

Interviewing Applicants with Disabilities

The American's with Disabilities Act (ADA) was signed into law on July 26, 1990. It affects every employer with 15 or more employees as of July 26, 1994.

The intent of the ADA is to prevent discrimination against qualified people with disabilities. This law requires that employers no longer screen out individuals with disabilities during the hiring process. Organizations may no longer conduct pre-employment medical screenings (except drug testing) or make pre-employment inquiries into the nature of an applicant's disability. You must become aware of physical barriers in the work environment and should provide current and relevant position descriptions.

The interview must also be handled appropriately:

1. Make the interview accessible to people with disabilities
2. Do not automatically assume that the applicant needs assistance
3. Ask all questions in a straightforward manner

Questions cannot be asked about:

1. The nature of the disability
2. The severity of a disability
3. The condition causing a disability
4. Any prognosis or expectation regarding a disability
5. Whether or not the person will need treatment or special leave because of a disability

When interviewing applicants with disabilities, make the most of your interview by:

1. Asking whether the person knows of any reason that he or she cannot perform the essential functions of the position
2. Describing or demonstrating an essential position function and asking applicants whether or not they can perform the functions with or without accommodation
3. Asking questions regarding ability to perform all position functions, not just those that are essential to the position. However, an applicant cannot be screened out because of his or her inability to perform marginal position functions.
4. Providing information on the company's regular work hours, leave policies, absence policy and any special attendance requirements for the position. You may then ask the applicant if those work/attendance requirements can be met.