Guide to

Career Development for

Students with Disabilities

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| **AMERICANS WITH DISABILITIES ACT (ADA)** |

The ADA protects “individuals with disabilities” from discrimination. An individual with a disability is someone who fits into one of the three categories by having:

* A physical or mental impairment that substantially limits one or more major life activities.

*Substantial impairment*: long term and has serious impact on a person’s ability to function.

*Major life activities*: includes walking, talking, hearing, seeing, working, caring for oneself, learning and speaking.

* A record of such impairment. A person who has recovered from an illness, such as cancer, that substantially limited one or more major life activities.
* An individual who is regarded as having such impairment. Examples include, a person with epilepsy treated with medication or a person who has tested positive for HIV.

***Who is covered?*** All private businesses with 15 or more employees.Massachusetts – Employers with 6 or more employees.

***Who is protected?*** A qualified individual with a disability, meaning someone who meets the experience and other job related requirements and who can perform the essential functions with or without reasonable accommodations.

**ADA & Workplace Protections:**

Discrimination prohibited in *ANY* facet of employment including:

* Job application procedures and recruitment
* Training
* Benefits and Compensation
* Advancement
* Hiring/Firing
* Any terms, conditions, or privileges of employment

**Before Hiring**

An employer may ask questions about the applicant’s ability to perform specific job functions.

***Example: Are you able to do the essential functions of the job with or without a reasonable accommodation?***

An applicant with a known disability that may interfere with performance may be asked to describe or demonstrate how they would do the job even if others are not required to do so.

An employer CANNOT ask questions about a disability or the severity of a disability.

***Does a job applicant or employee have to disclose that they have a disability?***

No. Disclosure is only required if an applicant or employee needs a reasonable accommodation.

**ADA & Reasonable Accommodations:**

Reasonable accommodations are changes/adjustments to the work environment that enable a person to perform essential functions (major job tasks, they are the reason the job exist) of the job. An employer cannot refuse to employ someone because of the inability to perform non-essential duties.

An employer does not have to provide accommodations if it would result in undue hardships.

* Undue Hardships: Something that is difficult/expensive in relation to many factors.
  + Nature and net cost of the accommodation
  + Financial resources for the employer

**Examples of Reasonable Accommodations:**

* Making facilities accessible to and usable by persons with disabilities
* Part-time or modified work schedules
* Permitting use of accrued paid leave or unpaid leave for treatment
* Reserved parking
* Job restructuring by reallocating and/or redistributing nonessential job functions
* Modifying testing materials and practices
* Reassignment to a vacant position

***How do I get a reasonable accommodation if I need one?***

* Make a request. If you do not make a request, your employer does not need to provide you with an accommodation. Make the request to Human Resources and/or your Supervisor. Do it in writing and keep a copy.
  + Identify yourself as a person with disability and state you are requesting accommodations
  + Identify which tasks you foresee as potentially challenging with your disability
  + State your ideas for accommodation and ask for your employer’s input
  + Attach medical documentation of your disability when appropriate
* Be prepared to answer your employer’s questions. Your employer can ask you for limited medical verification.
  + Medical proof that you have a disability-related need for the accommodation
* Be prepared to discuss your request with your employer. This is an interactive process to determine what accommodation the employer will provide for you.

***Does an employers have to provide the exact accommodation that I asked for?***

No, employers only need to provide an accommodation that is effective. One that enables them to perform the essential functions of the job.

**ADA & Employment Stages:**

**Before Hiring:** *(Applications & Interviews)*

Employers must provide reasonable accommodations to enable an applicant to be considered for a job opening.

* Written materials in accessible format
* ASL interpreter
* Accessible location
* Modifications to equipment or devices
* Adjustments to application policies/procedures

**Post-offer:** (Conditional job offer)

May require medical exam only if all others are required to pass the same exam.

* Exam must be designed to measure ability to perform essential functions of the job
* Accommodations must be made
* Cannot withdraw job offer solely because exam revealed existence of a disability

**Employment**: (After employment begins)

* Must provide reasonable accommodations
* Change/adjustment to a job or a workspace that allows a person with a disability to perform the essential functions

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| **THE DISCLOSURE PROCESS** |

As a person with a disability, one of the concerns you will encounter will be whether or not to inform a potential employer of your disability. The first step of the disclosure process is to be informed of your rights with the American Disabilities Act (ADA). Remember that under the ADA no person with a disability is required to disclose to their employer unless your reasonable accommodations that must be met by the company. It is illegal for an employer to ask you if you have a disability.

