

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.

Adapted from: DBTAC—Great Lakes ADA Center, Employers & Job Interviews: Disability-Related Questions ADA Infobrief
For additional information visit the Disability Accommodation website: www.oed.wisc.edu/disability/employee.html or contact your DDR..