

ADA in the Workplace Series: Interviews and Applications

The Americans with Disabilities Act (ADA) prohibits employers from asking questions on applications and during interviews that would discriminate against applicants with disabilities. These regulations are to ensure that the job applicant is given the opportunity to be evaluated on qualifications and experience without being screened out due to disability. These requirements, however, do not prohibit employers from getting the information they need to choose the best candidates for the job. The chart below illustrates how employers can ask for the information they need while remaining in compliance with ADA guidelines.

Recommended Way to Ask!

These questions could be considered discriminatory under the ADA.

Job Performance: Focus on the needed abilities, not the applicant's conditions or limitations.

Will you be able to perform the essential functions that are listed for this job with or without reasonable accommodation?

Do you have any physical, cognitive, or psychiatric conditions that would keep you from performing this job?

Apparent Disability: When it is apparent that applicant has a disability, don't assume the applicant will have difficulty because of the disability.

How do you move objects such as boxes or trash cans?
Do you have experience using the computer to produce monthly reports and emails?

Since you have a prosthetic arm, won't it be difficult to move boxes?
I'm not sure you will be able to produce reports and emails since you are blind.

Attendance: Focus on letting the applicant know what attendance requirements are expected.

This job will require you to be here from 8am to 5pm Monday through Friday. Do you have transportation to meet those hours?

How many days were you absent during your last job?
How many days were you sick during your last job?

Some weekend hours are required during the holidays. Will you be able to meet that commitment?

I'm not sure you are going to be able to make it to work on time if you don't drive.

Won't it be difficult for you to work extra hours since you have a disability?

Medical Conditions/History: Avoid any questions regarding medical conditions or history on applications or during interviews.

Once a job offer is made, employers may require physicals and medical information if: 1) the information is necessary for the particular job and 2) is required of all candidates post-offer. For example, police officers are usually required to complete a physical.

Questions regarding medical history, illness or conditions, medication, etc. should not be asked at any time in the application process. Questions about past workmen's compensation claims are considered discriminatory under the ADA.

Quick Tips:

Following these guidelines will not only ensure that your application/interview process is in compliance with the ADA, it will also improve your ability to identify candidates who are the best fit for the position, in general.

Keep interview questions related to the primary functions of the specific job.

Make attendance and performance expectations very clear to the candidate.

Focus on the abilities of the candidate to do the job, not the perceived limitations of the candidate.

Having candidates explain or demonstrate how they would perform certain functions is permitted and also a good way to obtain information needed to select a new employee.

Keep questions relatively uniform for all candidates for a specific position.

If an applicant needs a reasonable accommodation during the interview, don't assume the applicant will need the same reasonable accommodation to perform the position. For instance, a job candidate who is deaf may use an interpreter during an interview for a data entry position. However, the candidate would not need an interpreter to perform the job's data entry duties.

Avoid a "one size fits all" generic description of job duties and qualification requirements. Provide applicants with a good description of primary job functions and qualifications specific to the position listed in your job postings.



The Columbia Employment Consortium (CEC) is comprised of Boone County organizations that support the employment and independence of people with disabilities. Learn more about the Columbia Employment Consortium and find user-friendly ADA resources at www.cec-como.org.