



# Gearing Up For Your Transitions

## What Can be Asked by a Potential Employer?

When applying for jobs it is important to know what can and cannot be asked in an interview. The U. S. Equal Opportunity Commission has set guidelines to give individuals with disabilities the same opportunities to compete for jobs as everyone else.

Below is an excerpt on **ADA Enforcement Guidance: Pre-employment Disability-Related Questions**, which can be located at <http://www.eeoc.gov/policy/docs/preemp.html>.

Under the law, an employer may not ask disability-related questions and may not conduct medical examinations until after it makes a conditional job offer to the applicant. This helps ensure that an applicant's possible hidden disability (including a prior history of a disability) is not considered before the employer evaluates an applicant's non-medical qualifications.

An employer may not ask disability-related questions or require a medical examination pre-offer even if it intends to look at the answers or results only at the post-offer stage.

Although employers may not ask disability-related questions or require medical examinations at the pre-offer stage, they may do a wide variety of things to evaluate whether an applicant is qualified for the job, including the following:

**Employers may ask** about an applicant's ability to perform specific job functions. For example, an employer may state the physical requirements of a job (such as the ability to lift a certain amount of weight, or the ability to climb ladders), and ask if an applicant can satisfy these requirements.

**Employers may ask** about an applicant's non-medical qualifications and skills, such as the applicant's education, work history, and required certifications and licenses.

**Employers may ask** applicants to describe or demonstrate how they would perform job tasks.

Once a conditional job offer is made, the employer may ask disability-related questions and require medical examinations as long as this is done for all entering employees in that job category. If the employer rejects the applicant after a disability-related question or medical examination, investigators will closely scrutinize whether the rejection was based on the results of that question or examination.

If the question or examination screens out an individual because of a disability, the employer must demonstrate that the reason for the rejection is "job-related and consistent with business necessity."

Information from the Equal Opportunity Commission

