

A GUIDE TO THE AMERICANS WITH DISABILITIES ACT

Job Descriptions

One of the most important things you can do to make sure you are in compliance with the Americans with Disabilities Act is to review your job descriptions and make sure they are accurate.

Interviewing

The situation will arise where you have a job to fill and a person with a disability will apply for the position. That individual is just like any other candidate except that she/he lives with a disability.

How do you handle interviewing candidates with disabilities? You interview candidates with disabilities just like those without disabilities; you determine whether the person is qualified for the job. The disability does not play a part in the process unless it limits the applicant's ability to perform the essential functions of the job.

Here are some tips on interviewing that may alleviate some of the discomfort you have in interviewing a candidate with a disability, and get you on the road to concentrating on the essential job functions.

Preparing Before the Interview

When planning your interview, you should plan ahead and ask yourself if you are prepared for a candidate with a disability. Is the area in which you are going to interview accessible? If candidates are required to fill out an application form, is someone available to assist them if they cannot see, write, or read? Are locations such as rest room facilities or testing areas accessible?

Asking these questions up front will make it easier for you should a candidate with a disability apply for a position with your organization.

Greeting the Applicant

Most people at first feel uncomfortable around a person with a disability. They wonder if they will say and do the right things.

When in doubt as to whether to help a person who has a disability, you should ask the questions, "May I be of assistance?" or, "Is there anything I can do to make your visit more pleasant?" By asking these questions you are breaking the ice, and making the candidate more comfortable, as well as yourself.

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What Questions to Ask

During the interview process the only questions you should ask are those that deal with the essential functions of the job. You are not allowed to ask about the person's disability unless the disability affects their ability to perform an essential function.

Some examples of permissible questions are:

- *This job requires that you be able to lift 50-pound boxes. Can you do that?*
- *An important part of this job is word processing. We use WordPerfect. Do you know WordPerfect?*
- *The job requires all employees to be at work at 8:00 AM. Is there any reason that you would be unable to do this?*

Reasonable Accommodations

If the applicant is unable to perform an essential function of the job, you should ask whether there are any reasonable accommodations that would enable him or her to do the job more effectively.

The question of accommodation should be raised after the individual is determined as a qualified potential candidate. If the person is not qualified, you should state why, and make it clear that the reason for rejection is due to lack of qualifications, not their disability.

Closing the Interview

If the person is qualified but you are unable to make a commitment right away, you should say what you would say to applicants without disabilities. "Thanks for coming in. We will be making a decision shortly and will notify you of our decision."