



Students with Disabilities

Americans with Disabilities Act (ADA)

Whom Does the ADA Protect?

The ADA protects “individuals with disabilities” from discrimination. An individual with a disability is someone who fits into one of the three categories by having:

- A physical or mental impairment that substantially limits one or more major life activities. A “substantial impairment” is long term and has a serious impact on a person’s ability to function. “Major life activities” include walking, talking, hearing, seeing, working, caring for oneself, learning and speaking.
- A record of such impairment. A person who has recovered from an illness, such as cancer, that substantially limited one or more major life activities.
- An individual who is regarded as having such impairment. Examples include, a person with epilepsy treated with medication or a person who has tested positive for HIV.

Who Is Excluded From Protection?

Individuals with certain conditions or characteristics are not protected under the ADA, including:

- Someone engaged in current, illegal drug use. However, there are exceptions: if they have completed a supervised rehabilitation program, or have otherwise been rehabilitated and are no longer using illegal drugs; if they are in a supervised rehabilitation program and are no longer using illegal drugs; or if they are mistakenly regarded as using illegal drugs.
- Homosexuals and bisexuals are not considered to have disabilities based on their sexual orientation.

Other “conditions” specifically excluded are: transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, other sexual disorders, compulsive gambling, kleptomania, pyromania and psychoactive disorders resulting from the current use of illegal substances.

Who is Covered?

All private businesses with 15 or more employees.

Who is Protected?

A qualified individual with a disability, meaning someone who meets the experience and other job related requirements and who can perform the essential functions with or without reasonable accommodation.

Before Hiring

- An employer may not ask questions about the applicant’s ability to perform specific job functions.
- An employer CANNOT ask questions about a disability or the severity of a disability.

An employer may ask ALL applicants to demonstrate how they would perform the job with or without a reasonable accommodation. However, an applicant with a known disability that may interfere with performance may be asked to describe or demonstrate how they would do the job even if others are not required to do so.

Conditional Offers of Employment

Reasonable accommodations are changes to the work environment that enable the person to perform the job. An employer does not have to provide a reasonable accommodation if it would result in an undue hardship. An undue hardship is something that is difficult or expensive in relation to several factors, including:

- The nature and net cost of the accommodation.



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- The financial resources for the employer, including the size of the business, the number of employees and the corporate structure.
- The type of business operation, including structure and functions of the workforce, and the administrative and fiscal relationship between the corporation and franchises or subsidiaries.

Examples of Reasonable Accommodations

- Making facilities accessible to and usable by persons with disabilities.
- Job restructuring by reallocating and/or redistributing nonessential job functions.
- Part-time or modified work schedules.
- Obtaining or modifying equipment.
- Modifying testing materials and practices.
- Providing qualified readers or interpreters.
- Reassignment to a vacant position.
- Permitting use of accrued paid leave or unpaid leave for treatment.
- Reserved parking.
- Allowing an employee to provide equipment that the employer is not required to provide.

Request for reasonable accommodations should be made in writing whenever possible. Documentation about an individual's disability may be requested, but must be kept confidential.

DISCLOSURE

As a person with a disability, one of the issues you will encounter is whether or not to inform a potential employer of your disability. The first step of the disclosure process is to be informed of your rights with the American Disabilities Act (ADA). Remember that under the ADA no person with a disability is required to disclose to their employer unless you require special accommodations that must be met by the company,. Furthermore, it is illegal for an employer to even ask you if you have a disability.

The Disclosure Process

Deciding on whether or not to disclose

- Identify and understand your disability.
- Be familiar with what accommodations you may need.
- Understand the advantages and disadvantages of disclosing.

If you decide to disclose

- Decide who to tell (manager, interviewer, HR representative, etc.).
- What timing would be best (on the application, during the interview, when you receive the job offer, etc.)?
- Decide how best to describe your disability and include an informative explanation.
- Make sure to describe your skills and abilities that make you able to perform the necessary duties of the position for which you are applying.
- Be honest. Describe any limitations that may interfere with your performance and identify any and all possible accommodations you may require.

If you decide not to disclose

- First and foremost, make sure you can perform all the necessary duties of the position before accepting it.
- Under the Americans with Disabilities Act, you legally do not have to disclose anything unless you choose to.



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When is it Appropriate to Disclose?

At times it may be difficult to gauge when to disclose your disability to your potential employer. The best time to disclose is when you feel comfortable, and when you perceive that your boss is going to be receptive to your disclosure. Some employers may even have guidelines of their own for persons with disabilities so that they already have accommodations in the workplace. You may never see the need to disclose. It is ultimately your decision.

Disclosing on the Resume or Application

First and foremost, it is important to know that it is not necessary to disclose on your disability on your resume. Remember that it is illegal for employers to ask you if you have a disability on an application form.

Advantages of Disclosing:

- You are being honest with your employer from the beginning.
- Lets your employer decide if your disability will become an issue.

Disadvantages of Disclosing:

- An employer may automatically disqualify you.
- May decrease your chances for getting an interview.

