

# EARN

Employer Assistance and Resource Network

## TIPS FOR RECRUITING:

### Candidates with Disabilities

The Employer Assistance and Resource Network (EARN) provides federal and private employers with confidential, no-cost consultation, customized technical assistance, and resources to support their diversity and inclusion efforts by integrating employees and veterans with disabilities into the workplace.

### Issues in Hiring and Interviewing Candidates with Disabilities

Recruiting candidates with disabilities may be a new experience; however, it is business as usual if you focus on the fit between the position and the candidate's qualifications.

- Concentrate on the individual, not the disability, and treat candidates with disabilities as you would any other candidates.
- In all but a few situations, it is illegal for employers to ask applicants about their disabilities and the candidate may or may not choose to disclose a disability.
- As with all candidates, employer's questions and comments should relate to how the person would perform in the job and organization. If the person's disability is visible, employers can explain the job tasks and ask how the person would accomplish these tasks. A question you might ask is "How will you perform this job with or without an accommodation?"
- If the candidate has a non-visible disability that he or she does not disclose, do not ask them what their disability is. Keep your questions focused on the job and the person's match for the position.
- Do not try to imagine how you would accomplish a job task with the candidate's disability. People with disabilities have adapted and incorporated successful strategies to live and work. Individuals with the same disability may have different means of accomplishing tasks.
- In an interview, it is the responsibility of the candidate to express their qualifications to perform the job and this is no different for candidates with disabilities. Be prepared that the candidate may use different tools or methods to accomplish the same tasks as someone without a disability and this does not make them any less qualified.
- Candidates may request accommodations for interviews and for performing the essential functions of a prospective job. While it is the candidate's responsibility to request the accommodation, you can ask candidates with obvious disabilities if they have any accommodation requests. You may want to ask all candidates this question. If they request something that is unfamiliar or you need assistance with providing it, you can ask the candidate for more information.

- If a candidate requests an accommodation, an employer must provide a reasonable accommodation unless it causes the employer an undue hardship or would fundamentally alter the job.
- Allow the candidate to explain how the accommodation would help them accomplish the tasks rather than trying to envision it yourself.
- If the candidate has a non-visible disability or the request for accommodation does not appear related to the disability, employers can ask for medical documentation or to consult with an outside party.
- Pre-employment medical exams are prohibited under the Americans with Disabilities Act. A legitimate job offer must be made before requesting medical information or testing, and only if all employees are required to undergo medical exams or tests. Job offers can be contingent upon the results of medical tests and if employees are not hired as a result, the employers' reasons must be job and/or business related.
- Employers can ask applicants to voluntarily disclose if they have a disability for affirmative action or tax credit purposes as long as it is asked of all applicants.
- Even when you are not actively recruiting people with disabilities, you will have candidates who happen to have disabilities responding to your job announcements. Including disability in your organization's recruiting and hiring policies and procedures is recommended. Check with your human resources office to see what your organization's internal resources and policies are.

## Possible Pre-employment Accommodation Requests

The list provides only some examples of the types of requests you may receive from candidates with disabilities.

- Sign language or speech to speech interpreters for people who are deaf or have significant speech impairments.
- An accessible meeting or interview location for people with mobility impairments.
- Using email, texting, or a telephone relay operator rather than direct phone communication for people with hearing or speech impairments.
- Electronic formats of materials and applications in advance of interview.
- A counselor or representative for the candidate asking to be contacted in advance or requesting to go on the interview with the candidate.
- A technology device or modification from a person with a hearing or visual disability.
- A schedule adjustment or a flexible workplace.

## Interviewing Jobseekers with Disabilities

When interviewing someone who is different because of a disability, it may feel unexpected, unfamiliar or perhaps unsettling. However, any discomfort you experience cannot become the focus of the interaction. Focus on the purpose of the interview, not the person's differences.

### General Communication Tips

- When introduced to a person with a disability, it is appropriate to offer to shake hands.
- If you offer assistance, wait until the offer is accepted. Then listen to or ask for instructions.
- Treat adults as adults.
- Use "People First" language such as "person who is blind" instead of "the blind person".
- Speak directly to the person.
- Relax. Don't be embarrassed if you happen to use common expressions, such as "See you later" or "Did you hear about that?" that seem to relate to a person's disability.
- Don't be afraid to ask questions when you are uncertain of what to do.

### Other Resources

Accommodation information is available to employers by contacting the Job Accommodation Network (JAN) at [www.askjan.org](http://www.askjan.org) or **1-800-526-7234 (V)** or **877-781-9403 (TTY)**

For more information about pre-employment disability questions, go to the Equal Opportunity Commission's (EEOC) Enforcement Guidance: Pre-employment Disability-Related Questions and Medical Examinations at: [www.eeoc.gov/policy/docs/preemp.html](http://www.eeoc.gov/policy/docs/preemp.html)

No cost consultation and referrals regarding the Americans with Disabilities Act are available through your ADA National Network Technical Assistance Center at **1-800-949-4232** or <http://www.adata.org/Static/Home.aspx>

You can also contact the EEOC Call Center at **1-800-669-4000**

## What TO ask or say

- Can you perform the job **with** or **without** an accommodation?
- Can you tell me why you feel you are a good fit for this position?
- Can you describe how the accommodation requested would assist you in accomplishing the task?
- (If medical exams are required of all employees). If offered the position, you will be required to complete a medical exam. Job offers are contingent upon passing this exam.
- Let me tell you about our work culture and ask you about your work style.
- These are the essential functions of the job as explained in the job description. Tell me more about how you would perform these functions.
- While the job task is typically performed this way, tell me more about how you could accomplish it with the accommodation you mentioned.

## What NOT to ask or say

- Will you need an accommodation to perform this job?
- Can you tell me about your disability?
- How much will that accommodation cost?
- We are concerned about our liability and safety issues if we hire you.
- We don't know if you will fit in with our work culture.
- This is the way the job needs to be done and cannot be modified.
- Employees are used to getting this done a certain way and I don't think they would accept the accommodations you requested.



## Disclaimer

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## Employer Assistance Resource Network (EARN)

[www.AskEarn.org](http://www.AskEarn.org)  
855-Ask-Earn  
(855-275-3276) Voice/TTY

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