

ADA GUIDELINES FOR INTERVIEWERS

You may ask job-related questions by asking ...

- About an applicant's ability to perform specific job functions with or without reasonable accommodation.
- About an applicant's non-medical qualifications and skills (e.g., education, work history, required certifications and licenses).
- Applicants to describe or demonstrate how they would perform job tasks if you ask this of all applicants in the same job category or reasonably believe that an applicant will not be able to perform a job function because of a known disability.
- Whether an applicant can meet your attendance requirements.
- About an applicant's current illegal use of drugs or prior casual illegal drug use.
- Whether an applicant drinks alcohol or has been arrested for driving under the influence.
- Applicants to self-identify as individuals with disabilities for the purpose of an affirmative action program, as long as that reason is stated clearly and applicants know that disclosure is voluntary and confidential.

You may ask applicants about an accommodation when ...

- You reasonably believe the applicant will need an accommodation because of an obvious disability.
- You reasonably believe the applicant will need an accommodation because the applicant has voluntarily disclosed a hidden disability.
- An applicant has voluntarily disclosed that he or she needs an accommodation to perform the job.

More on reasonable accommodation...

- If an applicant requests a reasonable accommodation to demonstrate a job function, you either must provide it (if it does not create an undue hardship) or allow the applicant to describe how he or she would perform the job function.
- If an applicant responds that no accommodation will be needed for the job, you cannot pursue the issue.
- If an applicant responds that an accommodation will be needed, questions about the type of required accommodation such as, "What will you need?" are lawful.
- You may not ask questions about reasonable accommodation for activities unrelated to job functions.

Before a job offer has been made, you may *not* ask applicants ...

- Whether they have a particular disability.
- How many days they have been sick.
- If they can perform major life activities.
- Whether they lawfully use drugs.
- How much alcohol they drink or whether they have participated in an alcohol rehabilitation program.
- If they used to be addicted to illegal drugs. You can, however, test job applicants for illegal drug use and ask applicants about positive test results.
- Disability-related questions at the pre-offer stage even if you intend to look at the answers only at the post-offer stage.
- Questions about their worker's compensation history.

Questions that you may not ask applicants may not be posed to third parties, i.e., during reference checks.

At the pre-offer stage, medical examinations, including alcohol tests, are prohibited.

After a conditional job offer is made, you may ask disability-related questions and require medical examinations only if you require this of all entering employees in that job category.

At the post-offer stage, disability related questions and medical examinations do not have to be job-related. These questions may concern an individual's workers' compensation history; prior sick leave usage; whether an individual needs reasonable accommodation to perform the job; documentation of his or her disability if the need for the accommodation is not obvious; illnesses, diseases, impairments, and general physical and mental health.

In summary, be sure that ...

- Disability-related information is not used to exclude applicants with disabilities.
- An applicant's possible hidden disability is not considered before you evaluate his/her non-medical qualifications.
- A rejected applicant does not wonder whether he/she was rejected because of a disability.