Disclosing Before the Interview

If your disability requires accommodation during the interview, then you should disclose when the potential employer contacts you for an interview so that they can make the necessary arrangements.

Advantages of Disclosing:

- You are being honest with the employer.
- Reduces the surprise when you meet.
- The employer can meet any accommodations prior to your interview.

Disadvantages of Disclosing:

- Employer may cancel the interview.
- May not receive adequate consideration during the interview.

Disclosing During the Interview

When you disclose in the interview, if you do not receive the job offer, you will not know if it is because of your qualifications or your disability. If your disability is not obvious, you should disclose at the time of the job offer so that the employer has ample time to make accommodations before you start.

Advantages of Disclosing:

- You will have the opportunity to discuss your disability in person and respond to any questions surrounding your abilities.
- The level of discrimination is decreased when face-to-face.

Disadvantages of Disclosing:

- Employer may feel that you have hidden your disability up to this point.
- You will have the responsibility to handle any issues or questions about your disability.

Disclosing During the Offer and Acceptance Period

In certain situations, it may be more beneficial to wait until an offer has been made before disclosing your disability to your employer, especially if you can perform all the duties necessary. However, there are still advantages and disadvantages associated with waiting this long to disclose.



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Advantages of Disclosing:

- Still gives the employer time to make arrangements if necessary.
- Employer may feel that you waited to disclose because you are able to perform all duties necessary for the position.

Disadvantages of Disclosing:

- Lack of honesty with employer if the disability information affects the hiring decision; if so, legal recourse could be taken.
- Company may not have the adequate accommodations for you to start when decided upon with your employer.

Disclosing After You Start Work

It is true that the longer you chose not to disclose, the harder it becomes. At this point, it may be difficult to decide who to approach in this matter. Remaining comfortable and confident with your disability and work performance is necessary.

Advantages of Disclosing:

- You are given the opportunity to perform at work and prove your abilities.

Disadvantages of Disclosing:

- Possible mistrust by employer or accusations of falsifying your application or abilities.
- May lose the option of legal recourse if you do not tell anyone and cannot perform necessary functions.

JOB TIPS

Disclose a Disability Only As Needed

The only reason to disclose a disability is if you require an accommodation for an interview or to perform the essential functions of a particular job. How you go about disclosing your disability is entirely up to you.

When you are applying for a job, remember that your resume and cover letter should highlight your skills and experience, not your disability.

Find a Mentor

All new employees can benefit from the guidance of a more experienced employee when starting off at a new job. Finding a mentor in your field of interest, whether or not he or she has a disability, can be extremely beneficial for you to be confident and supported in your new job.

Ask for Accommodation via an Accommodation Request Letter

While not required, individuals with disabilities might find it useful to document accommodation requests in writing in case there is ever a future dispute. While there are no specific guidelines, here are some things you may choose to include in your letter:

- Identify yourself as a person with a disability.
- State that you are requesting accommodations under the ADA.
- Identify which tasks you foresee as potentially problematic.
- State your ideas for accommodation and ask for your employer's input.
- Attach medical documentation of your disability when appropriate.

Take Advantage of the Workforce Recruitment Program for College Students with Disabilities



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The Workforce Recruitment Program for College Students with Disabilities (WRP) is a great resource to connect public and private sector employers nationwide with highly motivated postsecondary students and recent graduates with disabilities who are eager to prove their abilities in the workforce. Employers look to fill temporary and permanent positions in a variety of fields. To learn more about this program, visit <http://www.dol.gov/odep/pubs/brochures/wrp1.html>.

Know Your Rights in a Job Interview

The focus of the interview should be your qualifications and skills, not your disability. In fact, an interviewer is prohibited from asking you questions about your disabilities that are not relevant to your ability to perform the job. You might choose to anticipate and address some of the questions that an interviewer may be reluctant to ask if you feel comfortable doing so. Remember to request any accommodation needed well in advance of the interview.

Gain Experience

Actively seeking experiences whether in a job setting or through volunteer or extracurricular involvement early on is the best way to show yourself and others what you are able to do in spite of your disability. Be securing a part-time job, volunteer position, or membership in an organization while in college, you are building your resume and making yourself more marketable once you enter the work force. Through these experiences you will also work with people who can serve as references for future jobs—people who can vouch for your abilities are critically important in obtaining employment.

Disability Friendly Companies

Check out <http://www.esight.org/for> company profiles, employment contacts, employee benefits, and diversity policy information about each company.