**Deciding on whether or not to disclose:**

* Identify and understand your disability. Be familiar with what accommodations you may need
* Understand the advantages and disadvantages of disclosing

**If you decide to disclose:**

* Decide who to tell (manager, interviewer HR, etc.)
* What timing would be best (on the application, during the interview, when you receive the job offer, etc.)?
* Decide how to best to describe your disability and include an informative explanation
* Make sure to describe your skills and abilities that make you able to perform the necessary duties of the position you are applying for
* Be honest. Describe the limitations that may interfere with your performance and identify any and all possible accommodations you may require

**If you decide not to disclose:**

* First and foremost make sure you can perform all the necessary duties before accepting
* Under ADA, you legally do not have to disclose anything unless you choose to

**The Disclosure Process & Appropriate Timing**

***When is it appropriate to Disclose?***

The best time to disclose is when you feel comfortable, and when you perceive that your employer is going to be receptive to your disclosure.

**Disclosing on the Resume or Application:**

* Not necessary to disclose your disability on your resume. It is illegal for employers to ask you if you have a disability on an application form.

**Advantages of disclosing:**

* You are being honest with your employer from the beginning and allows your employer to decide if your disability will become a concern.

**Disadvantages of disclosing:**

* An employer may automatically disqualify you
* May decrease your chances of getting an interview

**Disclosing Before the Interview:**

If your disability requires accommodations during the interview, then you should disclose when the potential employer contracts you for an interview so that they can make the necessary arrangements.

**Advantages of disclosing:**

* Reduces the surprise during the in-person interview
* The employer can meet any accommodations prior to your interview

**Disadvantages of disclosing:**

* Employer may cancel the interview
* May not receive adequate consideration during the interview

**Disclosing During the Interview:**

If you disclose in the interview and do not receive the job offer, you will not know if it is because of your qualifications or your disability. If your disability is not obvious, you should disclose at the time of the job offer so that the employer has ample time to make accommodations before you start.

**Advantages of disclosing:**

* You will have an opportunity to discuss your disability in person and respond to questions
* The level of discrimination may decrease when face to face

**Disadvantages of disclosing:**

* Employer may feel that you have hidden your disability up to this point
* You will have the responsibility to handle any issues or questions about your disability

**Disclosing During the Offer and Acceptance Period:**

If you disclose in the interview and do not receive the job offer, you will not know if it is because of your qualifications or your disability. If your disability is not obvious, you should disclose at the time of the job offer so that the employer has ample time to make accommodations before you start.

**Advantages of disclosing:**

* You will have an opportunity to discuss your disability in person and respond to questions
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| **GENERAL JOB-RELATED TIPS** |

**Disclose Only as Needed:**

The only reason to disclose a disability is if you require an accommodation for an interview or to perform the essential functions of a particular job. How you go about disclosing your disability is entirely up to you. *When you are applying for a job, remember that your resume and cover letter should highlight your skills and experiences, not your disability.*

**Know Your Rights in a Job Interview:**

The focus of the interview should be your qualifications and skills, not your disability. In fact, an interviewer is prohibited from asking you questions about your disabilities that are not relevant to your ability to perform the job. You might choose to anticipate and address some of the questions that an interviewer may be reluctant to ask if you feel comfortable doing so. Remember to request any accommodations needed well in advance of the interview.

**Find a Mentor**

All new employees can benefit from the guidance of a more experienced employee when starting at a new job. Finding a mentor in your field of interest, whether or not they have a disability, can be extremely beneficial for you to be confident and supported in your new role.

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| **RESOURCES** |

* **ADA Home Page**: <http://www.ada.gov/> Website for the U.S. Department of Justice’s Civil Rights Division, providing information on the Americans with Disabilities Act.
* **Job Accommodation Network (JAN)**: <https://askjan.org/index.html> JAN provides many helpful links and resources about workplace accommodations and ADA related legislation.
* **Ability Jobs**: <http://abilityjobs.com/> Provides job search engines, employer information, and ADA help, helping enable people with disabilities to enhance their professional lives
* **DO-IT**: <http://www.washington.edu/doit/> Promotes inclusion and success by working to increase participation of individuals with disabilities in challenging academic programs and careers. Their goal is to help promote the use of computer and networking technologies to increase independence, productivity, and participation in education and employment.
* **Disability Law Center, Massachusetts:** <https://www.dlc-ma.org/> The Disability Law Center (DLC) is the Protection and Advocacy agency for Massachusetts. DLC is a private, non-profit organization responsible for providing protection and advocacy for the rights of Massachusetts residents with disabilities.
* **Workforce Recruitment Program, Office of Disability Employment Policy:** <https://www.dol.gov/odep/wrp/>The Workforce Recruitment Program for College Students with Disabilities (WRP) is a recruitment and referral program that connects federal and private sector employers nationwide with highly motivated college students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs.