

The hiring process

A few simple guidelines.

The main question when interviewing the applicant with a disability is whether or not the necessary skills, experience, education, or other background to successfully perform essential functions of the job, regardless of the disability. **Expected qualifications should be stated clearly and concisely.**

Who is qualified? Someone who with or without reasonable accommodation, can perform essential functions of the position the individual holds or desires.

Since the introduction of the Americans with Disabilities Act (ADA) in 1992, employers have begun restructuring the way they conduct interviews. The following tips will help you to comply with the law and help you find qualified candidates you may have missed in the past.

Remember, any process that would screen out a candidate with a disability because of the disability is a violation of the law.

To help, let's look at the phases of the employment process and what you can do:

10 Preliminary Considerations

1. Appropriate and reasonable accommodations should be available at all phases of the hiring process. Have a third party present, if requested by the applicant.

2. Relax and put the applicant at ease.

3. Be willing to ask how to be of assistance to the interviewee.

4. Be aware of the essential functions and marginal functions of the job: why, how, where, when and by whom a task or operation is to be performed.

5. Have a list of questions tied to the individual's ability to perform job functions that make no reference to disability and ask all candidates the same questions.

6. Concentrate on technical and professional knowledge, skills, abilities, experience, and interests of the applicant. Remember you're interviewing the person, not their disability.

7. Don't speculate about how a client will do the job -- the applicant may have alternate techniques. If the candidate is qualified, ask in an open, straightforward manner how s/he plans to perform specific job duties and what will be needed to get the job done.

8. During the interview, don't mention an individual's disability, unless the applicant raises the issue first. Instead, discuss the applicant's skills and ability to perform the job tasks. If a disability is discussed, use non-offensive language, such as disability, not handicap; wheelchair users, not wheelchair bound; or individual with a disability, not disabled individual.

9. Be willing to regard any information volunteered by the individual about his or her disability as a confidential record.

10. Don't interview or hire a person who does not have the technical or professional skills to do the job.

Let us provide more detail:

The Hiring Process

How can you accommodate a candidate with a disability in the job application process? Some Ideas:

Recruitment And Application

advertise a job posting in multiple forms

- delete all questions related to disability
- notify applicants of your obligation to provide reasonable accommodation
- provide verbal instructions, if necessary
- simplify and minimize wording on the application

The Interview:

- hold the interview in an accessible location
- allow an employment specialist to sit in on the interview, if requested by the applicant
- allow an interpreter, if the applicant is hearing impaired, and listening devices, if needed
- adjust the length of the interview, if requested
- interview in a quiet, distraction-free environment
- describe the job requirements clearly, concisely and simply

If Accommodation Is Required During The Interview

The purpose of the interview is to obtain appropriate information about background, qualifications, and other personal qualities of the applicant in relation to the requirements of a specific job. Be consistent. Ask each candidate the same questions.

It is the responsibility of the applicant to request a reasonable accommodation for the interview and/or testing. The employer may require documentation of the need for an accommodation.

The accommodation provided does not have to be the one requested; it has to be an effective one. Consider more time for testing a different format simplifying test language, breaks, accessibility, and alternate forms of testing.

The hiring process

A few simple guidelines (continued).

Appropriate Questions

What can you ask the candidate during the interview?

Questions related to the essential job functions and those that help assess a candidate's qualifications.

During The Interview You Can Ask The Applicant:

1. About job-related education, experience and skills.
2. What do you know about the position you are interviewing for?
3. Can you perform the essential functions as outlined in the job description, with or without an accommodation? (Do not inquire if an accommodation will be necessary to perform the essential job functions until after making a conditional job offer.)
4. How would you perform these functions, and with what accommodation? (Only inquire if you have established that the candidate is professionally and technically qualified and if the disability would impact on specific job functions.)
5. To demonstrate an ability or skill, only if everyone in the job category is also asked to do so.

An employer can ask if an applicant can meet requirements of regular work hours, leave policy and special attendance needs, only if all applicants are asked.

Accommodation must be provided for testing, in consideration of impaired sensory, speaking or manual skills, unless the test is designed to measure those specific skills which are required by the job.

You cannot ask about a disability, but may obtain information about the applicant's ability to perform essential tasks and whether or not an accommodation is required.

Before A Job Offer

1. Make a decision based on the candidate's ability to perform the essential job functions.
2. A job offer may be conditional upon a medical exam only if the same standard applies to all candidates.

After A Conditional Job Offer Ask The Applicant:

1. How any task would be accomplished, if all applicants are asked the same question.
2. About the ability to perform specific job functions, and ask an individual with an obvious disability to describe or demonstrate how she/he would perform the function.
3. About the applicant's qualifications, including medical information which may be necessary to assess qualification for the job and assure health and safety on the job, as long as all candidates are asked.

It is important to remember that any testing required must assess skills and aptitudes related to job function rather than impaired sensory, manual, or speaking skills, unless those skills are job-related. Job-related tests cannot be designed to screen out people on the basis of a disability.

Adapted from: *Complying with the Americans with Disabilities Act: A Guide for Interviewing*. International Association of Machinists and Aerospace Workers.

Checking References:

You may ask the previous employer about:

- Job functions and tasks performed.
- Quality and quantity of work.
- How job functions were performed.
- Attendance record, but not related to a disability.

Job Offer Withdrawal:

If a Conditional Job Offer is withdrawn, the employer should document:

- Reasons for exclusion are qualification-related and consistent with business necessity, or the person is being excluded to avoid "a direct threat" to health or safety.
- No reasonable accommodation was available that would enable this person to perform essential job functions without significant risk to health or safety, or that such an accommodation would cause undue hardship.

Remember, this is only a guideline. To get more information about the ADA, call the Equal Employment Opportunity Commission (EEOC).