



## Disability Disclosure in the Workplace and the Law

### What the Americans with Disabilities Act (ADA) says about Disability Disclosure and Discrimination:

The ADA is a federal civil rights law that says an employer cannot discriminate against qualified applicants and employees because of a disability.

- The law protects someone with a disability during the application and hiring process.
  - Example: Alex has a disability that affects his writing. He may request an electronic application so that he can type his answers.
- Employers are required to provide reasonable accommodations if they have 15 or more employees.
  - Example: Nick is in a wheelchair and needs a lowered desk so that he can access it independently.
- Employers are not required to make unreasonable accommodations that may cause undue hardship to their business. Undue hardship means that the accommodation may be too difficult or expensive for the employer to provide.
  - Example: Shay can only work 3 hours a day, but has applied for a full-time position at a local book store. Hiring another employee to share the job responsibilities would financially hurt the book store, so they do not have to make this accommodation.
- While employers may not be able to provide a really expensive accommodation, they may be able to provide a different accommodation or find a less expensive solution.
  - Example: Avery has been offered a position at a local consignment shop. The pricing stickers, cleaning supplies, and extra receipt paper are kept in a closet that is upstairs. Avery is not able to use stairs, so she requests access to an elevator. Installing an elevator would be too expensive for this small business, but they can offer to find a space downstairs to keep the supplies so that Avery has access to them.
- Employers can only ask about an employee's disability if it is related to job functions.
  - Example: Sara's boss at the pizza parlor cannot ask her what types of counseling she receives for her emotional disability since it is unrelated to her job.
- Employers must keep all information regarding medical conditions or disability private.



## Main Ideas About Disability Disclosure

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- Every person with a disability must choose whether to disclose their disability to an employer.
- Employers can't ask an employee if they need an accommodation unless that is a question that they ask every applicant.
- Employees don't have to disclose a disability immediately unless they have an urgent need for an accommodation during the interview or application process.
- Employees can choose to disclose at any time or not to disclose at all.
- In order to receive accommodations under the ADA, employees must disclose their disability.
- It is important to practice disclosure with a trusted family member, friend, or other adult.
- There is not one right way to disclose a disability. Employees have to choose the process that works best for them.
  - Examples: Talking to the employer in person, sending an email, or setting up a phone call