Job Search Tips for People with Disabilities

There is absolutely no question that people with physical and/or mental disabilities face challenges in their job search that able-bodied individuals do not. Knowing what to expect will greatly enhance your chances for success.

People with disabilities

Terminology is very important to people with disabilities. The number of Americans of working age who are disabled is estimated to be more than 32 million. About 36 percent of the disabled men and 30 percent of the disabled women of working age are employed. Since surveys have shown that seven out of ten people with disabilities who are not working want to work and are actively searching for employment, it is obvious that this represents a sizable group of potential employees.

No two people with disabilities are alike. Experts describe each disability as a mix of the impairment and how the individual reacts to the impairment. The impairment defines the actual physical or mental limitations of the person. But since individuals react differently to their impairments, the individual's personality, attitude, background and environment must be considered. The work environment includes how fellow employees respond to the disabled individual and how supportive the employer is.

The Americans with Disabilities Amendments Act (ADAA) of 2008

The 2008 Amendments to the Americans with Disabilities Act (ADA) clarifies and reiterates who is covered by the law's civil rights protections. The Amendments revise the definition of "disability" to more broadly include impairments that substantially limit a major life activity. Changes also clarify coverage of impairments that are episodic or in remission that substantially limit a major life activity when active, such as epilepsy or post traumatic stress disorder.

Are you protected by the ADA?

If you have a disability and are qualified to do a job, the ADA protects you from job discrimination on the basis of your disability. Under the ADA, you have a disability if you have a physical or mental impairment that substantially limits a major life activity.

To be protected under the ADA, you must have a record of having a substantial impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning or working.

In order to be protected from job discrimination by the ADA, you must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses and you must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the job duties and tasks that must be performed by all employees. An employer cannot refuse to hire you because your disability prevents you from performing duties that are not essential to the job.

What is Reasonable Accommodation?

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include: providing or modifying equipment or devices, job restructuring, modified work schedules, adjusting or modifying pre-employment tests and training materials, providing readers and interpreters and making the workplace readily accessible and usable by people with disabilities.

An employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship.

What employment practices are covered?

The ADA makes it unlawful to discriminate in all employment practices such as: recruitment, hiring, training, job assignments, promotions, pay, benefits, firing, laying off, leave and all other employment related activities.

Can an employer require medical examinations or ask questions about a disability?

If you are applying for a job, an employer cannot ask if you are disabled or ask about the nature or severity of your disability. An employer can ask if you can perform the duties of the job with or without reasonable accommodation. An employer can also ask you to describe or to demonstrate how, with or without reasonable accommodation, you will perform the duties of the job.

An employer cannot require you to take a medical examination before you are offered a job. Following a job offer, an employer can condition the offer on your passing a required medical examination, but only if all entering employees for that job category have to take the examination. However, an employer cannot reject you because of information about your disability that was revealed by the medical examination, unless the reasons for rejection are job-related and necessary for the conduct of the employer's business. The results of all medical examinations must be kept confidential, and maintained in separate medical files.

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Do individuals who use illegal drugs have rights under the ADA?

Anyone who is currently using illegal drugs is not protected by the ADA and may be denied employment or fired on the basis of such use. The ADA does not prevent employers from testing applicants or employees for illegal drug use.

Is an employer required to provide reasonable accommodation during the application process?

Yes. For example, an employer may be required to provide a sign language interpreter during a job interview for an applicant who is deaf or hearing impaired, unless to do so would impose an undue hardship.

Should I tell the job interviewer that I have a disability?

If you think you will need a reasonable accommodation in order to participate in the application process or to perform essential job functions, you should inform the employer that an accommodation will be needed. It is the responsibility of the employee to inform the employer that an accommodation is needed. Do this well in advance of the interview.

Do I have to pay for needed reasonable accommodation?

ADA requires that the employer provide the accommodation, unless to do so would impose an undue hardship on the operation of the employer's business. If the cost of providing the needed accommodation would be an undue hardship, the employee must be given the choice of providing the accommodation or paying for the portion of the accommodation that causes the undue hardship.

Can an employer lower my salary or pay me less than other employees doing the same job because I need a reasonable accommodation?

No. An employer cannot make up the cost of providing a reasonable accommodation by lowering your salary or paying you less than other employees in similar positions.

Does an employer have to make non-work areas used by employees, such as cafeterias and rest rooms, accessible to people with disabilities?

Yes. The requirement to provide reasonable accommodation covers all services, programs and non-work facilities provided by the employer.

Is the employer required to select a qualified applicant with a disability over other applicants without a disability?

No. The ADA does not require that an employer hire an applicant with a disability over other applicants.

Can an employer refuse to hire because the employer believes that it would be unsafe?

The ADA permits an employer to refuse to hire an individual if the individual poses a direct threat to the health or safety of the individual or others. A direct threat means a significant risk of substantial harm. The determination that there is a direct threat must be based on objective, factual evidence regarding an individual's present ability to perform essential functions of a job.

Are people with AIDS covered by the ADA?

Yes. ADA also protects persons with AIDS and HIV disease from discrimination.

Job search issues for people with disabilities

The job search process used by people with disabilities differs little from that of non-disabled job seekers. For that reason disabled job seekers should review all of the **JobShop Guides** related to the job search process. Although the process to obtain employment is similar, people with disabilities face some unique challenges:

- **Rejection**. Every job seeker (disabled or not) may experience rejection. This rejection, however, can be worse for persons with a disability because they have experienced (and continue to experience) rejection in many areas of their lives. It is easy to become convinced that disabled means unemployable. Disabled job-seekers need to realize that others seeking employment also experience rejection.
- **Focus on what you can do**. Too often people with disabilities have had their limitations emphasized to the point that they have lost sight of their strengths. Employers are interested only in what you can do, and are less concerned with what you cannot do. Be realistic as you list your strengths, recognizing that everyone has marketable skills. Remember, with an effective accommodation, you can enhance a skill that you thought was weak. For example, by using a computer with voice recognition software, a person with finger dexterity limitations can still perform computer-related tasks.
- **Job search resources**. Your particular disability may restrict the types of career and job search resources that you can utilize. Most resources are written, making them difficult to use by people with dyslexia or restricted vision. Your local One-Stop Career Center may have access to Braille, big-print versions or audio versions of popular resources.
- **Speech or hearing limitations**. Since most job interviews are verbal, people with hearing and/or speaking problems need accommodation. Consider asking the interviewer to conduct the interview over the Internet, using TTY or an artificial speech recognition computer program. You could also bring a friend or a professional interpreter (not a family member) to the interview.
- **First impressions**. All people with disabilities are familiar with the reactions of others to their disability. Disarm this reaction by letting the interviewer know in advance. Do this in a casual manner. For example you might say, "I appreciate your building being accessible since I use a wheelchair."
- **Interview Preparation**. You must help the interviewer to conclude that you can do the job. This means that you must have a clear understanding of the job duties and how your limitations will not affect your performance of those duties.
- **Reasonable accommodation**. Employers are concerned about costs. *What will it cost me to hire this individual?* Explore ways to accommodate your limitations that are cost effective for the employer. In many cases you will already have the aid or accommodation, or access to it. Either bring it with you to the interview or describe it to the interviewer.

Internet resources

www.eeoc.gov/facts/ada18.html -- Office of Equal Employment Rights information about ADA.
www.ada.gov/cguide.htm-- A Guide to Disability Rights laws.
www.adabasics.org -- ADA Basic Building Blocks, a free Internet course on the ADA of 1990 and 2008.