

T-TAP

Training and Technical Assistance for Providers

Virginia Commonwealth University & The Institute
for Community Inclusion University of Massachusetts
Boston

March, 2005

Q & A on Customized Employment:

Disclosure

A key component of customized employment involves negotiating an individualized employment relationship between a job seeker and an employer in ways that meet the needs of both.

The process involves identifying tasks that must be completed to effectively conduct business and matching them to the unique abilities and interests of the job candidate. This will require employers to consider how existing tasks or unmet needs in the workplace can be accomplished in new or different ways than have traditionally occurred.

Some people with disabilities may be able to negotiate an individualized job description without support. Others may need a personal representative or employment specialist to assist them in making the proposal. In either case, employers will have questions regarding why a person is asking to customize his or her job. This may require disclosing the job seeker's disability.

Disclosing a disability may be a major cause of anxiety or concern for people with disabilities and those who assist them when seeking a job. Keep in mind that customization begins with the unique contributions that the person brings to the company and not from a charity or disability perspective. Therefore, it's very important to consider how an individual will disclose his or her disability, as well as when and what to disclose. This resource will provide information about some key considerations to achieving effective disclosure in employment settings.



Why should an individual consider disclosing his or her disability?



Access to an accommodation in the workplace is often dependent on a person's disclosure of disability related needs. Individuals with visible or hidden disabilities who know that they will need work-related accommodations, including an individualized job description, should plan to disclose. If accommodation is needed, the job seeker or his / her personal representative should plan how and when to tell potential employers about the disability and be prepared to discuss support needs.

When a personal representative or employment specialist is used, the individual must voluntarily give permission to disclose his or her disability. Obtaining written authorization to disclose and a description of what is to be disclosed is highly recommended. An employment specialist can ensure communication focuses on the person's abilities and the solutions that will allow the individual to successfully complete the work tasks. Unless accompanied by potential solutions, disclosure of a disability can unintentionally lead to exclusion from certain types of jobs and/or employment discrimination.

As an example, a person with mental illness may need release time during the week for medical appointments that occur on a regular basis. Disclosure of the disability would be appropriate when asking for a flexible 40-hour work week. The request might include how the individual would be able to perform the essential functions of the negotiated job with this accommodation. However, he or she would not need to provide details of the medical diagnosis and treatment such as the type of medication that the person is taking. In this example, if the employee continually asks for time off from work without disclosing, the employer may have a much different attitude towards the individual's performance than if the accommodation request had been made.

Job seekers who have a visible disability may want to discuss their disabilities with an employer to avoid misunderstanding or labeling. Or, the person may want to disclose a disability to eliminate curiosity or unnecessary concern from co-workers. Some people may use disclosure to create an opportunity for educating others about disability and its impact. Disclosure also provides an opportunity to learn more about the business' disability related services and supports.



The Office of Disability
Employment Policy,
U.S. Department of Labor



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T-TAP (Training and Technical Assistance for Providers)

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T-TAP is funded by the Department of Labor (DOL), Office of Disability Employment Policy (ODEP) cooperative agreement # E 9-4-2-01217. The contents of this product do not necessarily represent the interpretations or opinions of DOL. Virginia Commonwealth University, is an equal opportunity/affirmative action institution providing access to education and employment without regard to age, race, color, national origin, gender, religion, sexual orientation, veteran's status, political affiliation, or disability. Privacy Policy. If special accommodations or language translation are needed contact Katherine Inge at: kinge@atlas.vcu.edu or Voice (804) 828 - 1851 | TTY (804) 828 - 2494.



Can disclosure help overcome an employer's concerns about hiring a person with a disability?



Although everyone has some limitations, people with visible disabilities often are viewed as incapable of working. This unfortunate conclusion underscores the importance of changing attitudes to recognize that people with disabilities have a vast pool of valuable and important skills. Thus, the question about whether or not and how to disclose a person's disability shifts to educating employers, addressing their concerns, and getting them to hire someone who happens to have a disability. This change in thinking minimizes the disability as an issue and focuses on ability.

The word disability is likely to raise concerns for some employers. Under the American's with Disabilities Act (ADA), employers cannot ask about a disability. But, they may inquire about the need for reasonable accommodation to perform essential job functions, if a qualified applicant's disability is disclosed or visible. This may make the employer feel uneasy raising concerns about being sued if the "wrong" thing is said. In such an instance, the employer may spend more time focusing on his or her anxiety related to these unfounded concerns rather than the applicant.

