner in helping to solve them.

If you do not feel able to deal with the details of the reasonable accommodations you need, or simply do not wish to talk in detail about it, then you might bring up the subject and advise the employer that your counselor or placement professional is available to answer any questions, as well as, provide the employer assistance.

Whatever you decide should be done with the advisement and cooperation of the placement or job placement agency you are working with.

**Question:** What does my job counselor need to know?

**Answer:** Interesting enough, job counselors need to know what the employer needs to know. Your abilities and qualifications, your job-related limitations and potential needs for accommodation. They will be using basically the same standard for referring you to an interview that an employer uses in considering you for the job.

With your help they can be of great assistance to you. Helping to identify the functions of the job you want, helping you identify any reasonable accommodations you might need, and "coaching" you to present yourself and your abilities in the best possible light.



As a person with a disability, the ADA represents a big change and a new world for you. It also is a big change and a new world foremployers and placement organizations. The best thing you can do for both your placement counselor and yourself is to be honest about your vocational goals and do not be afraid to dream and share your dreams with others and pursue them for yourself.

The ADA may unlock doors to opportunities for you that have been locked in the past, but it is still your responsibility to knock on them, open them and walk through. The most important factor in your job search success is yourself. It is hoped that this guide will help make your search an informed and effective one. Good luck and good hunting!