

# **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., ed

## **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.