

Job Interview: Disability-Related Questions (What IS and IS NOT ok to ask in a job interview?)

“Applicants with disabilities, like all other applicants, must be able to meet the employer requirements for the job (such as education, training, experience, skills, or licenses) and perform the essential functions of the job. But how can the employer find this out without violating the sometimes confusing rules of the ADA? By remembering one basic rule:

You can ask applicants about their abilities, but not their disabilities.”

(DBTAC—Great Lakes ADA Center)



OK

General Rule: Employers can ask questions about an applicant’s ability to perform specific job functions.

- What education, skills, and training do you have that will help you succeed in this position?
- What certifications/licenses do you have?
- Can you perform all the required job functions, tasks, and/or duties listed here, with or without accommodation? (*Include a detailed list of job functions with the job application/interview. If the applicant responds that he or she can perform the task(s) with and accommodation, you may then ask: How would you perform the task(s) and with what accommodation(s)?*)
- Can you satisfy the physical requirements of the job? (*Have a list attached*)
- How would you perform the specific job functions? (*If employer asks this, they must ask all applicants*)
- How many days were you absent from your last job?
- What is your work history? Why did you leave your last job?



NOT OK

General Rule: Employers cannot ask the applicant, previous employers, or anyone else questions relating to the existence, nature or severity of a disability.

- Do you have conditions/disabilities that might affect your ability to do the job?
- Have you ever been treated for any mental health problems? Have you ever seen a psychiatrist?
- Have you ever been hospitalized? For what?
- Do you have a heart condition? (*No questions about specific health conditions*)
- How did you become disabled? Why do you use a wheelchair? (*No questions about specific disabilities or the nature of an obvious disability*)
- What medications do you take?
- How many days were you sick at your last job?
- Will you need to take leave for medical or disability-related reasons?
- Have you ever filed for worker’s compensation?
- Is there any health reason why you may not be able to perform the duties of the job?

Exception to the General Rules: If you know that an applicant has a disability—because it’s obvious or because the applicant has volunteered information—and it is reasonable to ask whether the disability might pose difficulties when performing a specific task, you can ask whether the applicant will need “reasonable accommodations” to perform that task.

-If the answer is “no” then no further questions can be asked.

-If the answer is “yes” the employer may then ask about the type of accommodation needed (not the underlying medical condition). The employer may ask the applicant to describe or demonstrate how this task would be performed, even if other applicants do not have to do so.

Example: If an applicant has one arm and the job requires placing bulky items on high shelves, the employer could ask the applicant to demonstrate how she would perform this function with or without an accommodation. The applicant may respond that she can perform the task with an accommodation (a step stool fitted with a device to assist lifting) and can describe or demonstrate how she will do it.

United States Department of Labor Office of Disability Employment Policy

Focus on Ability: Interviewing Applicants with Disabilities

Disability Employment Policy Resources by Topic

Choose Topic Select

As employers well know, the job interview plays a critical role in the

hiring process, allowing them the opportunity to identify the individual who possesses the best mix of knowledge, skills and abilities for the position available. Below is information that may assist employers in ensuring maximum benefit from an interview when the person being interviewed happens to have a disability.

Preparing for the Interview

- Ensure that your company's application and interviewing procedures comply with the Americans with Disabilities Act (ADA), which prohibits asking disability-related questions before a job offer is made.
- Check that your application forms, employment offices and interviewing locations are accessible to persons with a variety of disabilities.
- Be willing to make appropriate and reasonable accommodations to enable an applicant with a disability to participate in the interview, explaining ahead of time what is involved in the process. For example, if an applicant who is blind states that he or she will need help completing forms, provide that assistance. Provide an interpreter as an accommodation or other assistance that is reasonable for an applicant who is deaf, if he or she requests assistance in communicating. Provide details or specific instructions to applicants with cognitive disabilities, if this type of accommodation is required.
- Inform applicants ahead of time if they will be required to take a test to demonstrate their ability to perform actual or simulated tasks so that they can request a reasonable accommodation, such as a different format for a written test, if necessary. (Such tests are permitted under the ADA as long as they are uniformly given to all applicants.)

Conducting the Interview

- Relax and make the applicant feel relaxed. If the applicant has a visible disability or reveals a disability during the interview, concentrate on the individual, not the disability.
- Treat the individual with the same respect you would treat any candidate whose skills you are seeking. Likewise, hold individuals with disabilities to the same standards as all applicants.
- Ask only job-related questions that speak to the functions of the job for which the applicant is applying.
- Concentrate on the applicant's technical and professional knowledge, skills, abilities, experiences and interests.

Do not try to imagine how you would perform a specific job if you had the applicant's disability. He or she has mastered alternate ways of living and working. If the applicant has a known disability, either because it is obvious or was revealed by the applicant, you may ask him or her to describe how he or she would perform the job.

It is important to note that medical examinations are prohibited under the ADA at the pre-employment offer stage. However, a job offer may be conditional based on the results of a medical examination if all employees entering similar jobs are also required to take an examination. If, after the medical examination, the employer decides not to hire an individual because of a disability, the employer must demonstrate that the reason for the rejection is job-related and consistent with business necessity.

Resources to Assist

A number of resources can assist employers in understanding their responsibilities relative to interviewing job applicants with disabilities.

[Job Accommodation Network \(JAN\)](#)

1-800-526-7234 (V/TTY)

JAN is a free, confidential service from the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) that provides information on job accommodations for people with disabilities, the employment provisions of the ADA and other related legislation.

[Equal Employment Opportunity Commission \(EEOC\)](#)

1-800-669-4000 (V); 1-800-669-6820 (TTY)

The EEOC enforces the ADA's employment provisions. The section of its Web site titled "Disability Discrimination" provides access to resources that can answer employers' questions about how to ensure their hiring process is inclusive of people with disabilities.

[Disability and Business Technical Assistance Centers \(DBTACs\)](#)

1-800-949-4232 (V/TTY)

Ten regional Disability and Business Technical Assistance Centers (DBTACs) sponsored by the U.S. Department of Education's National Institute on Disability and Rehabilitation Research provide ADA information, training and technical assistance across the nation.

[Employer Assistance and Resource Network on Disability Inclusion \(FARN\)](#)

(1-855-275-3276) (V/TTY)