Aerospace/defense:

Lockheed Martin Corporation

Northrop Grumman Corporation
Raytheon Company
The Boeing Company

Auto Manufacturing:

Ford Motor Company
General Motors Corporation

Electrical Business Equipment:

Xerox Corporation

Electronics:

Texas Instruments

Energy:

Amerada Hess
Public Service Enterprise Group

Banking:

Bank of America

Citibank
HSBC USA
JP Morgan Chase

Computer Hardware:

3COM
Dell Computer Corporation
Hewlett-Packard
IBM
Pitney Bowes

Internet Service Providers:

Globix Corporation

Media:

The New York Times Company
Viacom

Computer Software and Services:

Electronic Data Systems Corporation (EDS)
Microsoft

Consumer Products (Non-Durable):

Colgate-Palmolive
Procter & Gamble

Diversified Services:

Avis Group Holdings
TMP Worldwide

Pharmaceutical:

Abbott Laboratories
Aventis Pharmaceuticals
Johnson & Johnson
Pfizer

Retail:

Albertson's



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Financial Services:

AG Edwards
American Express
FMR Corporation
Merrill Lynch
Salomon Smith Barney

Food Products:

PepsiCo

Insurance:

American International Group
New York Life
Prudential Financial
State Farm Insurance Companies

Media-Publishing:

McGraw-Hill

Medical Laboratories:

Quest Diagnostics

Non-profit:

Manpower Demonstration
Research Corporation

Personal Care:

L'Oreal USA

Tobacco Products:

Altria Group, Inc.

Wal-Mart Stores

Retail-Department Stores:

JC Penney
Macy's East

Specialty Retail:

Home Depot
Toys "R" Us

Telecommunications:

AT&T
SBC Communications
Sprint Corporation
Verizon Communications

RESOURCES

Websites:

- ADA Home Page: <http://www.ada.gov/>
Website for the U.S. Department of Justice's Americans with Disabilities Act.
- ADA Project: <http://www.adaproject.org/>
The DBTAC-Great Plains ADA Center provides information on the Americans with Disabilities Act (ADA) to those in the Midwest.
- ADA Hot Links: <http://www.jan.wvu.edu/links/adalinks.htm>
The Job Accommodation Network including links to the ADA Handbook, ADA Questions and Answers, and Employment Regulations.
- Ability Jobs: <http://abilityjobs.com>
Provides job search engines, employer information, and ADA help.
- DO-IT: <http://www.washington.edu/doi/>
Serves to increase the participation of individuals with disabilities in challenging academic programs and careers. It promotes the use of computer and networking technologies to increase independence, productivity, and participation in education and employment.
- UTK Disability-Careers Office: <http://career.utk.edu/dco/php>
The goal of the Disability-Careers Office is to assist college students, with all types of disabilities, by providing career planning and guidance.

Books:

- Real Work for Real Pay: Inclusive employment for People with Disabilities. (2007). Wehman, Paul et al., Paul H. Brookes Publishing Co., Inc.
- Job Search Handbook for People with Disabilities.(2004). Ryan, J. Daniel. JIST Publishing, Inc.
- How To Find Work That Works For People With Asperger Syndrome. (2004). Hawkins, Gail.
- Career Success for People with Physical Disabilities. (1997). Kissane, Sharon F. VGM Career Horizons.
- The Americans with Disabilities Act: Hiring, Accommodating & Supervising Employees With...(Legal Issues for Business Series). (1995) Dickson, Mary & Kepler, Kay.



How-To Guide

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- The Job Placement – ADA Connection. (1993). Pimentel, Richard K., Bell, Christopher, G., & Lotito, Michael, J. Milt Wright & Associates, Inc.: Chatsworth, CA.
- Job Search Strategies for People with Disabilities. (1992). Witt, Melanie A. Peterson's Guides: New Jersey.
- Yes You Can. (1990). Hoffa, Helynn & Morgan, Gary. Pharos Books: New York.

Agencies:

Job Point	1500 Vandiver Dr., Ste. 109 Columbia, MO 65202	(573) 474-8560	http://www.jobpointmo.org
Missouri Division of Vocational Rehabilitation	3024 Dupont Circle Jefferson City, MO 65109	(877) 222-8963 (573) 751-0881 (TDD)	http://dese.mo.gov/vr
Rural Advocates for Independent Living	1100 S Jamison Kirksville, MO 63501	(660) 627-7245 (660) 665-9849 (TTY)	http://www.ruraladvocatesforindependentliving.org
Job Accommodation Network	West Virginia University 918 Chestnut Ridge Road Suite 1, PO Box 6080 Morgantown, WV 26506-6080	(800) 526-7234	http://www.jan.wvu.edu
President's Committee on the Employment of People with Disabilities	1331 F Street, NW Washington, DC 20004-1107	(202) 376-6200 (202) 376-6205 (TDD)	
Program Able	1850 West 21 st Street Chicago, IL 60608	(312) 997-2030	
Administration on Developmental Disabilities	200 Independence Ave. SW 349 F Humphrey Building Washington, DC 20201	(202) 690-6590	http://www.acf.hhs.gov/programs/add/
National Information Center for Children and Youth with Disabilities	PO Box 1492 Washington, DC 20013-1492	(800) 999-5599 (703) 893-8614 (TDD)	http://www.nichcy.org

Magazines:

- CAREERS & the disABLED
The nation's first and only career-guidance and recruitment magazine for people with disabilities who are at the undergraduate, graduate, or professional level. Each issue features a special Braille section.

For help with any career-related issue,
come see us in the Career Center!

SUB 3100
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660.785.4353
careers@truman.edu