

Interviewing an Applicant with Disabilities

The Americans with Disabilities Act is quite specific about questions that may be appropriately addressed to job applicants and those that are prohibited. The rule of thumb is, first, that we cannot ask anything about a person's physical or mental status that is likely to elicit information about a disability. Second, even if we know with certainty that the person is disabled, we cannot ask how they could perform anything other than the essential functions of the job. Essential functions of the job are the major responsibilities, not minor or occasional responsibilities.

More Specifically

Example

An applicant arrives for the interview accompanied by a guide dog, thus we are aware that the person has a disability and is covered by ADA. The person is interviewing for a faculty position involving teaching and research.

We May Ask About

- Teaching abilities
- Teaching experience
- Student teaching ratings
- Knowledge of his or her subject
- Previous educational experience
- Grants experience
- Research agenda

We May Not Ask About

- Whether the person can stand at the board for long hours (not essential to the faculty role)
- Whether the person can drive to Raleigh at night to pick up someone at the airport (not essential to the faculty role)
- How long the person has been blind (question will elicit information about a disability)

Another Example

We are interviewing for a secretarial position and the applicant says that he or she is diabetic.

We May Ask About: Applicant's ability to use various software packages

We May Not Ask About: How many days of work the applicant missed last year because of illness (likely to elicit information about the disability)

What If?

What if the person comes in using a wheelchair? Can we say anything about that or do we just ignore it completely?

Ignoring it completely is fine, but if you feel driven to gather information, the only thing you are permitted to ask is whether the person could do the essential functions of the job with accommodation. The essential functions of the job are the major responsibilities, not lesser tasks that occur once a year. You could say to the blind person, for example, "Can you tell me how you would be able to evaluate students' classroom work with accommodation?" You could say to an applicant for a secretarial position who uses a wheelchair, "A major function of this role is maintaining the departmental records on the computer. Could you tell me how you could fulfill this responsibility with accommodation?"

Final Note

It doesn't matter if you are well-intentioned or casual about prohibited inquiries; they are still prohibited. So please avoid "friendly" comments such as, "My brother was wounded in Vietnam. Is that what happened to you?"

Other Links:

U.S. Department of Justice ADA Regulations and Technical Assistance