One possible way to address this concern is to be upfront about the nature of the disability. However, simply telling an employer the name of a disability label like traumatic brain injury, cerebral palsy or mental illness is not helpful and may further confuse the employer. Instead of describing a disability in generic terms, communication should focus on what the job seeker does well, functional limitations including strategies for getting around them, and personal life experiences. This can lead to discussions about how a particular job seeker's personal strengths and talents can benefit the employer and open the door to customizing job descriptions.

When a person presents specific strengths and accommodation needs, the fact that he or she is looking for a "good match" via job negotiations may be very understandable to employers. Being able to describe what the person does well hopefully will lead to an immediate job offer. If not, this customized approach might at least spark ideas about potential job designs that can be pursued elsewhere.



What are the advantages of disclosing one's disability?



There are many positive reasons for disclosing one's disability. If information is initially withheld and later revealed, an employer may feel deceived and misinformed. Also, if the job seeker has a personal representative or employment specialist assisting him or her with negotiating work, employers may have questions as to why this approach is being used. Disclosure also gives the job seeker and his or her representative an opportunity to obtain specific information about the company's employment and HR policies, its operations and existing jobs. This information can then be used to determine whether or not the job seeker can qualify for a particular job and an opportunity to think in advance about the accommodations that he or she may need to perform the job. Or, if the person does not qualify for existing work, this will provide ideas on possible ways to create new work opportunities specifically negotiated for the jobseeker.

By considering support needs in advance and having such information in hand during the interview, the job seeker should be better prepared to speak to how the various tasks will be performed with the right workplace supports. This shows the employer how the person can be successfully employed.



What is the best way for the jobseeker's personal representative to discuss disability?



The goal of disclosure is to do so in a way that gains the employer's trust, eliminates concerns, and moves the employment process on to the next steps, such as exploring job possibilities, considering negotiations, interviewing and hiring the applicant. The following points should be kept in mind when preparing to discuss a person's disability with a potential employer. First, the personal representative and the individual who will be disclosing a disability must be clear about the purpose and the desired outcomes of disclosure. This ensures that disclosure occurs with the right person, in a timely and appropriate manner, and with a clear goal in mind. To be effective, the personal representative must be knowledgeable about the job seeker's abilities and familiar with possible accommodations needed in the workplace.

Second, disability information should be related to job performance and presented in a positive way. Avoid labels or clinical descriptions such as bi-polar disorder or traumatic brain injury. This is not helpful information in isolation for an employer. He or she may have pre-conceived ideas about what these disabilities involve. Further, this may negatively


impact the employer's openness to negotiating a position. Instead, one might say, "Jack can quickly change his daily routine, if he is told in advance and allowed to write down what changes he needs to make in his schedule."

However, sometimes, this approach may not work and an employer may begin to guess the person's disability. This may be a warning sign that signals an employer's fears and not knowing or understanding the nature of the person's ability. When this occurs, it may be best for the personal representative, with the job seeker's permission, to simply reveal the type of disability. This should be immediately followed by a discussion of the person's positive attributes and how he or she can make a contribution to the workplace. This approach is more likely to yield a better outcome than stating something like "Oh, no I am not allowed to tell you that." An honest upfront approach will usually go over much better than withholding this information, which might raise suspicions and unnecessarily incite concerns.

When speaking about the functional limitations caused by the disability, describe how the person can succeed and perform the job functions with workplace supports, creative work structures, agency services like job site supports or other modifications. For example, "Joan has a job coach who can accompany her to work to provide any additional skills training that extends beyond what you would provide to any other new hire. While learning to perform the job to your standards, the coach will make sure the job is done. Once Joan learns the job, the coach will fade off the jobsite. But will be available for consultation if needed." "Or, Jack works best when he has written instructions that specify any changes to his daily routine."

Again, disclosure should always be discussed with the job seeker, and if appropriate his or her guardians, prior to making the first business contact. The job seeker and personal representative should decide what should be said and if applicable who will provide the information to the employer. Whenever possible, the job seeker should take responsibility for making his or her needs known to an employer. This may range from speaking directly about one's needs to simply handing an employer a job proposal during an interview.


Is telling a potential employer that a person has a disability enough information?

 Probably just saying that the person has a disability is not enough. Given a lack of information, people usually imagine the worst. So if you say "person with a disability" there is no telling what the employer is thinking. Therefore, one could argue that the more information that is shared in positive terms, and the more exposure employers have to the abilities of individuals with disabilities, the better chance there is for facilitating a customized job. With this thought in mind, the disclosure question again becomes not if one should disclose a disability, but how does one effectively disclose? The following guidelines may prove useful.

When describing the person you are referring for an interview, take the opportunity to advise the employer about any special needs or the uniqueness of the individual. For example, if the applicant is non-verbal, prepare the employer by suggesting interview questions to which the person will be able to respond. Or, if an applicant most likely will not maintain eye contact with the employer, a comment such as the following may prevent the employer from making negative judgments. "I want to let you know that Joe has never worked and may not appear guarded during the interview. He is quiet when he meets new people. He warms up to others by the second meeting, and once hired he will be able to perform the job."

Employers should also be informed about accommodation needs for the interview. For example, revealing that an employment specialist will accompany the individual who has a cognitive disability to complete the application only serves to better prepare the employer. If the candidate has a unique appearance, discuss a positive way to disclose this information to the employer. "Mary has asked me to share with you that she was in an automobile accident. As a result, she has a large scar from across her face left eye to her mouth. She wants to assure you that this does not impact her vision or ability to perform the essential functions of the position."

How can a creative job search minimize the need to disclose one's disability

 Ask what is the best way to find a job, and the answer may be to look for and answer advertisements in the newspaper. Or, use the Internet to search for job postings. Or, buy a book on job-hunting at the bookstore. This longstanding traditional approach to job hunting focuses on looking for existing openings and competing with others for them.

This "numbers game" approach to finding a job works on the principle that employers attract a large number of applicants, screen most of them out, interview some, select the best candidate, and offer the person the job. The goal is to screen out applicants who do not look good on paper, have limited or gaps in their employment history, or lack specific qualifications in reality may not be relevant to getting the job done. This approach to finding employment can work against many individuals and particularly those who happen to have a disability.

Customized employment uses a different approach. Instead of playing the numbers game, a creative job hunt is conducted to locate opportunities to negotiate an individualized job description. The creative approach can minimize one's disability as an issue. Since there is no job at stake, the employer does not measure the person against an ideal job candidate. This allows employers to shift their attention to creative ways to use the person's strengths in a workplace.

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How does informational interviewing eliminate the need to disclose a job seeker's disability?

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Informational interviewing involves gathering information about a particular business and its operations. This is a "fact finding mission" of what the company is all about rather than applying for an existing position. If the job seeker is not present, the personal representative can discuss general concerns about unemployment and disability related issues without specific reference to the job seeker that he or she has in mind. That information can come later after the personal representative learns more about the business and its needs. Then, when negotiating the job, the need for possible accommodations (including job site support) may be addressed verbally and within a written proposal.

If the job seeker is participating in or conducting the informational interview, then any aspect of the disability that concerns the job seeker can be discussed. Since the agenda relates to information gathering, there is no reason to screen the person from consideration for employment. The jobseeker and/or the representative should be prepared to talk about strengths and the contributions that the person would like to make to the workplace.

Informational interviewing also allows the personal representative and job seeker to learn more about the workplace culture. For example, if the company is innovative, employers may be open to negotiations, whereas companies who are rigid may not be. Or, a workplace with worker friendly policies that may signal that the employer would be more open to negotiate a job and hire someone with a disability. This and other types of important information can be gathered during an informational interview.

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What are some closing tips that are related to effective disclosure?

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Be prepared to discuss the specific disability. It may not be necessary, but be prepared. If disclosure is needed be brief, straightforward, and positive. For example, "Tomika has autism. This affects her ability to understand multi-step verbal instructions." State the accommodations or modifications needed to succeed at work. For example, "This means that Tomika will need some extra support to help her become a high-performance employee for your company. If hired, a job coach who has been trained to teach Tomika new skills will accompany her to work and provide on the job skills training." Or, "She does not have a driver's license, but she has access to a transportation service. But, the service only operates between the hours of 10 a.m. and 5 p.m."

Then provide examples of successes the person has had in the past when using the supports. For example, "While in school Tomika received on the job training at the Cookie Mart. She received instruction from a job coach and learned how to bake cookies and brownies. Here is a reference from the manager that indicates that she was an exceptional worker." Or, "She is also available on weekends, because she has family members who are willing to provide transportation."

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Summary

Finally, be prepared to answer questions about the specific disability. In some instances, it may be helpful to give an employer a fact sheet about general disability information, such as tips for interacting with people with disabilities. The personal representative should always approach disclosing a disability with a positive attitude and focus on the "win-win" situation that will occur if the individual is offered a customized position.

For additional information, you may contact:

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